



**CITY OF OKEECHOBEE CODE ENFORCEMENT
MAY 9, 2023, SPECIAL MAGISTRATE HEARING
OFFICIAL MINUTES**

- I. CALL TO ORDER**
Special Magistrate Azcona called the Code Enforcement Special Magistrate Hearing to order on Tuesday, May 9, 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. 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Special Magistrate Azcona asked whether there were any agenda items to be added, deferred, or withdrawn; there were none.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 April 11, 2023, Minutes.
B. This being a Quasi-Judicial proceeding, Special Magistrate Azcona collectively administered an Oath to: Code Officers Smith, Curl, Mr. Ben Purvis, Mr. William Hair, and Mrs. Jennifer Hair; 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. FINE REDUCTION REQUESTS**
A. Case No. 190411010; Kemp Properties of Okeechobee c/o Ben Purvis, 909 South Parrott Avenue [Legal Description: Unplatted land of the City Parcel 1: commencing at the Northeast (NE) corner of the NE quarter of the Southeast (SE) quarter of Section (SEC) 21, Township(TWP) 37 South (S), Range (RAN) 35 East(E) run thence S 0°0'58" West(W) along the E line of SEC 21 a distance of 611.6-feet(ft) to the point of beginning(POB); thence run S 89°52'39" W a distance of 357.16-ft, more or less, to the E right of way (ROW) line of U.S. Highway 441; thence run S 0°06'47" W along said ROW line a distance of 100-ft; thence run North (N) 89°52'39" E a distance of 357.4-ft, more or less, to the E line of SEC 21; thence run N 0°00'58" E along the E line of SEC 21, a distance of 100-ft to the POB. note: the above-described tract is subject to a storm sewer easement with the Florida Department of Transportation which is across the Southern 7.5-ft of said tract, and more fully described in OR Book 241, at Page 1356, Okeechobee County public records. Parcel 2:being a parcel of land lying in SEC 21, TWP 37 S, RAN 35 E, CITY OF OKEECHOBEE, and being further bounded and described as follows: commence at the NE corner of the SE quarter of SEC 21; thence S 0°18'42" E along the Easterly boundary line of said SEC 21 a distance of 604.05-ft to a point; thence S 89°49'41" W a distance of 131.54-ft to the POB; thence continue S 89°49'41" W a distance of 225.00-ft to a point lying on the Easterly ROW line of S.R. 15 (US 441); thence N 0°10'19" W along said Easterly ROW line a distance of 30.00-ft; thence N 89°49'41" E a distance of 225.00-ft; thence S 0°10'19" E a distance of 30-ft to the POB. Parcel 3: commencing at the NE corner of the SE quarter of SEC 21, TWP 37 S, RAN 35 E, run thence S 0°18'42" W along the E boundary line of said SEC 21, for a distance of 604.05-ft for P.O.B.; thence run S 89°49'41" W for a distance of 356.54-ft to a point on the E ROW line of S.R. 15 (U.S. 441); thence run S 0°10'19" W along said ROW line for a distance of 7.50-ft; thence run N 89°49'41" E for a distance of 356.56-ft to a point on the aforesaid E boundary line of SEC 21; thence run N 0°18'42" E along the SEC line for a distance of 7.50-ft to the POB lying in and comprising a part of the SE quarter of SEC 21, TWP 37 S, RAN 35 E, Okeechobee County public records].
- Code Officer Smith testified that the property was found in violation of Code of Ordinances Chapter 30, Sections 30-43 Public nuisances, 30-44 General cleaning and beautification on August 13, 2019, where a fine in the amount of \$50.00 per day starting 30-days after the date of the Hearing, plus a one-time \$25.00 administrative fee was imposed. The imposed fine began accrual on September 27, 2019. The property was brought into compliance on September 21, 2022. Mr. Purvis submitted a request for a fine reduction on April 25, 2023. Mr. Purvis appeared before the Special Magistrate and conveyed his explanations and reasonings for the property remaining in violation for the extended length of time and requested that the fine be reduced to zero due to the circumstances. The City recommends a fine reduction of 60 percent, plus a \$25.00 administrative fee.

V. FINE REDUCTION REQUESTS CONTINUED

- A.** Case No. 190411010; CONTINUED: Based on the evidence provided, **Special Magistrate Azcona reserved ruling until on or before the next Hearing to review all evidence.**

VI. NEW CASES

- A.** Case No. 230324015; Debara Jean Lang and Laura Ann Harrison, 1004 Northwest 4th Street [Legal Description: Lots 16,17, and 18 and S half of alley laying adjacent to said Lots of Block 21 NORTHWEST ADDITION TO OKEECHOBEE, Plat Book 1, Page 25, Okeechobee County public records].

