



CITY OF OKEECHOBEE CODE ENFORCEMENT SEPTEMBER 12, 2023, SPECIAL MAGISTRATE HEARING OFFICIAL MINUTES

I. CALL TO ORDER

Special Magistrate Azcona called the Code Enforcement Special Magistrate Hearing to order on Tuesday, September 12, 2023, at 6:01 P.M. in the City Council Chambers, located at 55 Southeast (SE) 3rd Avenue (Ave), 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Special Magistrate Azcona asked whether there were any agenda items to be added, deferred, or withdrawn; there were none.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 August 8, 2023, Minutes.
- B. This being a Quasi-Judicial proceeding, Special Magistrate Azcona collectively administered an Oath to: Code Officers Smith and Curl; 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. REPEAT VIOLATORS

- A. Case No. 230719014; Charlie T. Merry, Jr. and Diane H. Merry, 404 Northeast (NE) 8th Ave, Okeechobee [Legal Description: Lot 12, RIVER RUN RESORT, PHASE II, Plat Book 6, Page 33, Okeechobee County public records].

Code Officer Smith testified that the property is in violation of Code of Ordinances 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 States Postal Service (USPS) certified return receipt on July 19, 2023. The notice was returned on August 15, 2023. A Notice to Appear was posted on the property and on the public notices board at City Hall on August 16, 2023. The property was inspected and found to be non-compliant on September 5, 2023. To comply with City Ordinances, the property owner needs to cut all weeds, grasses, or undergrowth to a height not to exceed 8-inches on the entire property and trim landscaping to a neat appearance not to adversely affect the aesthetic of the property or adjacent properties and clean the exterior of the residence. The City recommends a fine of \$100.00 per day, to begin 21-days after the Special Magistrate Hearing on September 12, 2023, unless the property owner brings the property into compliance on or before that date, plus a \$100.00 administrative fee.

Based on the evidence provided, **Special Magistrate Azcona found Case No. 230719014 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 \$100.00 should the property fail to come into compliance within 21-days after the date of this Hearing.**

- B. Case No. 230720007; Harry A. and Betty A. Schock, 1805 Northwest (NW) 7th Ave, Okeechobee [Legal Description: Lot 4 and North half of Lot 5 of Block 53, CONNERS HIGHLANDS, Plat Book 1 Page 21, Okeechobee County public records].

Code Officer Smith testified that the property is in violation of Code of Ordinances Chapter 30, Sections 30-40 Junk, 30-43 Public nuisances, 30-44 General cleaning and beautification. The respondent is a repeat violator. A SOV/NOH was mailed via USPS certified return receipt on July 20, 2023. The notice was returned on August 15, 2023. The

V. REPEAT VIOLATORS CONTINUED

- B. Case No. 230720007; CONTINUED: property was inspected and found to be non-compliant on August 3, 2023. A notice to Appear was posted on the property and on the public notices board at City Hall on August 16, 2023. The property was inspected and found to be non-compliant on September 5, 2023. To comply with City Ordinances, the property owner needs to cut all weeds, grasses, or undergrowth to a height not to exceed 8-inches on the entire property and trim landscaping to a neat appearance not to adversely affect the aesthetic of the property or adjacent properties and remove all the junk/debris from the property. The City recommends a fine of \$100.00 per day, to begin 21-days after the Special Magistrate Hearing on September 12, 2023, unless the property owner brings the property into compliance on or before that date, plus a \$100.00 administrative fee.

Based on the evidence provided, **Special Magistrate Azcona found Case No. 230720007 to be in violation of Code of Ordinances Chapter 30, Sections 30-40 Junk, 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 \$100.00 should the property fail to come into compliance within 21-days after the date of this Hearing.**

