

**TAB 4**



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](mailto:chgeneral@palmettofl.org)  
Web: [www.palmettofl.org](http://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 08-05**

Barbara Johnson  
1803 12<sup>th</sup> Street West  
Palmetto, Florida 34221

**Respondent.**

### **NOTICE OF HEARING**

**Address of Violation:**  
1803 12<sup>th</sup> 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 27<sup>th</sup> day of May, 2008 at 6:00 P.M. in the Commission Chambers at City Hall, which is located at 516 8<sup>th</sup> 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 April 11, 2008, and previously provided to you by Certified Mail/Return Receipt Requested on April 11, 2008. 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.

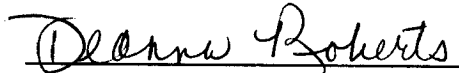
**If you desire to appeal any decision of the CEB with respect to any matter considered at this Public Hearing, you will need a verbatim record of the proceedings and for that purpose, you need to insure that a verbatim record is made which includes the testimony, and evidence upon which the appeal is 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.**

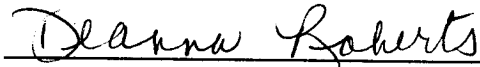
**DATED:** May 14, 2008

**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 14<sup>th</sup> day of May 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  
P.O. Box 1209  
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**CODE ENFORCEMENT**

**NOTICE OF VIOLATION**

CERTIFIED MAIL/RETURN RECEIPT REQUESTED  
CERTIFIED MAIL NO. 7006 0100 0006 2638 7235 AND REGULAR MAIL

Barbara Johnson  
1803 12<sup>th</sup> Street West  
Palmetto, Florida 34221

**RE: City of Palmetto, Petitioner, v. Barbara Johnson**

**Address of Violation: 1803 12<sup>th</sup> Street West, Palmetto, Florida**  
**Legal Description: LOTS 3 & 4 BLK B OF BRUNJES SUB REC IN PB 1 P**  
**276 (1494/7781) PI#28063.0030/3**

Barbara Johnson:

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 16, Health and Sanitation, Article II, Nuisances, Section 16-26, Section 16-26(2), Section 16-26(12), and Section 16-27(a),(b) & (c); Chapter 18, Section 18-1 and Section 18-3; Appendix B, Zoning Code, Article III, Definitions, Section 3.2 and Article VI, Supplemental Regulations, Sec. 6.6. Screening of Open Storage, (b).

- Sec. 16-26. Definition of nuisance and enumeration of unlawful conditions.
- Sec. 16-26(2). The accumulation or maintenance of trash, filth, rubbish or other materials likely to adversely affect the economic welfare of adjacent property.
- Sec. 16-26(12). Any activity or condition that is declared elsewhere in this Code of Ordinances or other applicable law to be a nuisance.
- Sec. 16-27(a). Nuisances are hereby prohibited.
- Sec. 16-27(b). This article may be enforced against any violator.
- Sec. 16-27(c). This article shall be enforced as provided for by Florida law.

- Sec. 18-1. Definitions, abandoned motor vehicle and abandoned property.
- Sec. 18-3. Abandoned property and motor vehicles declared nuisances.
- Appendix B, Sec. 3.2. Open storage defined.
- Sec. 6.6. Screening of Open Storage: (b) When an open storage area abuts a residentially zoned district, the method of screening shall consist of solid wooden or masonry walls at least six feet in height.

**DESCRIPTION OF VIOLATION:**

- Debris and materials are accumulated in the front, side and rear yards of this house. Abandoned motor vehicles, trailers and parts of vehicles are stored on this property.

**TO REMEDY THESE VIOLATIONS**, you must accomplish the following action within ten (10) days of receipt of this Notice. The corrective action necessary is as follows:

- Remove the debris and abandoned vehicles from the yards of this house.

**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.

It is the intent of this Notice to assist you in correcting the violations and avoid the necessity of a hearing before the Code Enforcement Board. If you have any specific questions regarding the violations or the action necessary to remedy or correct 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 11<sup>th</sup> day of April 2008

**CITY OF PALMETTO, FLORIDA**



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Bill Strollo  
Code Enforcement Director

**POINT PAPER**  
**CODE ENFORCEMENT BOARD HEARINGS**  
**MAY 27, 2008**

**Barbara Johnson, 1803 12<sup>th</sup> Street West, Palmetto, Florida:**

The property that is the subject of this code enforcement action is located at 1803 12<sup>th</sup> Street West, Palmetto, Florida, Parcel ID # 28063.0030/3, Township 34S; Range 17E; Section 15.

The Respondent, Barbara Johnson, is identified as the owner of this property through the Manatee County Property Appraiser's and Manatee County Tax Collector's Web sites.

On March 10, 2008 I received an anonymous complaint regarding a large accumulation of debris, trailers and abandoned vehicles in the rear and side yards of the Respondent's property at 1803 12<sup>th</sup> Street West in Palmetto. I visited this address on March 10 and noted Ms. Johnson's property contained trailers, abandoned vehicles, car parts, a refrigerator and debris. A written notice of opportunity to correct the violation was left at the residence as no one was home at the time of my visit.

On March 24 I revisited the Respondent's property and observed that the yards were better organized; a considerable amount of the previously noted debris was on a trailer presumably awaiting transport off of the premises, and one of the abandoned vehicles had been moved to another trailer. However, the property was not considered to be in compliance at that time. On April 9, 2008 I received another anonymous complaint reporting the Respondent had accumulated more debris following the initial clean-up attempt. On the same date I conducted another site inspection and determined Ms. Johnson's property was still in violation of nuisance, open storage and abandoned vehicle codes.

