



**CITY OF TAVARES
CODE ENFORCEMENT/SPECIAL MAGISTRATE HEARING
JANUARY 26, 2021
TAVARES CITY HALL – CITY COUNCIL CHAMBER
201 E. MAIN STREET, TAVARES FLORIDA 32778**

SPECIAL MAGISTRATE

Rick Joyce via Zoom

STAFF PRESENT

**Bob Williams, City Attorney
Chris McCormick, Code Enforcement Officer
Jillian Roberts, Deputy City Clerk**

CALL TO ORDER

Rick Joyce, Special Magistrate, called the meeting to order at 5:00 p.m.

APPROVAL OF MINUTES

The September 2020 and October 2020 Code Enforcement hearing minutes were deferred to the next meeting.

SWEARING-IN

Those persons present who provided case testimony were sworn in by Ms. Roberts.

OLD BUSINESS

- **CET1004-0440 – Request for Reduction in Code Enforcement Fines - \$290,286.82**
- **CET1602-0001 – Request for Reduction in Code Enforcement Fines - \$41,576.30**

Officer McCormick said the case and location of the violation are as follows: CET1004-0440 – 1299 Cedar Ave, Tavares FL 32778 and CET1602-0001 – 1299 Cedar Ave, Tavares, FL 32778. He noted the total amount in fines for the violation is \$331,863.12.

Officer McCormick noted the property owner representative, Constantine Florean, was present. He said the property is currently in compliance as the violations has been cured. In accordance with the City of Tavares Code of Ordinance Section 2-26(d), the maximum amount a fine can be

reduced is \$125.00 above cost. Therefore, the maximum amount the fines can be reduced to is \$ as follows:

CET1004-0440 - \$161.82 (including \$125.00 administrative costs)

CET1602-0001 - \$201.30 (including \$125.00 administrative costs)

MOTION

The Special Magistrate ordered the total fine amount for Cases CET1004-0440 and CET1602-0001 be reduced to \$363.12; and, the fine shall be paid on or before March 27, 2021 or the original fine amount will be reinstated.

NEW BUSINESS

The Special Magistrate moved to hear Item # 2 first.

2) CET2012-0014 – City of Tavares vs. Wholesale Kingdom, LLC, Lawrence D Ellis(Registered Agent), (Violation Address 1324 Longville Circle, Florida 32778

City of Tavares, Land Development Regulations

- *Section 12-18 – Accumulation, Excessive Growth Prohibited*

The case was initiated after Officer McCormick conducted a patrol of the subdivision, he witnessed the weed and grass growth on the property was in excess of the maximum height allowance as dictated in Section 12-18 of the Land Development Regulations.

The Special Magistrate asked if there were any amendments, changes or additions to be made to the case report summary. Officer McCormick said the violation has been cured.

The Special Magistrate noted the property representative, Jay Dordous, was present.

Officer McCormick entered documents into evidence [Composite Exhibits: Case Report Summary 1, 2, 3, 4, 5, 6, 7] including all notices to the alleged violator as defined and which meets the requirements of Florida Statute 162.12, Notices.

MOTION

The Special Magistrate found the property to be in violation of Section 12-18 of the City of Tavares, Land Development Regulations; and, noted the violation to Section 12-18 has been cured; and, Ordered a fine in the amount of \$78.00 for administrative costs to be paid on or before February 2, 2021.

1) CET2008-0016 – City of Tavares vs. Lake Eustis Crossings, LLC, Stacie Kimble (Registered Agent), (Violation Address) 722 N. New Hampshire Ave, Tavares, FL 32778

International Property Maintenance Code

- *Section 304 – Exterior Structure
 - 304.13.2 – Openable Windows*

The case was initiated after Officer McCormick conducted an inspection of the property due to a complaint from the tenant regarding her inability to open any of the windows in the house. At the time of inspection, the windows were unable to be opened and it appears that they were painted shut and had some faulty hardware. This condition resulted in a violation of the International Property Maintenance Code.

The Special Magistrate asked if there were any amendments, changes or additions to be made to the case report summary. Officer McCormick said the violation has been cured.

The Special Magistrate noted the property owner was not present.

Officer McCormick entered documents into evidence [Composite Exhibits: Case Report Summary 1, 2, 3, 4, 5, 6] including all notices to the alleged violator as defined and which meets the requirements of Florida Statute 162.12, Notices.

MOTION

The Special Magistrate found the property to be in violation of Section 304.13.2 of the International Property Maintenance Code; and, noted the violation to Section 304.13.2 has been cured; and, Ordered a fine in the amount of \$78.00 for administrative costs to be paid on or before February 2, 2021.

3) CET2012-0005 – REPEAT VIOLATION - City of Tavares vs. David Hall (Violation Address) Vacant Parcel #29-19-26-0900-095-02000, N Disston Ave, Tavares, Florida 32778

City of Tavares, Land Development Regulations

- *Section 12-18 – Accumulation, Excessive Growth Prohibited*
- *Section 11-7 – Installation and Maintenance*

The case was initiated after the Code Enforcement Special Magistrate entered an order of enforcement against the property owner for violation of Sections 12-18 and 11-7 of the Land Development Regulations.

The Special Magistrate asked if there were any amendments, changes or additions to be made to the case report summary. Officer McCormick there are none.

The Special Magistrate noted the property owner was not present.

Officer McCormick entered documents into evidence [Composite Exhibits: Case Report Summary 1, 2, 3, 4, 5, 6] including all notices to the alleged violator as defined and which meets the requirements of Florida Statute 162.12, Notices.

