



CITY OF OKEECHOBEE CODE ENFORCEMENT

MARCH 14, 2023, SPECIAL MAGISTRATE HEARING

OFFICIAL MINUTES

I. CALL TO ORDER

Special Magistrate Azcona called the Code Enforcement Special Magistrate Hearing to order on Tuesday, March 14, 2023, at 6:00 P.M. in the City Council Chambers, located at 55 Southeast 3rd Avenue, Room 200, Okeechobee, Florida. The Pledge of Allegiance was led by Special Magistrate Azcona.

II. ATTENDANCE

Code Enforcement Officer Christina Curl called the roll: Special Magistrate Roger Azcona, Esquire, and Code Enforcement Officer Anthony Smith were present, and City Attorney Greg Hyden attended via Zoom.

III. CHANGES TO AGENDA

Special Magistrate Azcona asked whether there were any agenda items to be added, deferred, or withdrawn; there were none.

IV. APPROVAL OF MINUTES AND ADMINISTRATION OF OATH

A. Special Magistrate Azcona dispensed with the reading and approved the February 14, 2023, Minutes.

B. This being a Quasi-Judicial proceeding, Special Magistrate Azcona collectively administered an Oath to: Code Officers Smith, Curl, and Mr. Cody Wheatley; all affirmed. Code Officers Smith, and Curl stated for the record all events regarding the Cases to be discussed occurred within the corporate limits of the City of Okeechobee. The Officer's notes, testimony, photographs, and support documents were all entered as part of the official record.

V. COMPLIED CASES

A. Case No. 221118023; Harry and Betty Schock, 1805 Northwest (NW) 7th Avenue (Ave) [Legal Description: Lot 4 and North (N) half of Lot 5 of Block 53, CONNERS HIGHLANDS, Plat Book (PB) 1, Page (PG) 21, Okeechobee County public records]. No action on this matter was requested but is noted for the record to have been in violation of Code of Ordinances, Chapter 30, Sections 30-40 Junk, 30-41 Disabled vehicles, 30-43 Public nuisances, the property was found to be in compliance on January 31, 2023, no Lien/Order was recorded, and no fine accrued.

B. Case No. 221118019; Pristine Detailing and Pressure Washing LLC, whose business address is 1495 Southeast (SE) 5th Street (St). No action on this matter was requested but is noted for the record to have been in violation of Code of Ordinances, Chapter 50, Section 50-36 Issuance of local business tax, the business was found to be in compliance on January 31, 2023, no Lien/Order was recorded, and no fine accrued.

C. Case No. 221118021; April and Victor Martin, 705 SE 9th Ave [Legal Description: Lot 7 and N half of Lot 10 of Block 13, WRIGHT'S FIRST ADDITION TO OKEECHOBEE, PB 1, PG 13, Okeechobee County public records]. No action on this matter was requested but is noted for the record to have been in violation of Code of Ordinances Chapter 30, Sections 30-43 Public nuisances, 30-44 General cleaning and beautification and Chapter 54, Section 54-51 Parking in residential neighborhoods, the property was found to be in compliance on January 24, 2023, no Lien/Order was recorded, and no fine accrued.

D. Case No. 221025009; Charles E. Holt, 1010 Southwest (SW) 11th Ave [Legal Description: Lots 19 and 20 of Block 22, SW ADDITION TO OKEECHOBEE, PB 2, PG 7, Okeechobee County public records]. No action on this matter was requested but is noted for the record to have been in violation of Code of Ordinances Chapter 30, Sections 30-43 Public nuisances, 30-44 General cleaning and beautification, the property was found to be in compliance on January 11, 2023, no Lien/Order was recorded, and no fine accrued.

E. Case No. 230111006; James K. and Pamela G. Davis, SW 2nd Ave [Legal Description: Lot 3 of Block 5, ROYAL OAK ADDITION, PB 1, PG 8, Okeechobee County public records]. No action on this matter was requested but is noted for the record to have been in violation of Code of Ordinances Chapter 30, Section 30-41 Disabled vehicles, the property was found to be in compliance on February 23, 2023, no Lien/Order was recorded, and no fine accrued.

V. REPEAT VIOLATORS

A. Case No. 230125004; Tina M. Bray, 1115 NW 7th Court [Legal Description: Lots 9 and 10 of Block 15, NW ADDITION TO OKEECHOBEE PB 1, PG 25, Okeechobee County public records].

