

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

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

CITY OF PALMETTO
A political subdivision of the
State of Florida
Petitioner,

vs.

CEB Case No. 10-04

Wayne T. Jordan
Denise C. Jordan
4601 66th Street West, 502B
Bradenton, Florida 34210

Respondents

NOTICE OF HEARING/ASSESSMENT OF FINE

Address of Violation:
1704 14th Street Court West
Palmetto, Florida 34221

Pursuant to Chapter 162, Florida Statutes, and City of Palmetto Code of Ordinances, Section 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 February 23, 2010 at 6:00 p.m. in the Commission Chambers at Palmetto City Hall located at 516 8th Avenue West, Palmetto, Florida. 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, in order to determine whether to assess a fine against you for the continuing violation of the City's codes. This hearing relates to the Administrative Order of the CEB finding you in violation of the City's codes and entered against you at the CEB Public Hearing conducted on January 27, 2009, and the Order Imposing Fine issued February 24, 2009.

In determining the amount of the fine, if any, the CEB shall consider the following factors:

- a. The gravity of the violation;
- b. Any actions taken by the violator to correct the violation; and,
- c. Any previous violations committed by the violator.

You have the right to appear at this hearing and offer evidence and testimony in your favor. Please be advised that if a fine is assessed against you, the Order Imposing Fine may be recorded in the Public Records and thereafter become a lien against any real or personal property owned by you. Assessed fines may not exceed Two Hundred and Fifty Dollars (\$250.00) per day for a first violation and Five Hundred Dollars (\$500.00) per day for a repeat violation.

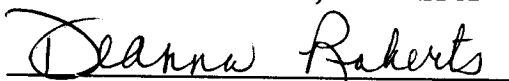
If you desire to appeal any decision of the CEB with respect to any matter considered at this Public Hearing, you will need a verbatim record of the proceedings and for that purpose, you need to insure that a verbatim record is made which includes the testimony, and evidence upon which the appeal is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

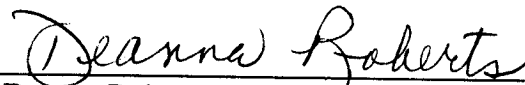
DATED: February 3, 2010

**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/Assessment of Fine has been furnished by Certified Mail/Return Receipt Requested and by Regular Mail to the Respondents this 3rd day of February, 2010.



Deanna Roberts
Clerk of the Board

cc: Mark Barnebey, *Esq.*, City Attorney
David P. Persson, *Esq.*, Code Enforcement Board Attorney

Chapter 16

HEALTH AND SANITATION*

- Art. I. In General, §§ 16-1—16-25
- Art. II. Nuisances, §§ 16-26—16-45
 - Div. 1. Generally, §§ 16-26, 16-27
 - Div. 2. Sanitary Nuisances, § 16-28
 - Div. 3. Nuisance Abatement Procedures, §§ 16-29—16-45
- Art. III. Control of Stormwater Discharge, §§ 16-46—16-48

ARTICLE I. IN GENERAL

Sec. 16-1. Reserved.

Editor's note—Formerly, § 16-1 adopted F.S. Ch. 381 as the sanitary code of the city. Inasmuch as reference to such statute is obsolete, the section has been deleted at the request of the city.

Secs. 16-2—16-25. Reserved.

ARTICLE II. NUISANCES†

DIVISION 1. GENERALLY

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

***Cross references**—Administration, Ch. 2; code enforcement, § 2-81 et seq.; animals, Ch. 6; sanitation regulations for lots, stables, etc., where any livestock or fowl are kept, § 6-29; buildings and building regulations, Ch. 7; coastal areas and waterways, Ch. 10; garbage, trash and refuse, Ch. 15; housing, Ch. 17; junked, wrecked, abandoned property, Ch. 18; mobile homes, Ch. 21; streets, sidewalks and other public places, Ch. 25; utilities, Ch. 29.

State law references—Nuisances injurious to health, F.S. Ch. 386; mosquito control, F.S. Ch. 388.

†**Editor's note**—Ord. No. 05-843, §§ 2, 3, adopted April 4, 2005, repealed article II, §§ 16-26—16-31, in its entirety and replaced it with a new article II, §§ 16-26—16-33. Former article II pertained to hazardous conditions on land and derived from the Code of 1975, §§ 13-27—13-32; and Ord. No. 659, § 1, adopted Nov. 1, 1999.

Cross references—Housing, Ch. 17; junked, wrecked, abandoned property, Ch. 18; licenses and business regulations, Ch. 19; mobile homes, Ch. 21; planning and development, Ch. 23; streets, sidewalks and other public places, Ch. 25; subdivisions, Ch. 26.

