

TAB 2



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 07-12

Doug R. Bloomer
Danette Kay Bloomer
2015 10th Street West
Palmetto, Florida 34221

Respondent.

NOTICE OF HEARING

**Address of Violation:
2015 10th 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 25th day of September, 2007 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 September 10, 2007 and previously provided to you by Certified Mail/Return Receipt Requested on September 10, 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.

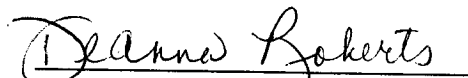
If you desire to appeal any decision of the CEB with respect to any matter considered at this Public Hearing, you will need a verbatim record of the proceedings and for that purpose, you need to insure that a verbatim record is made which includes the testimony, and evidence upon which the appeal is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

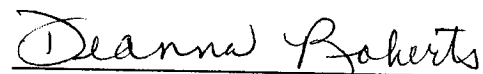
PLEASE GOVERN YOURSELF ACCORDINGLY.

DATED: September 13, 2007

**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 13th day of September, 2007.


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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Web: www.palmettofl.org

CODE ENFORCEMENT

NOTICE OF VIOLATION

CERTIFIED MAIL/RETURN RECEIPT REQUESTED
CERTIFIED MAIL NO. 7006 0100 0006 2638 6849 AND REGULAR MAIL

Doug R. Bloomer
Danette Kay Bloomer
2015 10th Street West
Palmetto, Florida 34221

RE: City of Palmetto, Petitioner, v. Doug R. Bloomer and Danette Kay Bloomer

Address of Violation: 2015 10th Street West, Palmetto, Florida

Legal Description: LOT 12 REPLAT OF PORTION OF RIVERSIDE PARK, LESS THE FOLL DESC PORTION OF SD LOT 12: BEG AT THE SW COR OF SD LOT 12; TH ALONG THE WLY LNS OF SD LOT 12 THE FOLLOWING CALLS AND DISTANCES; N 89 DEG 51 MIN 18 SEC E 30.31 FT; TH S 00 DEG 04 MIN 12 SEC E 15.51 FT; TH N 89 DEG 16 MIN 14 SEC E 15.48 FT; TH LEAVING SD SLY LN, N 00 DEG 04 MIN 12 SEC W, 10.00 FT; TH S 89 DEG 16 MIN 14 SEC W, 5.48 FT; TH N 00 DEG 04 MIN 12 SEC W, 15.41 FT; TH S 89 DEG 51 MIN 18 SEC W, 40.31 FT TO THE W LN OF SD LOT 12; TH S 00 DEG 04 MIN 12 SEC E ALONG SD W LN, A DIST OF 10.00 FT TO THE POB (1740/6287) PI#28463.0010/9

Doug Bloomer and Danette Bloomer:

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, Article II, Nuisances, Section 16-26, Section 16-26(2), Section 16-26(3), and Section 16-27(a) & (b); Chapter 7, Article XI, Minimum Maintenance Standards, Section 7-243(a); Appendix B, Zoning Code, Article III, Definitions, Section 3.2 and Article VI, Supplemental Regulations, Sec. 6.6. Screening of Open Storage, (a) & (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(3). The existence of excessive accumulation or untended growth of weeds.
- Sec. 16-27(a). Nuisances are hereby prohibited.
- Sec. 16-27(b). This article may be enforced against any violator.
- Sec. 7-243(a). All areas shall be kept free of overgrowth, weeds, trash and debris.
- Appendix B, Sec. 3.2. Open storage defined.
- Sec. 6.6. Screening of Open Storage: (a) When open storage abuts a collector or arterial street, the method of screening shall consist of solid wooden or masonry walls...
- 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...

DESCRIPTION OF VIOLATION:

- Debris and materials are accumulated in the front yard of this house. A refrigerator, debris and materials are stored in front of the garage doors.
- Grass and weeds are overgrown in the yards of this house.

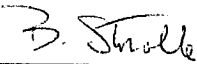
THIS IS NOTICE that as a repeat violation your case will result in referral of this matter to the City's Code Enforcement Board for a hearing. If, after the hearing by the Code Enforcement Board, violations are determined, such violations may be punishable by a fine not to exceed Five Hundred Dollars (\$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 10th day of September 2007

CITY OF PALMETTO, FLORIDA



Bill Strollo
Code Enforcement Director

POINT PAPER
CODE ENFORCEMENT BOARD HEARINGS
SEPTEMBER 25, 2007

Doug R. Bloomer and Danette Kay Bloomer, 2015 10th Street West, Palmetto, Florida:

The property that is the subject of this code enforcement action is located at 2015 10th Street West, Palmetto, Florida, Parcel ID # 2846300109.

The Respondents, Doug R. Bloomer and Danette Kay Bloomer, are identified as the owners of this property through the Manatee County Property Appraiser's and Manatee County Tax Collector's web sites.

A prior code enforcement case on this property and involving the Respondents, CEB 07-01, was presented to the City of Palmetto Code Enforcement Board for a public hearing on January 30, 2007. The Board found the Respondents in violation of City of Palmetto Code of Ordinances including the following:

Chapter 16, 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.
- 3) The existence of excessive accumulation or untended growth of weeds, undergrowth or other dead or living plant life upon any body of water, lot, tract or parcel of land, improved or unimproved, within one hundred (100) feet of the boundary line of any improved property within the city to the extent and in the manner that such lot, tract or parcel of land is or may reasonably become infested or inhabited by rodents, vermin or wild animals, or may furnish a breeding place for mosquitoes, or threatens or endangers the public health, safety or welfare, or may reasonably cause disease, or is likely to adversely affect and impair the economic welfare of adjacent property.

Section 16-27(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.

Chapter 7, Article XI, Minimum Maintenance Standards, Section 7-243, Requirements for sites:

a) *Landscaping*. All areas (front, side and rear yards) shall be kept free of overgrowth, weeds, trash and debris. All dead tree limbs and dead trees shall be removed.

Appendix B, Zoning Code, Article III, Definitions, Section 3.2:

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 IV, Supplemental Regulations, Section 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:

(a) When an open storage area abuts a collector or arterial street, the method of screening shall consist of solid masonry walls or solid wooden fences at least six (6) feet in height with access from said street only through solid gates which shall be closed except when in use. Screening shall run at least one hundred (100) feet back from the street property line unless an existing permanent structure shields the storage area.

(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.

A Report of Compliance was issued for CEB 07-01 effective January 31, 2007. The respondents were assessed a total of \$355.00 in administrative costs; they satisfied this obligation in full on March 27, 2007.

A handwritten notice of opportunity was issued by Code Enforcement and handed to the Respondents' family on August 22, 2007; the violations cited were overgrown property and abandoned property – a refrigerator in front of the garage door. By September 5, 2007, the property had been mowed, but the refrigerator remained; on September 7, 2007, a trailer with a sofa was parked in the front yard, and other construction material was observed in front of the garage next to the refrigerator. A Notice of Violation citing the Respondents as repeat violators was issued on September 10, 2007.

The Respondents brought the property into compliance effective September 12, 2007. The case was scheduled before the September 25, 2007 Code Enforcement Board as a repeat offender on September 13, 2007. (*Proofs of service of the Notice of Violation and the Notice of Hearing are submitted for the record.*)

Recommendation:

It is recommended the Respondents be found in violation of City of Palmetto Code of Ordinances as repeat violators; it is further recommended that the Code Enforcement Board fine the Respondents for the period of time they were not in compliance, August 22, 2007 through September 11, 2007 inclusive, a total of twenty-one days.