Code Officer Smith testified that the property is in violation of Code of Ordinances Chapter 10, Sections 10-3 Limitation as to the number of animals, 10-8 Public nuisance, Chapter 30, Sections 30-40 Junk, 30-43 Public nuisances, 30-44 General cleaning and beautification, International Property Maintenance Code (IPMC) Chapter 3, Section 304.1.1 Unsafe conditions. The respondent is not a repeat violator. A Courtesy Card was mailed via United States Postal Service (USPS) regular mail on January 24, 2023. The property was inspected and found to be non-compliant on February 27, 2023, and March 23, 2023. A Statement of Violation/Notice of Hearing (SOV/NOH) was mailed via USPS certified return receipt on March 24, 2023. The City has not received the SOV/NOH nor receipt of signature card as of the date of this Hearing. A Notice to Appear was posted on the property and on the public notices board at City Hall on April 24, 2023. The property was inspected and found to be non-compliant on April 24, 2023, and May 4, 2023. To comply with City Ordinances, the property owner needs to address the unsafe roof and structure by making the necessary repairs or demolition of the structure, cutting all the overgrown vegetation, and removing all the debris from the property. Mr. and Mrs. Hair appeared before the Special Magistrate and conveyed their explanations and reasonings for the property remaining in violation and requested more time to bring the property into compliance. The City recommends a fine of \$100.00 per day, to begin 21-days after the Special Magistrate Hearing on May 9, 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 ruled to defer Case No. 230324015 to the next Special Magistrate Hearing to allow the property owner more time to come into compliance.**

- B.** Case No. 230324016; Santos Justiniano Lopez Felix and Marina Gloria Orozco Jarez, 1007 Southwest Park Street [Legal Description: Lot 1 and E half of Lot 2 of Block 4, SOUTHWEST ADDITION TO OKEECHOBEE, Plat Book 2, Page 7, Okeechobee County public records].

Code Officer Smith testified that the property is in violation of Code of Ordinances Chapter 30, Sections 30-40 Junk, 30-41 Disabled vehicles, 30-43 Public nuisances, 30-44 General cleaning and beautification, Chapter 10, Section 10-8 Public nuisance. The respondent is not a repeat violator. A Courtesy Card was mailed via USPS regular mail on March 8, 2023. The property was inspected and found to be non-compliant on March 23, 2023. A SOV/NOH was mailed via USPS certified return receipt on March 24, 2023. The notice was received by Felix on March 29, 2023. The property was inspected and found to be non-compliant on May 4, 2023. To comply with City Ordinances, the property owner needs to remove the disabled vehicle from the property. The City recommends a fine of \$50.00 per day to begin 21-days after the date of the Special Magistrate Hearing on May 9, 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. 230324016 to be in violation of Code of Ordinances Chapter 30, Sections 30-40 Junk, 30-41 Disabled vehicles, 30-43 Public nuisances, 30-44 General cleaning and beautification, Chapter 10, Section 10-8 Public nuisance 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.**

VI. NEW CASES CONTINUED

C. Case No. 230324018; Terry L. and Marjorie L. Jones, 200 Southwest 10th Avenue [Legal Description: Lots 1,2 and 3 of Block 5, SOUTHWEST ADDITION TO OKEECHOBEE, Plat Book 2, Page 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 30-41 Disabled vehicles, 30-43 Public nuisances, 30-44 General cleaning and beautification, the property was found to be in compliance on May 4, 2023, no Lien/Order recorded, no fine accrued.

VII. COMPLIED CASES

A. Case No. 230324012; Betty Jean Tillis, 525 Southeast 13th Avenue [Legal Description: Lot 4 of Block B, WRIGHT'S SECOND ADDITION TO OKEECHOBEE, Plat Book 1, Page 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, the property was found to be in compliance on April 24, 2023, no Lien/Order recorded, no fine accrued.

B. Case No. 230324013; Jay Nason c/o Betty Jean Tillis, 515 Southeast 13th Avenue [Legal Description: Lot 3 of Block B, WRIGHT'S SECOND ADDITION TO OKEECHOBEE, Plat Book 1, Page 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 10, Section 10-8 Public nuisance, Chapter 70, Section 70-302 Permit, the property was found to be in compliance on May 4, 2023, no Lien/Order recorded, no fine accrued.

C. Case No. 230405007; Bart F. Caso, Jr., Southwest 18th Street [Legal Description: Lots 7 and 8 of Block 35, FIRST ADDITION TO SOUTH OKEECHOBEE, Plat Book 1, Page 17, 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 54, Sections 54-81 Use as a residence, 54-84 Parking in residential district, the property was found to be in compliance on April 26, 2023, no Lien/Order recorded, no fine accrued.


D. Case No. 220222009; Freddie and Ruby Minton, 302 Northeast 8th Avenue [Legal Description: Lot 17, RIVER RUN RESORT, Plat Book 6, Page 18, Okeechobee County public records]. No action on this matter was requested but is noted for the record the fine balance was paid in full on April 5, 2023 and the Release of Lien was recorded on April 10, 2023.

VIII. ADJOURN MEETING

There being no further business to come before the Special Magistrate, the Hearing was adjourned at 7:27 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.