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:

- (1) Low places upon any 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 a breeding place for mosquitoes, or may reasonably cause disease, or otherwise threatens or endangers the public health, safety or welfare, or is likely to adversely affect and impair the economic welfare of adjacent property.
- (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.
- (4) Partition fences, buildings or other structures which have fallen into such a poor state of repair to the extent and in the manner that they may reasonably become infested or inhabited by rodents, vermin or wild animals, or may threaten or endanger the public health, safety or welfare, or is likely to adversely affect and impair the economic welfare of adjacent property.
- (5) The unauthorized accumulation or maintenance of lumber, stone, concrete, sand or any other building or construction material on a lot, tract or parcel when construction activity is not actively taking place on the property, in such manner and to the extent as to threaten or endanger the public health, safety or welfare.
- (6) Landscaping or other obstacles located in or protruding into a public right of way so as to create a traffic or pedestrian hazard, or otherwise threaten or endanger the public health, safety and welfare.
- (7) Any foul, offensive or unlawful emissions, odors or stenches and the causes thereof which threatens or endangers the public health, safety and welfare, or which is likely to adversely affect and impair the economic welfare of adjacent properties.
- (8) The pollution of any well, water body or drainage system by sewage, dead animals, industrial waste, debris or any other substance so as to threaten or endanger the public health, safety and welfare.

- (9) The partial or total blockage of any drainage inlets, outfalls, pipes, ditches, swales, canals, channels, culverts or streams so as to threaten or endanger the public health, safety and welfare.
 - (10) Tampering or interference with any public facilities maintained for the purpose of furnishing sewer, potable water, reclaimed water or telecommunication services to the public, so as to threaten or endanger the public health, safety and welfare.
 - (11) Any condition constituting a flood or fire hazard so as to threaten or endanger the public health, safety and welfare.
 - (12) Any activity or condition that is declared elsewhere in this Code of Ordinances or other applicable law to be a nuisance.
 - (13) Any trees, shrubs, or other landscaping material, or parts thereof, that threaten or endanger the public health, safety or welfare, or adversely affect and impair the economic welfare of adjacent properties, as a result of either of the following conditions:
 - a. A contagious disease or infestation is found on a tree, shrub or other landscaping material; or
 - b. Disease, vines, insects, age or other defect has caused a tree, shrub or other landscaping material, or part thereof, to be unstable such that there exists a reasonable likelihood that it will fall upon any sidewalk, street or building, or result in injury to person or property.
 - (14) Any unauthorized disturbance of land where a permit for such activity is required, including but not limited to alteration of the grade or contour of land, or the removal of vegetation from land, that may increase surface water runoff onto neighboring properties or otherwise threaten the public health, safety or welfare.
 - (15) Any activity or condition which is manifestly injurious to the morals or manners of the public, as described in F.S. § 823.01.
- (Ord. No. 05-843, §§ 2, 3, 4-4-05)

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

Chapter 7

BUILDINGS AND BUILDING REGULATIONS*

- Art. I. In General, §§ 7-1—7-24**
- Art. II. Building-Related Fee Schedule, §§ 7-25—7-30**
- Art. III. Florida Building Code, §§ 7-31—7-50**
- Art. IV. Impact Fees, §§ 7-51—7-75**
 - Div. 1. In General, §§ 7-51—7-69
 - Div. 2. General Government, Police, Parks and Recreation, and Road Impact Fees, §§ 7-70—7-75
- Arts. V, VI. Reserved, §§ 7-76—7-150**
- Art. VII. Dangerous and Unsafe Buildings, §§ 7-151—7-180**
- Art. VIII. Fences, §§ 7-181—7-200**
- Art. IX. Advertising of Contractors, §§ 7-201—7-215**
- Art. X. Landscaping Requirements, §§ 7-216—7-236**
- Art. XI. Minimum Maintenance Standards and Guidelines, §§ 7-237—7-249**

ARTICLE I. IN GENERAL

Sec. 7-1. Definitions.

The following words, terms and phrases, when used in this chapter or the code adopted in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Broad tipped indelible marker means any felt tip marker or similar implement which contains a fluid which is not water soluble and which has a flat or angled writing surface one-half inch or greater.

Building official and building inspector means the person authorized to review plans, issue permits, inspect buildings and enforce the provisions of this chapter.

Corporate counsel or city attorney means the city attorney of this city.

Graffiti means the placement of any writings, drawings, inscriptions, figures or marks of paint, chalk, dye or other similar substances upon any structure, wall, rock, bridge, building, fence, gate, roadway, tree or other real or personal property, either privately or publicly owned, located out-of-doors and exposed to the general public, which placement was done without the owner's notarized written consent or which was not otherwise permitted under the city's ordinances.

***Cross references**—Coastal areas and waterways, Ch. 10; seawalls, § 10-26 et seq.; community development, Ch. 11; fire prevention and protection, Ch. 13; floodplain management, Ch. 14; garbage, refuse and trash, Ch. 15; health and sanitation, Ch. 16; housing, Ch. 17; license and business regulations, Ch. 19; mobile homes, Ch. 21; planning and development, Ch. 23; subdivisions, Ch. 26; utilities, Ch. 29; impact fees, § 29-82 et seq.; zoning, App. B.