- C. Case No. 230719011; Blue Spring Holdings LLC, NE 9th Ave, Okeechobee [Legal Description: Unplatted lands of the City the Southwest (SW) quarter of the NE quarter and North (N) half of the NW quarter of the SE quarter South (S) of the Sal Railroad(RR) right-of-way (ROW); SW quarter of the NW quarter of the SE quarter; the SE quarter of the NW quarter of the SE quarter; N half of the NE quarter of the SW quarter; and the S half of the NE quarter of the SW quarter lying East (E) of Taylor Creek; fractional NW quarter E of Taylor Creek and S of the Sal RR; and all that portion of land located in the NE quarter of the SW quarter and the SE quarter of NW quarter; S of the Sal RR in Section 15, Township 37 S, Range 35 E, that lies E of Taylor Creek improved channel as recorded in Plat Book 3, Page 29, public records of Okeechobee County, Florida less and except: a portion of the SE quarter and a portion of the SW quarter of Section 15, Township 37 S, Range 35 E, Okeechobee County, Florida and being described as follows: commencing at the quarter corner on the S line of said Section 15, bear N 00°10' 04" E along the quarter section line a distance of 1399.41-feet (ft) to the point of beginning (POB) thence bear N 89°25'18" E along a line 80.00-ft N of and parallel to the S line of the N half of the S half of said Section 15, a distance of 673.21-ft to the E line of the SW quarter of the NW quarter of the SE quarter of said Section 15; thence bear N 00°11'25" West (W) along the aforesaid E line a distance of 450.00-ft; thence bear S 89°25'18" W a distance of 873.03-ft; thence bear S 00°10'04" E a distance of 83.36-ft thence bear S 89°25'18" W a distance of 119.60-ft to the Easterly shore line of Taylor Creek; thence bear the following courses in a Southerly direction along the Easterly shore line of Taylor Creek as follows: S 36°59'52" E a distance of 70.15-ft; S 26°01'09" E a distance of 49.01-ft; S 20°22'54" E a distance of 24.40-ft; S 09°48'57" E a distance of 23.52-ft; S 02°45'22" E a distance of 49.28-ft; S 0°20'24" E a distance of 49.34-ft; S 02°34'03" W a distance of 76.66-ft; S 00°53'25" W a distance of 44.65-ft; thence bear N 89°25'18" E a distance of 245.92-ft to the POB and less the following parcel containing one acre, more or less a parcel of land lying in the NW quarter of the SE quarter of Section 15, Township 37 S, Range 35 E, Okeechobee County, Florida. being more particularly described as follows: commence at the SE corner of said NW quarter of the SE quarter of Section 15, thence proceed S 89°21'13" W along the S line of said NW quarter of the SE quarter a distance of 70.00-ft to the POB; thence continue S 89°21'13" W along said S line a distance of 208.70-ft; thence departing said S line, run N 00°20'48" W along a line parallel with the E line of said NW quarter of the SE quarter a distance of 208.70-ft; thence departing said parallel line, run N 89°21'13" E, a distance of 208.70-ft; thence run S 00°20'48" E along a line parallel with and 70.00-ft W of (as measured at right angles to) the aforesaid E line of the NW quarter of the SE quarter of Section 15, a distance of 208.70-ft to the POB, Okeechobee County public records].

Code Officer Smith testified that the property is in violation of Code of Ordinances Chapter 30, Sections 30-43 Public nuisances, 30-44 General cleaning and beautification. The respondent is a repeat violator. The respondent was first notified via phone on June 6, 2023. The property was inspected and found to be non-compliant on July 18, 2023. A SOV/NOH was mailed via USPS certified return receipt on July 19, 2023. The City has not received the notice nor the signature receipt card back as of the date of this Hearing. The property was inspected and found to be non-compliant on August 14, 2023 and September 5, 2023. To comply with City Ordinances, the property owner needs to cut all weeds, grasses, or undergrowth to a height not to exceed 8-inches on the entire property and trim landscaping to a neat appearance not to adversely affect the aesthetic of the property or adjacent properties. The City recommends a fine of \$100.00 per day, to begin 21-days after the Special Magistrate Hearing on September 12, 2023, unless the property owner brings the property into compliance on or before that date, plus a \$100.00 administrative fee.

Based on the evidence provided, **Special Magistrate Azcona found Case No. 230719011 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 \$100.00 should the property fail to come into compliance within 21-days after the date of this Hearing.**

VI. NEW CASES

- A. Case No. 230809011; Okbee Outparcel LLC, 510 NE Park St, Okeechobee [Legal Description: Begin at the SE corner of Block "K", CITY OF OKEECHOBEE, according to the Plat Book 5, Page 5, and run thence S 18°49'45" W, a distance of 179.50-ft to a point on the N boundary of Lot "R", Block 252, Plat Book 2, at Page 4, thence run W along the N boundary of said Lot "R", a distance of 106.98-ft to a point lying E, a distance of 135-ft from the NW corner of Lot "R"; thence run N a distance of 312.03-ft to a point of intersection on the S ROW of State Road(SR) 70 (N Park Street) as now maintained and located; thence run S 87°50'47" E along the S ROW of SR 70 (N Park Street) as now maintained and located a distance of 165.61-ft to a point on the E boundary of Block "K", as aforesaid; thence S along the E boundary of said Block "K", a distance of 135.78-ft to the POB, Okeechobee County public records].