VI. REPEAT VIOLATORS CONTINUED

- A. Case No. 230125004; CONTINUED: Code Officer Smith testified that the property is in violation of Code of Ordinance Chapter 30, Sections 30-43 Public nuisances, 30-44 General cleaning and beautification. The respondent is a repeat violator. A Statement of Violation/Notice of Hearing (SOV/NOH) was mailed via United State Postal Service (USPS) certified return receipt on January 25, 2023. The notice to the tenant was received by Kristy Valladez on January 8, 2023. The property was inspected and found to be non-compliant on February 15, 2023. The notice to the property owner was returned on February 27, 2023. A Notice to Appear was posted on the property and the public notices board at City Hall on February 27, 2023. The property was inspected and found to be non-compliant on March 8, 2023. To comply with City Ordinances, the property owner needs to remove all trash and debris from the property. The City recommends a fine of \$100.00 per day, to begin 21-days after the Special Magistrate Hearing on March 14, 2023, unless the property owner brings the property into compliance on or before that date, plus a \$50.00 administrative fee.

Based on the evidence provided, **Special Magistrate Azcona found Case No. 230125004 to be in violation of Code of Ordinances Chapter 30, Sections 30-43 Public nuisances, 30-44 General cleaning and beautification and imposed a fine of \$100.00 per day plus a one-time administrative fee of \$50.00 should the property fail to come into compliance within 21-days after the date of this Hearing.**

VII. NEW CASES

- A. Case No. 221220005; Tarmac Florida Inc, 710 Northeast 3rd Ave [Legal Description: Lots 1 to 20 Inclusive of Block 55, and the South 21.68-feet of 14th St from Cherokee to West line of East half of Block 54; Hiawasee from 14th St to Hale Ave, CITY OF OKEECHOBEE, PB 5, PG 5, Okeechobee County public records].

Code Officer Smith testified that the property is in violation of Code of Ordinance Chapter 30, Sections 30-43 Public nuisances, 30-44 General cleaning and beautification. The respondent is not a repeat violator. A Courtesy Card was mailed via USPS regular mail on October 25, 2022. The property was inspected and found to be non-compliant on November 16, 2022, November 19, 2022, December 8, 2022, December 12, 2022, and December 15, 2022. A SOV/NOH was mailed via USPS certified return receipt on December 20, 2022. The notice was received by the new owner Titan of Florida on December 23, 2022, and by the property owner Tarmac Florida Inc on December 27, 2022. The property was inspected and found to be non-compliant on February 4, 2023, and March 7, 2023. To comply with City Ordinances, the property owner needs to remove the inoperable/abandoned equipment from the property. The City recommends a fine of \$50.00 per day, to begin 21-days after the Special Magistrate Hearing on March 14, 2023, unless the property owner brings the property into compliance on or before that date, plus a \$50.00 administrative fee.

Based on the evidence provided, **Special Magistrate Azcona found Case No. 221220005 to be in violation of Code of Ordinances Chapter 30, Sections 30-43 Public nuisances, 30-44 General cleaning and beautification and imposed a fine of \$50.00 per day plus a one-time administrative fee of \$50.00 should the property fail to come into compliance within 21-days after the date of this Hearing.**

- B. Case No. 230126013; Jacob Kenneth Bryan, 1002 SW 15th St [Legal Description: Lots 8,9 and 10 of Block 8, OKEECHOBEE HEIGHTS, PB 5, PG 8, Okeechobee County public records]. No action on this matter was requested but is noted for the record to have been in violation of Code of Ordinances Chapter 30, Sections 30-41 Disabled vehicles, 30-43 Public nuisances, 30-44 General cleaning and beautification.
- C. Case No. 230218008; South Buyers LLC, 1101 NW 5th St [Legal Description: Lots 1 and 2 of Block 22, NW ADDITION TO OKEECHOBEE, PB 1, PG 25, Okeechobee County public records]. No action on this matter was requested but is noted for the record to have been in violation of Code of Ordinances Chapter 30, Sections 30-41 Disabled vehicles.

VIII. ADJOURN MEETING

There being no further business to come before the Special Magistrate, the Hearing was adjourned at 6:48 P.M.



Roger Azcona, Special Magistrate

ATTEST:



Christina Curl

Please take notice and be advised that when a person decides to appeal any decision made by the Special Magistrate with respect to any matter considered at this Hearing, he/she may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. City Clerk media are for the sole purpose of backup for official records of the Clerk.