

TAB 7

# PALMETTO

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

**CERTIFIED MAIL/RETURN RECEIPT REQUESTED  
REGULAR MAIL**

### **CITY OF PALMETTO**

A political subdivision of the  
State of Florida

### **Petitioner**

vs.

**Case No. CEB 10-05**

Sarah Cornwell  
814 16<sup>th</sup> Avenue West  
Palmetto, Florida 34221

### **Respondents:**

## **ORDER IMPOSING FINE AND LIEN**

**Violation Location:** 814 16<sup>th</sup> Avenue West  
Palmetto, Florida 34221

On March 30, 2010, the Code Enforcement Board (CEB) of the City of Palmetto conducted a duly noticed Public Hearing in regard to the above Respondent. Following receipt of sworn testimony and other evidence, the Board makes the following findings:

1. The Respondent was found in violation of the City of Palmetto Code of Ordinances at a hearing held on February 23, 2010. A copy of the Board's Order is attached hereto and incorporated herein as Exhibit "A".

2. The Order required the Respondent to comply with the Palmetto Code of Ordinances, as cited, by March 4, 2010. The Order was sent to the Respondent by Certified Return Receipt Requested U.S. Mail and Regular U.S. Mail on February 24, 2010 and posted on the property and at City Hall on February 24, 2010.
3. The Respondent was notified in that Order that the Code Enforcement Board would hold a hearing on March 30, 2010, to determine whether the Respondent was in compliance with the Order, and if not, whether to impose a fine. A notice of the Code Enforcement Board Hearing scheduled for March 30, 2010 was posted at Palmetto City Hall.
4. At the March 30, 2010 Hearing, the City of Palmetto Code Enforcement Director, Bill Strollo, testified that the Respondent had not complied with the Palmetto Code of Ordinances as ordered by the Administrative Order dated February 23, 2010.

### **CONCLUSIONS OF LAW**

1. The hearing has been properly notified and convened. A quorum is present and voting.
2. Section 2-87 of the Code of Ordinances states that:
  - (2) 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;
    - c. Any previous violations committed by the violator.
3. The prior Administrative Order of this Board, dated February 23, 2010 was not complied with by the date set forth in the Administrative Order.
4. The Board has considered the three factors cited above in arriving at its determination to impose a fine.

## ORDER

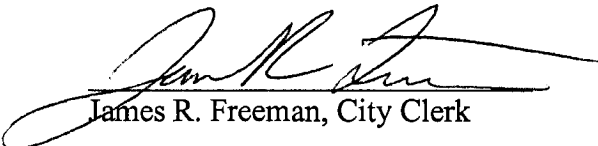
Based on the foregoing, the Code Enforcement Board imposes a fine of \$250.00 per day commencing March 4, 2010 and continuing until the violation is corrected. If the Respondent has not complied with this Order by April 29, 2010, a certified copy of this Order shall be recorded in the Public Records of Manatee County and any other county within the State of Florida where the Respondent has real or personal property and it shall thereafter constitute a lien upon any real or personal property owned by the violator. Upon petition to the circuit court by the City, such Order may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the personal property, but such Order shall not be deemed to be a court judgment except for enforcement purposes. **A fine imposed pursuant to this Order shall continue with interest accruing until the violator comes into compliance, or until judgment is rendered in a suit to foreclose on a lien created herein, whichever occurs first.**

Date: March 30, 2010



Charles W. Leonard, Chair  
Code Enforcement Board

Attest:



James R. Freeman, City Clerk



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OF THE CITY OF PALMETTO, FLORIDA**

**CITY OF PALMETTO**

A political subdivision of the  
State of Florida

**Petitioner,**

vs.