Code Officer Smith testified that the property is in violation of Code of Ordinances 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 July 20, 2023. The property was inspected and found to be non-compliant on August 3, 2023. A SOV/NOH was mailed via USPS certified return receipt on August 9, 2023. The notice was received by N. Jones on August 12, 2023. The property was inspected and found to be non-compliant on September 5, 2023. To comply with City Ordinances, the property owner needs to cut all weeds, grasses, or undergrowth to a height not to exceed 8-inches on the entire property and trim landscaping to a neat appearance not to adversely affect the aesthetic of the property or adjacent properties and remove all the debris from the property. The City recommends a fine of \$50.00 per day, to begin 21-days after the Special Magistrate Hearing on September 12, 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. 230809011 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. 230809007; Justin Booth, 105 NE 8th Ave, Okeechobee [Legal Description: Lot 3, RIVER RUN RESORT, Plat Book 6, Page 18, Okeechobee County public records].

Code Officer Smith testified that the property is in violation of Code of Ordinances Chapter 30, Sections 30-41 Disabled vehicles, 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 July 19, 2023. The property was inspected and found to be non-compliant on August 3, 2023. A SOV/NOH was mailed via USPS certified return receipt on August 9, 2023. The notice was received on August 12, 2023. The property was inspected and found to be non-compliant on September 5, 2023. To comply with City Ordinances, the property owner needs to cut all weeds, grasses, or undergrowth to a height not to exceed 8-inches on the entire property and trim landscaping to a neat appearance not to adversely affect the aesthetic of the property or adjacent properties. The City recommends a fine of \$50.00 per day, to begin 21-days after the Special Magistrate Hearing on September 12, 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. 230809007 to be in violation of Code of Ordinances Chapter 30, Sections 30-41 Disabled vehicles, 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.**

VII. COMPLIED CASES

- A. Case No. 230712003; Pioneer Property Investments LLC, 1265 SE 21st St, Okeechobee [Legal Description: Lot 106, BLUE HERON GOLF AND COUNTRY CLUB, PHASE II, Plat Book 6, Pages 59 and 60, 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, International Property Maintenance Code (IPMC) Chapter 3, Section 304.1.1 Unsafe conditions the property was found to be in compliance on August 9, 2023, no Lien/Order recorded, no fine accrued.

VII. COMPLIED CASES CONTINUED

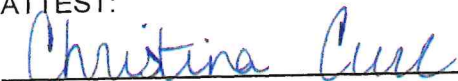
- B.** Case No. 230621009; Grand Lake Investments Inc, NW 5th St, Okeechobee [Legal Description: Lots 20 and 21 and W half of Lot 22 of Block 99, CITY OF OKEECHOBEE, Plat Book 5, Page 5, Okeechobee County public records]. No action on this matter was requested but is noted for the record to have been 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 August 1, 2023, no Lien/Order recorded, no fine accrued.
- C.** Case No. 230727011; Tom Nguyen, 210 SE 3rd St, Okeechobee [Legal Description: Lot 1 of Block 208, FIRST ADDITION TO OKEECHOBEE, Plat Book 1 and Plat Book 5, Page 11 and Page 6, 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 70, Section 70-251 Permit required, the property was found to be in compliance on August 17, 2023, no Lien/Order recorded, no fine accrued.
- D.** Case No. 230720009; Chad T. Carter and PJ Carter, 501 SW 14th Court, Okeechobee [Legal Description: Lot 4 of Block C, OAK GROVE ADDITION TO THE CITY OF OKEECHOBEE, Plat Book 2, Page 86, 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(b) Public nuisance, the property was found to be in compliance on August 31, 2023, no Lien/Order recorded, no fine accrued.

VIII. ADJOURN MEETING

There being no further business to come before the Special Magistrate, the Hearing was adjourned at 7:11 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.