

# TAB 5



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**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

## **CITY OF PALMETTO CODE ENFORCEMENT BOARD**

**CITY OF PALMETTO**  
A political subdivision of the  
State of Florida

**Petitioner,**

vs.

Steven E. Gatton  
Linda L. Gatton  
6880 East Harrold Road  
Churubusco, IN 46723-9769

**Case No. CEB 11-05**

**Respondent.**

### **NOTICE OF HEARING**

**Address of Violation:  
221 3<sup>rd</sup> Avenue 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 29<sup>th</sup> day of March, 2011 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 March 1, 2011 and previously provided to you by Certified Mail/Return Receipt Requested on March 1, 2011. 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: March 11, 2011**

**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 11<sup>th</sup> day of March, 2011.



Deanna Roberts  
Clerk of the Board

cc: Mark Barnebey, City Attorney  
David P. Persson, Code Enforcement Board Attorney  
221 3<sup>rd</sup> Ave. Dr. W., Palmetto, FL 34221 (Address of violation and seasonal address)

ment are unsafe, unsanitary, constitute a fire hazard or are otherwise dangerous to human life or property or are no longer adequate for the purposes for which they were originally intended. (Code 1975, § 7-36)

**Cross reference**—Definitions and rules of construction generally, § 1-2.

**Sec. 7-152. Reporting unsafe dwellings or structures.**

Members of the fire service, the police department, the public works department and any other city departments may make written reports to the administrative official of dwellings or structures which appear to be unsafe, within the terms of this article. The administrative official is authorized to utilize the services of private engineers, architects or other professionals, in order to determine the condition of the structure in question and such costs shall be assessed in the same manner as provided for in section 7-160.

(Code 1975, § 7-45)

~~→~~ **Sec. 7-153. Unfit or unsafe dwellings or structures, declared nuisance.**

→ (a) When a dwelling or other structure, or any portion thereof, including accessory buildings, is found unfit for human habitation, or may imperil the health, safety, welfare and morals of the occupants thereof or of the surrounding areas, upon inspection by the administrative official of the land use and development regulations, or his designee, such official shall require the repair, securing, demolition or removal thereof.

(b) The term "unfit or unsafe dwelling or structure or portion thereof, including accessory buildings," shall include:

- (1) Dwellings or structures, or portions thereof, including accessory buildings, that are structurally unsafe, unstable, unsanitary, inadequately provided with exit facilities;
- (2) Any structure not provided with permanent means of adequately securing all openings against unauthorized entry;
- (3) Constituting a fire hazard;
- (4) Unsuitable or improper for the use of occupancy for which they are intended;
- (5) Constituting a hazard to health or safety because of inadequate maintenance, dilapidation, obsolescence or abandonment;
- (6) Dangerous to life or property; or
- (7) Otherwise in violation of the Standard Housing Code, the Standard Building Code, the National Electrical Code, the Standard Plumbing Code, the Standard Mechanical Code, the National Fire Prevention Code and Standard Gas Code.

↘ (c) Such structures are further declared a nuisance or unsafe dwelling or structure. (Code 1975, § 7-35)