

TAB 3



516 8th Avenue West
P.O. Box 1209
Palmetto, Florida 34220-1209
Phone (941) 723-4570
Fax: (941) 723-4576
Suncom: 516-0829
E-mail: chgeneral@palmettofl.org
Web: www.palmettofl.org

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

CITY OF PALMETTO CODE ENFORCEMENT BOARD

CITY OF PALMETTO
A political subdivision of the
State of Florida

Petitioner,

vs.

Case No. CEB 08-01

Oralia Garcia
1415 9th Street West
Palmetto, FL 34221

Respondent.

NOTICE OF HEARING

Address of Violation:
1415 9th Street West
Palmetto, Florida 34221

Pursuant to Chapter 162, Florida Statutes, and City of Palmetto Code of Ordinances, Chapter 2, you are hereby called upon to take notice that a Public Hearing will be conducted before the City of Palmetto Code Enforcement Board (CEB) on the 22nd day of January, 2008 at 6:00 P.M. in the Commission Chambers at City Hall, which is located at 516 8th Avenue West, Palmetto, Florida. The purpose of the hearing is to determine whether the City of Palmetto Code of Ordinances is being violated as set forth in the Notice of Violation dated December 3, 2007 and previously provided to you by Certified Mail/Return Receipt Requested on December 3, 2007. A copy of the Notice of Violation is attached to this Notice of Hearing as Exhibit A. The CEB will receive testimony and evidence at said Public Hearing and shall make such findings of fact and conclusions of law as are supported by the

testimony and evidence pertaining to the matters alleged in the attached Notice of Violation. **If you are found to be in violation, a fine may be assessed against you, as provided by law.** The purpose of the hearing shall be to conduct proceedings regarding the attached Notice of Violation attached hereto as Exhibit A.

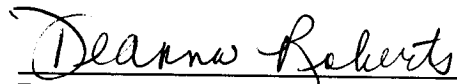
If you desire to appeal any decision of the CEB with respect to any matter considered at this Public Hearing, you will need a verbatim record of the proceedings and for that purpose, you need to insure that a verbatim record is made which includes the testimony, and evidence upon which the appeal is to be based. The hearing may be continued from time to time as deemed warranted and appropriate by the CEB. This case may be presented to the CEB even if the violation or repeat violation has been corrected prior to the hearing.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT AND FLORIDA STATE STATUTES, PERSONS WITH DISABILITIES NEEDING SPECIAL ASSISTANCE TO PARTICIPATE IN THIS PROCEEDING SHOULD CONTACT THE CODE ENFORCEMENT BOARD CLERK FOR ASSISTANCE AT LEAST THREE BUSINESS DAYS PRIOR TO THE MEETING AT (941) 723-4570.

PLEASE GOVERN YOURSELF ACCORDINGLY.

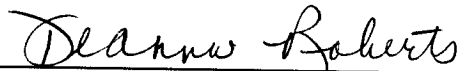
DATED: January 2, 2008.

**CODE ENFORCEMENT BOARD OF THE
CITY OF PALMETTO, FLORIDA**



Deanna Roberts
Clerk of the Board

I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Hearing has been furnished by Certified Mail/Return Receipt Requested and by Regular Mail to the Respondent this 2nd day of January, 2008.



Deanna Roberts
Clerk of the Board

cc: Michele S. Hall, City Attorney
David P. Persson, Code Enforcement Board Attorney



EXHIBIT "A"

516 8th Avenue West
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CODE ENFORCEMENT

NOTICE OF VIOLATION

CERTIFIED MAIL/RETURN RECEIPT REQUESTED
CERTIFIED MAIL NO. 7006 0100 0006 2638 6993 AND REGULAR MAIL

Oralia Garcia
1415 9th Street West
Palmetto, Florida 34221

RE: City of Palmetto, Petitioner, v. Oralia Garcia

Address of Violation: 1415 9th Street West, Palmetto, Florida
Legal Description: E 62.5 FT OF LOTS 2 & 3 BLK 6 WELSH ADD
PI#28951.0000/2

Oralia Garcia:

The purpose of this letter is to provide you with notice that based upon investigation of alleged violations of the City Code, and upon inspection by the undersigned, it has been determined that a violation of the City Code is occurring at the above-referenced property. The Code provisions that are in violation and the nature of the violations are as follows:

Palmetto Code of Ordinances, Chapter 7, Article III, Florida Building Code, Section 7-31.