Case No. CEB 10-04

Wayne T. Jordan  
Denise C. Jordan  
4601 66<sup>th</sup> Street West, 502B  
Bradenton, Florida 34210  
**Respondent.**

**Re Property of:**

Wayne T. Jordan  
Denise C. Jordan  
1704 14<sup>th</sup> Street Court West  
Palmetto, FL 34221

**Legal Description:**

**LOT 41 LAMP POST PLACE PH II SUBDIVISION  
Township 34S, Range 17E, Section 15.**

**Parcel ID #:**

**PI#28000.0320/9**

**ADMINISTRATIVE ORDER IMPOSING FINE**

**THIS MATTER** came before the City of Palmetto Code Enforcement Board for Public Hearing on February 23, 2010 at 6:00 p.m., at Palmetto City Hall, after due notice to the Respondents, and the Board, having considered the testimony and evidence presented, does hereby find:

**FINDINGS OF FACT:**

1. The property, which is the subject of this Code Enforcement action, is located at 1704 14<sup>th</sup> Street Court West, Palmetto, Florida.
2. The Respondents, Wayne T. Jordan and Denise C. Jordan, owners of the subject property, have been given proper notice of the hearing.
3. There exists on the Respondents' property located at 1704 14<sup>th</sup> Street Court West, an in-ground swimming pool full of stagnant water providing a breeding ground for

mosquitoes, and the property contains untended growth of weeds and brush. The property is overgrown.

### CONCLUSIONS OF LAW:

1. The Code Enforcement Board is properly convened. Notice has been given and all conditions precedent have been satisfied.
2. This is a repeat violation as that term is used under Chapter 162, Florida Statutes, and under the Code of Ordinances of the City of Palmetto.
3. Respondent has violated Palmetto Code of Ordinances, Chapter 16, Health and Sanitation, Article II Nuisances, Section 16-26, Section 16-26(1), & (3), and Section 16-27(a), (b), & (c); Chapter 7, Buildings and Building Regulations, Article XI Minimum Maintenance Standards, Section 7-243(a), Requirements For Sites:

### ORDER

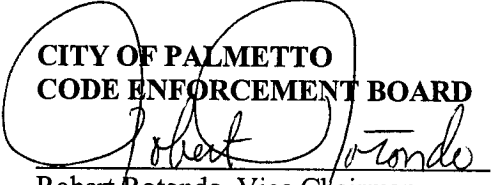
The Respondents, Wayne T. Jordan and Denise C. Jordan, are found in violation of the Palmetto Code of Ordinances as noticed. A fine of \$500.00 per day is hereby imposed, commencing February 28, 2010 and continuing until the property is brought into compliance. **Upon recording, such costs shall constitute a lien on the property. Costs assessed pursuant to this Order shall continue with interest accruing.**

A certified copy of this Administrative Order shall be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors-in-interest or assigns if the violation concerns real property and the findings therein shall be binding upon the violator and, if the violation concerns real property, any subsequent purchasers, successors-in-interest or assigns.

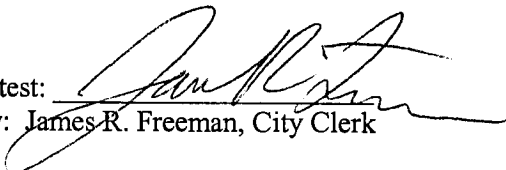
Any aggrieved party may appeal this Administrative Order to the Circuit Court in and for Manatee County. Such appeal shall not be a hearing *de novo*, but shall be limited to appellate review of the record created before the Code Enforcement Board. An appeal shall be filed within thirty (30) days of the execution of this Administrative Order

Done and ordered this 23<sup>rd</sup> day of February, 2010.

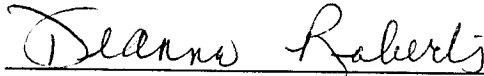
CITY OF PALMETTO  
CODE ENFORCEMENT BOARD

  
Robert Rotondo, Vice Chairman

Attest:

  
By: James R. Freeman, City Clerk

I hereby certify that a true copy of the foregoing Administrative Order Imposing Fine has been furnished to the Respondents by Certified Mail/ Return/Receipt Requested and by Regular Mail this 24<sup>th</sup> day of February, 2010.

  
Deanna Roberts, Clerk of the Board

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Denise C. Jordan  
1704 14<sup>th</sup> Street Court West  
Palmetto, Florida 34221

**Case No. CEB – 10-04**

**Respondent.**

### REPORT OF COMPLIANCE

This is notice that pursuant to the Administrative Order Imposing Fine of the Code Enforcement Board of the City of Palmetto dated February 23, 2010, the violation of the Palmetto City Code in this matter was corrected effective March 11, 2010.

*B. Stolle*

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Director, Code Enforcement

cc: (property owner)