

TAB 3



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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

Leodegario Martinez
920 18th Avenue Drive West
Palmetto, Florida 34221

Case No. CEB 11-08

Respondent.

NOTICE OF HEARING

Address of Violation:
920 18th Avenue Drive 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 28th day of June, 2011 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 March 22, 2011 and previously provided to you by Certified Mail/Return Receipt Requested on March 22, 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.

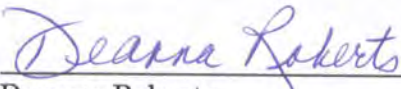
If you desire to appeal any decision of the CEB with respect to any matter considered at this Public Hearing, you will need a verbatim record of the proceedings and for that purpose, you need to insure that a verbatim record is made which includes the testimony, and evidence upon which the appeal is 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: May 25, 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 25th day of May, 2011.



Deanna Roberts
Clerk of the Board

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

Chapter 18

JUNKED, WRECKED, ABANDONED PROPERTY*

✓ # Sec. 18-1. Definitions.

As used in this chapter.

✓ ↓ *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.

✓ ✗ *Motor vehicle:* An automobile, motorcycle, truck, trailer, semitrailer, truck tractor and semitrailer combination, or any other vehicle operated on the roads of this state used to transport persons or property and propelled by power other than muscular power.

***Editor's note**—Section 1 of Ord. No. 423, adopted Nov. 5, 1990, deleted §§ 18-1—18-5 and 18-26—18-31, which were the substantive provisions of Ch. 18, derived from Code 1975, §§ 14-17—14-21 and 14-33—14-38, and contained general provisions relative to junked, wrecked and abandoned property and also provisions pertaining to abandoned vehicles. In addition, §§ 2-7 enacted provisions which have been included herein as §§ 18-1—18-6 at the editor's discretion.

Cross references—Code enforcement, § 2-81 et seq.; buildings and building regulations, Ch. 7; coastal areas and waterways, Ch. 10; fire prevention and protection, Ch. 13; garbage, trash and refuse, Ch. 15; health and sanitation, Ch. 16; procedure for abatement of nuisances involving excessive growth of weeds or other noxious plants, accumulations of trash, fill and other matter, excavations or depressions in which pools of water are located, § 16-26 et seq.; housing, Ch. 17; licenses and business regulations, Ch. 19; mobile homes, Ch. 21; planning and development, Ch. 23; sales, Ch. 24; streets, sidewalks and other public places, Ch. 25; subdivisions, Ch. 26; traffic and vehicles, Ch. 28.

State law references—Pawnbrokers, F.S. §§ 516.01, 519.09, 680.14, 715.04; precious metal dealers, F.S. § 538.01 et seq.; seized abandoned, wrecked or derelict property, F.S. Ch. 705; reporting of unclaimed motor vehicles, F.S. § 715.05.

Officer: A Palmetto Police Officer or an employee of the city whose duty it is to monitor code compliance or enforce codes and ordinances of the city, but who does not have the authority to bear arms or make arrests.

Private property: Land and improvements under private ownership located within the city, and specifically excludes public property as defined hereunder.

Public property: Land and improvements owned by the federal government, state, and county or the city, and includes sovereignty submerged lands located adjacent thereto, plus state, county or municipal buildings, grounds, parks, playgrounds, streets, sidewalks, parkways, rights-of-way and other similar property located within the city.

Seller: The City of Palmetto, with regard to abandoned property, or the commercial towing and storage service having possession of an abandoned motor vehicle or vessel, with regard to such vehicle or vessel.

Vessel is synonymous with boat as referenced in section 1(b), article VII of the State Constitution and includes every description of watercraft, barge and airboat used or capable of being used as a means of transportation on water.

(Ord. No. 423, § 2, 11-5-90)

Sec. 18-2. Tangible personal property disposed of on public property declared nuisance; disposal.

All tangible personal property not having an identifiable owner and which has been disposed of on public property in a wrecked, inoperative or partially dismantled condition, or which has no apparent intrinsic value to the rightful owner, is declared to be a nuisance and shall be disposed of in the manner set forth in chapter 705, Florida Statutes.

(Ord. No. 423, § 3, 11-5-90)

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.

(Ord. No. 423, § 4, 11-5-90)

Sec. 18-4. Notice.

(a) Whenever an officer discovers abandoned property or an abandoned motor vehicle or vessel, the officer shall cause a notice to be placed upon such article in substantially the following form:

NOTICE IS HEREBY GIVEN TO THE OWNER OF AND ALL PERSONS INTERESTED IN THE ATTACHED PROPERTY. This property, to wit: (setting forth brief description) is unlawfully upon this property known as (setting forth brief description of location) and must be removed to a location outside the city or into an enclosed building within five (5) days; otherwise it shall be deemed abandoned property and be removed and disposed of