State law references—Minimum standards, building codes, F.S. § 553.73; thermal efficiency code, F.S. § 553.900 et seq.; inspection warrants, F.S. § 933.20 et seq.

(b) *Roofs, gutters and downspouts.* All roofs and existing gutters and downspouts shall be maintained to prevent damage to the structure and adjoining properties and the public. Leaking roofs shall be repaired or replaced.

(Ord. No. 470, § 4, 12-16-91)

Sec. 7-241. Requirements for trash and receptacle areas.

There shall be no trash placed upon sidewalks or other areas open to the public except on those days when such trash is to be picked up by the city. All private trash receptacle areas shall be screened from the view of the public right-of-way, except where trash receptacle placement is authorized in alleyways. Such areas shall be kept neat and clean in appearance.

(Ord. No. 470, § 5, 12-16-91)

Sec. 7-242. Requirements for auxiliary structures.

(a) *Structures, fences, walls, etc.* Structures at the rear of buildings, whether attached or unattached to the principal commercial structure, which are structurally unsound shall be properly repaired or demolished. All fences, lighting devices and supports, retaining walls, nonstructural walls, outdoor service and seating areas, signs and their supporting elements shall be structurally sound, kept free of overgrowth, trash and debris and shall be repaired and painted to present a neat and clean appearance.

(b) No more than three (3) vending machines, including refrigerated vending or storage machines but not including newsracks, may be located outside any one business premises within the city and shall be placed immediately adjacent to such premises. Vending machines that exceed three (3) in number shall be kept and maintained inside such premises.

(c) All auxiliary and other structures including but not limited to buildings, fences, gates, nonstructural walls, retaining walls, fountains, parking areas, lighting devices and supports, outdoor service and seating areas, signs and their supporting elements, which are out-of-doors and exposed to the general public, shall be kept free of graffiti as defined herein.

(Ord. No. 470, § 6, 12-16-91; Ord. No. 480, § 1, 8-3-92; Ord. No. 578, § 2, 6-16-97)

Sec. 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.

(b) *Vacant lots.* Where a vacant lot exists or is created through demolition, the owner must cover all areas not actively used for parking or loading with grass or other such ground cover. Such ground cover shall be maintained and the property kept free of trash and debris.

(c) *Parking lots.* All parking areas shall be constructed as provided in the city zoning code. Parking areas shall be well maintained and kept free of overgrowth, potholes, weeds, trash and debris. Paving and striping will be maintained in good repair and in a neat and clean appearance.

(d) All natural features of a property including but not limited to rocks, trees and landscaping shall be kept free of graffiti as defined herein.

(Ord. No. 470, § 7, 12-16-91; Ord. No. 578, § 3, 6-16-97)

Sec. 7-244. Requirements for temporary coverings.

No temporary covering, including, but not limited to, a board covering a broken or missing window, on any part of a structure may remain more than fifteen (15) days after on-going construction has been completed or sixty (60) days total, whichever is longer.

(Ord. No. 470, § 8, 12-16-91)

Sec. 7-245. Applicability.

The minimum maintenance standards and guidelines shall be applicable to all unimproved and improved properties, both residential and nonresidential, within the geographic boundaries of the city. The minimum maintenance standards and guidelines shall be in addition to any other standards, codes, ordinances, rules, regulations or other statutory requirements applicable to such properties.

(Ord. No. 470, § 9, 12-16-91; Ord. No. 05-836, § 2, 1-24-05)

Sec. 7-246. Enforcement.

The minimum maintenance standards and guidelines shall be enforced pursuant to the provisions of chapter 2, article IV, section 2-81 through 2-90, inclusive, of this Code of Ordinances relating to the code enforcement board. The mayor shall designate the employee(s) to serve as the minimum maintenance standards official for purposes of enforcing compliance with these minimum maintenance standards. Such designated employee(s) shall assist property owners in an effort to achieve an understanding of and compliance with the minimum maintenance standards and guidelines.

(Ord. No. 470, § 10, 12-16-91)

Sec. 7-247. Correction of noncompliance.

Upon receipt of written notification from the minimum maintenance standards official of noncompliance with the minimum maintenance standards and guidelines, a property owner or his representative shall have ten (10) days to commence application for a certificate of review for approval of proposed correction of the cited deficiency. No building permit for the correction of a deficiency shall be issued until a certificate of review has been issued and approved by the minimum maintenance standards official. A failure to secure a certificate of review in any instance, including those in which no building permit is required, shall constitute a violation of this article, enforceable by the code enforcement board.

(Ord. No. 470, § 11, 12-16-91)