MOTION

The Special Magistrate found the property to be in repeat violation of Sections 12-18 and 11-7 of the City of Tavares, Land Development Regulations, and; noted the violations to Section 12-18 and 11-7 remains; and, Ordered the violation of Section 12-18 and 11-7 of the City of Tavares, Land Development Regulations to be cured on or before February 6, 2021; and, Ordered that a fine will be imposed of \$100.00 per day per violation starting on

December 3, 2020 until cured; and, Ordered a fine in the amount of \$78.00 for administrative costs to be paid on or before February 6, 2021.

4) CET2011-0006 - City of Tavares vs. Crecencio B. Rocha and Marcelina D. Rocha (Violation Address) 3827 Bayshore Circle, Florida 32778

City of Tavares, Land Development Regulations

- Section 20-5 – General Off-Street Parking Criteria

The case was initiated by Officer McCormick while responding to an anonymous complain about a “junk” vehicle located on the property. An inspection was conducted and a violation was witnessed. While the vehicle didn’t meet the requirements of a “junk” vehicle as defined by the LDR, it was in violation of Section 20-5. The ordinance allows for one vehicle to be parked in the yard, immediately adjacent to the driveway. The truck in violation did not meet those requirements. Additionally, the vehicle partially obstructed the sidewalk.

The Special Magistrate asked if there were any amendments, changes or additions to be made to the case report summary. Officer McCormick said there are none.

The Special Magistrate noted the property owner was not present.

Officer McCormick entered documents into evidence [Composite Exhibits: Case Report Summary 1, 2, 3, 4, 5, 6, 7, 8, 9] including all notices to the alleged violator as defined and which meets the requirements of Florida Statute 162.12, Notices.

MOTION

The Special Magistrate found the property to be in violation of Section 20-5 of the City of Tavares, Land Development Regulations; and, Ordered the violation to Section 20-5 of the City of Tavares, Land Development Regulations to be cured on or before February 2, 2021 or a fine in the amount of \$50.00 per day per violation; and, Ordered the Ordered a fine in the amount of \$78.00 for administrative costs to be paid on or before February 2, 2021.

5) CET2009-0028 – City of Tavares vs. Adam H Lafferty, Thomas A. Roman (Violation Address) 320 Suwannee Place, Tavares, Florida 32778

City of Tavares, Land Development Regulations

- Section 12-13 – Nuisances Prohibited
- Section 12-18 – Accumulation, Excessive Growth Prohibited

The case was initiated after Officer McCormick conducted an inspection in response to a complaint from neighboring property owner, and when conducting an inspection there were several areas where nuisance materials (as defined in the Ordinance) were located resulting in a violation of Section 12-13 of the LDR. Additionally, there is a large pile of brush on the property resulting in a violation of Section 12-18 of the LDR.

The Special Magistrate asked if there were any amendments, changes or additions to be made to the case report summary. Officer McCormick said the violations have been cured.

The Special Magistrate noted the property owner was not present.

Officer McCormick entered documents into evidence [Composite Exhibits: Case Report Summary 1, 2, 3, 4, 5, 6, 7, 8] including all notices to the alleged violator as defined and which meets the requirements of Florida Statute 162.12, Notices.

MOTION

The Special Magistrate found the property to be in violations of Section 12-13 and 12-18 of the City of Tavares, Land Development Regulations; and, noted the violations to Section 12-13 and 12-18 have been cured; and, Ordered a fine in the amount of \$83.50 for administrative costs to be paid on or before February 2, 2021.

6) CET2010-0002 - City of Tavares vs. Shawn M. Briggs (Violation Address) 475 Fern Ave, Tavares, FL

City of Tavares, Land Development Regulations

- *Section 12-23 – Storage Prohibited*
- *Section 12-13 – Nuisances Prohibited*
- *Section 12-15 – Storage of Materials to Prevent Rat Harborage*
- *Section 12-16 – Accumulation of Mosquito Breeding Places*

The case was initiated after Officer McCormick as a result of several anonymous complaints regarding the condition of the property and the report of individuals living in tents, I conducted an inspection of the property. At the time of the inspection numerous violations were present and witnessed. These violations include appliances, buckets, scrap metal, tires, carpet, automotive parts and accessories. There was damaged particle board and other construction debris as well as a non-operable vehicle. A large pile of junk was located behind a tent.

The Special Magistrate asked if there were any amendments, changes or additions to be made to the case report summary. Officer McCormick said there are none.

The Special Magistrate noted the property owner was not present.

Officer McCormick entered documents into evidence [Composite Exhibits: Case Report Summary 1, 2, 3, 4, 5, 6, 7, 8, 9] including all notices to the alleged violator as defined and which meets the requirements of Florida Statute 162.12, Notices.

MOTION

The Special Magistrate found the property to be in violation of Section 12-23, 12-13, 12-15 and 12-16 of the City of Tavares, Land Development Regulations; and, Ordered the violations to Section 12-23, 12-13, 12-15 and 12-16 of the City of Tavares, Land Development Regulations to be cured on or before February 2, 2021 or a fine in the amount of \$50.00 per day per violation; and, Ordered the Ordered a fine in the amount of \$78.00 for administrative costs to be paid on or before February 2, 2021.

ADMINISTRATIVE BUSINESS

None.

OTHER TOPICS FOR DISCUSSION

The next hearing was scheduled for February 23, 2021

ADJOURNMENT

The Special Magistrate adjourned the meeting at 5:41 p.m.

Respectfully submitted,

Jillian Roberts
Deputy City Clerk