A Notice of Violation was prepared and forwarded to the Respondent via certified and regular mail on April 11, 2008. Follow-up site visits were made to the Johnson residence on April 24 and May 5, 2008; although some improvement was noted, the property was not in compliance with City codes. A Notice of Hearing was forwarded by certified and regular mail to Ms. Johnson on May 14, 2008. *(Proofs of service of the Notice of Violation and the Notice of Hearing are submitted for the record)*

Violations of City of Palmetto codes include the following:

**Chapter 16, Health and Sanitation, Article II. Nuisances,**

**Sec. 16-26.** Definition, enumeration of unlawful conditions or acts.

Every condition, substance or activity within the city which exists or occurs in such manner and to such extent as to threaten or endanger the public health, safety or welfare, or adversely affect and impair the economic welfare of adjacent property, is hereby

declared to be a nuisance. Without in any way limiting the foregoing definition, the following conditions, substances and activities are hereby specifically declared to be a nuisance within the intent and meaning of this section:

(2) The accumulation or maintenance of trash, filth, rubbish, garbage, dead animals or fish, improperly treated sewage or other materials in such manner and to the extent as to cause infestation by rodents and other wild animals, the breeding of mosquitoes and vermin, or that threatens or endangers the public health, safety or welfare, or is likely to adversely affect and impair the economic welfare of adjacent property.

(12) Any activity or condition that is declared elsewhere in this Code of Ordinances or other applicable law to be a nuisance.

**Sec. 16-27. Prohibition and enforcement.**

(a) Nuisances are hereby prohibited. It shall be unlawful for any person to cause such nuisance to come into existence anywhere within the city, or to permit the same to exist on property owned, leased, occupied or otherwise under the control of such person.

(b) This article may be enforced against any violator, which may include the owner of the premises on which a nuisance exists, or the person or persons generating the nuisance.

(c) This article shall be enforced as provided for by Florida law, including referral or citation to the city's code enforcement board, issuance of a citation as may be provided for by city ordinance, the entering onto the property and the abatement of the nuisance by the city, or the filing of an action in a court of competent jurisdiction to obtain civil remedies, including a restraining order, injunction and damages. Any enumeration of enforcement mechanisms set forth herein is supplemental and not exclusive.

**Chapter 18 JUNKED, WRECKED, ABANDONED PROPERTY**

**Sec. 18-1. Definitions.**

***Abandoned motor vehicle or vessel:*** A motor vehicle or vessel in a wrecked, inoperative or partially dismantled condition and which has an identifiable owner and has been disposed of on either public or private property within the city, or which has no identifiable owner and has been disposed of on private property within the city. Specifically excluded from this definition is a motor vehicle or vessel that has no identifiable owner or owners and has been disposed of on public property in a wrecked, inoperative or partially dismantled condition, as such property is governed under Chapter 705, Florida Statutes. Further, the absence of a license plate for the current year or the absence of a current motor vehicle or vessel registration shall be prima facie evidence that such vehicle or vessel is abandoned. The presence of a current license plate or registration shall not, in and of itself, exempt any motor vehicle or vessel from this definition or the provisions of this chapter.

***Abandoned property:*** All tangible personal property, except a motor vehicle or vessel, that is in a wrecked, inoperative or partially dismantled condition and which has an identifiable owner and has been disposed of on public or private property within the city, or which has no identifiable owner and has been disposed of on private property within the city. Specifically excluded from this definition is tangible personal property that has no identifiable owner and has been disposed of on public property in a wrecked,

inoperative or partially dismantled condition, which property is governed under Chapter 705, Florida Statutes.

**Sec. 18-3. Abandoned personal property, motor vehicles and vessels declared nuisances; disposal.**

All abandoned property as well as abandoned motor vehicles and vessels are hereby declared to be a public nuisance and shall be disposed of in the manner set forth herein.

**Appendix B, Zoning Code, Article III Definitions**

**Open storage:** The storage outside of a building, or within buildings with less than three (3) sides, of materials; supplies; merchandise; equipment; commercial, recreational, or domestic vehicles, boats and like items, but excluding junk.

**Article VI, Supplemental Regulations**

**Sec. 6.6. Screening of open storage.**

Open storage areas shall be screened from view of any street and from all residentially zoned land as follows:

(b) When an open storage area abuts a residentially zoned district, the method of screening shall consist of solid wooden fences or masonry walls at least six (6) feet in height along the boundary of the storage areas and the residential district.

On May 16, Ms. Barbara Johnson called me to report the truck had been repaired and would be registered prior to the scheduled CEB Hearing, and she was in the process of resolving all pending violations. Ms. Johnson was advised if all violations were corrected prior to May 27, 2008 I would report the property was in compliance and she would not be required to attend the scheduled hearing.

**Recommendation:**

It is recommended the Respondent, Ms. Barbara Johnson, be found in violation of City of Palmetto Code of Ordinances, and that she be directed to bring this property into compliance within ten (10) days. It is further recommended that the City's costs for processing this case, plus any applicable recording fees, be assessed against the Respondent.

**Total costs to City as of April 22, 2008:**

Code Enforcement Officers	Seven hours @ \$40.00/hour = \$ <b>280.00</b>
Administration costs	One hour @ \$35.00/hour = <u>35.00</u>
<b>Total Costs</b>	<b>\$ 315.00</b>