- Sec. 7-31. Florida Building Code adopted by reference.

DESCRIPTION OF VIOLATION:

- Exterior renovations were made to the above referenced property in violation of the Florida Building Code. A Cease and Desist Order was issued on October 9, 2007; however, non-permitted renovations continued after that date.

TO REMEDY THESE VIOLATIONS, you must accomplish the following action within five (5) days of receipt of this Notice. The corrective action necessary is as follows:

- You must direct your contractor to contact the City of Palmetto Building Department, secure the required building permits and comply with all applicable building codes.

THIS IS NOTICE that a failure to accomplish corrective action and remedy the violations above within the time provided will result in referral of this matter to the City's Code Enforcement Board for a hearing. If, after the hearing by the Code Enforcement Board, violations are determined, such violations may be punishable by a fine not to exceed Two Hundred and Fifty Dollars (\$250.00) per day for a first violation and a fine not to exceed Five Hundred Dollars (\$500.00) per day for a repeat violation, in addition to and including, all costs incurred by the City as a result of such enforcement action.

If you have any specific questions regarding the violations please contact me at Palmetto City Hall either in person or by telephone at (941) 723-4570 ext. 105.

PLEASE GOVERN YOURSELF ACCORDINGLY.

DATED, this 3rd day of December 2007.

CITY OF PALMETTO, FLORIDA



Bill Strollo
Code Enforcement Director

POINT PAPER
CODE ENFORCEMENT BOARD HEARINGS
JANUARY 22, 2008

CEB 08-01

Oralia Garcia, 1415 9th Street West, Palmetto, Florida:

The property that is the subject of this code enforcement action is located at 1415 9th Street West, Palmetto, Florida, Parcel ID # 2895100002.

The Respondent, Oralia Garcia, is identified as the owner of this property through the Manatee County Property Appraiser's and Manatee County Tax Collector's web sites.

I issued a Cease & Desist order at this property on October 9, 2007 for making exterior repairs without a permit. The order was posted on the property, and it warned that continued activity constituted a misdemeanor and removal of the notice was prohibited. The Building Department was advised of the action I took on October 9, 2007.

I monitored the residence for a continuation of activity, and on October 30, 2007 I noted the front column had been installed and the Cease & Desist order had been removed. I contacted the Building Department and was advised Raydon Window had attempted to pull a permit for this work, but the Department refused to issue the permit because the firm was not a recognized contractor in the City of Palmetto.

On November 7, 2007 I wrote to the Respondent directing Oralia Garcia to secure a building permit within ten days of receipt of my letter. On November 21, 2007, I observed that all carport posts had been replaced, and I confirmed through the Building Department that there was no active permit for this work.

A Notice of Violation was forwarded to the Respondent on December 3, 2007. On January 2, 2008, after confirming that a permit still had not been issued, a Notice of Hearing was forwarded to the Respondent scheduling this case before the Code Enforcement Board on January 22, 2008. Both sets of notices were forwarded certified and regular mail. *(Proofs of Service of the Notice of Violation and the Notice of Hearing are submitted for the record.)*

Recommendation:

It is recommended the Respondent be found in violation of City of Palmetto Code of Ordinances, and that Oralia Garcia be directed to secure the requisite building permit within ten (10) days of this hearing. It is further recommended that the City's administrative costs for prosecuting this case, plus any applicable recording fees, be assessed against the respondent at this time.

Total costs to City as of January 8, 2008:

Code Enforcement Officers

Five hours @ \$40.00/hour = **\$ 200.00**

Administration costs

One hour @ \$35.00/hour = **\$ 35.00**

Total Costs

\$ 235.00