AGENDA
CODE ENFORCEMENT & APPEALS BOARD HEARING
JANUARY 6, 2022
5:30 PM
CITY HALL COMMISSION CHAMBERS
204 ASH STREET
FERNANDINA BEACH, FL 32034

1. CALL TO ORDER / ROLL CALL / DETERMINATION OF A QUORUM

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF MINUTES

3.1 The minutes for December 2, 2021, are presented for approval.

4. OLD BUSINESS

5. NEW BUSINESS

5.1 **BROWN, PAMELA L. & MICHAEL D., 1503 BROOME ST. CASE 2021-0390.** Violation(s) of the City of Fernandina Beach Code of Ordinances exist: Section 42-116 - Duty to Maintain Property. *Requesting Board determination of the case.*

5.2 **WIELGOSZ, JAN, 2604 PIRATES BAY DR., CASE 2021-0441.** Violation(s) of the City of Fernandina Beach Code of Ordinances exist: Section 42-116 - Duty to Maintain Property; Section 42-117, Exterior Structure (Maintenance). *Requesting Board determination of the case.*

5.3 **PERKINS, DONNA K., 2673 GREGOR MCGREGOR BLVD., CASE 2021-0456.** Violation(s) of the City of Fernandina Beach Code of Ordinances exist: Section 42-173 - Wrecked or inoperable motor vehicles on private property declared nuisance and prohibited; Section 42-117 - Exterior Structure (Maintenance). *Requesting Board determination of the case.*

6. BOARD BUSINESS

6.1 **CODE AMENDMENT - CHAPTER 2 - CODE ENFORCEMENT & SPECIAL MAGISTRATE.** City Attorney Bach will present changes to municipal code related to Code Enforcement proceedings scheduled to appear before the City Commission in the coming months.

7. ADJOURNMENT

Quasi-Judicial – Denotes that the item must be conducted as a Quasi-Judicial hearing in accordance with City Commission established procedure and Florida Statutes.

All members of the public are invited to be present and be heard. Non -English speaking individuals may request a language or sign interpreter at least ten (10) working days prior to this meeting. Persons with disabilities requiring accommodations in order to participate should contact the City Clerk at (904) 310 - 3115 or TTY/TDD 711 (for the hearing or speech impaired).

For information regarding this matter, please contact the Community Development Department (904) 310-3135. If any person decides to appeal any decision made by the Code Enforcement & Appeals Board with respect to any matter considered at such meeting he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be made.

Draft

AGENDA
CODE ENFORCEMENT & APPEALS BOARD HEARING
DECEMBER 2, 2021
5:30 PM
CITY HALL COMMISSION CHAMBERS
204 ASH STREET
FERNANDINA BEACH, FL 32034

1. CALL TO ORDER / ROLL CALL / DETERMINATION OF A QUORUM

Roll Call. This meeting was called to order at 5:30 p.m.

Board Members Present:
Chair Adam Kaufman
Vice Chair Nicole Kresse
Buddy Boyd
Gail Shults
Bernard Thompson
Andy Fotiades
Cindy Crow

Board Members Absent
Travis Young (Alt 1).

Staff Present:
Tammi Batch, City Attorney
Crystal Turner, Board Secretary
George Wells, Code Enforcement Officer
Michelle Forstrom, Code Enforcement Director

Others Present:
Ruth Maestre
Jose Miranda

3. APPROVAL OF MINUTES

3.1 According to the agenda support documents, the minutes for the November 4, 2021, regular hearing were presented for approval. **A motion was made by Vice Chair Kresse, seconded by Member Crow, to approve the minutes. Vote upon passage of the motion was taken by voice vote being all ayes, carried.**

City Attorney, Tammi Bach explained Quasi-Judicial procedures.

Chair Kaufman asked for any ex parte communication regarding the case. There was none.

Chair Kaufman asked if there have been any changes made to the agenda. Officer Wells said that Case # 2021-0473, item 5.1 has been removed from the agenda & compliance on this property has been achieved.

Chair Kaufman announced agenda item 4.2 will be presented first due to owners of property being present.

4. OLD BUSINESS

4.1 **DAVIS-TAYLOR, CECILIA, 112 S 9TH ST., CASE 2020-0240.** Violation(s) of the City of Fernandina Beach Code of Ordinances exist: Section 42-117 Exterior Structure Maintenance. *Owner to provide the board with update on case.*

No one was present to provide an update.

Officer Wells did go by the property the day of this hearing. She has come into compliance with violation 42-116, Duty to Maintain Property. He has not personally seen any efforts in her beginning compliance on violation 42-117 Exterior Structure Maintenance. Also, Ms. Davis- Taylor came into the Code Enforcement office and paid the Administrative fees for the 42-116 violation.

Ms. Forstrom asked the Board, since no representative showed on behalf of this property, and it was ordered by the board, how would the Board like to proceed? Member Crow stated if it was apart of the order to come before to Board to provide an update on the case & she fails to show, this means she is now in violation. Chair Kaufman requested we send a letter to the owner allowing 10 business days to provide an update to the Board. Ms. Forstrom announced the owner has been properly notified and Ms. Davis- Taylor announced to City staff that she would not be present for an update at the hearing. Chair Kaufman asked the board, would a letter being sent to the property owner that has a set deadline for an update be satisfactory? The Board Discussed and agreed to write a letter to the Attorney and property owner to provide us with information with the status for the renovation of the home, giving ten business days.

Provide a status of the renovation by the next meeting Shall assess fines at the next hearing.

A motion was made by Member Crow, seconded by Member Fotiades, to find her in violation of not appearing to the December hearing with an update on the case, per the boards order. Owner shall provide a status update for Violation 42-117 to The City of Fernandina Beach, on or before December 17, 2021. If the update is not provided, the Board shall assess fines at the next hearing on January 6, 2022. Vote upon passage of the motion was taken by voice vote, being all ayes carried.

4.2 **LORE, PAUL A. & MAESTRE, RUTH E., 11 S 7TH ST., CASE 2021-0073.** Violation(s) of the City of Fernandina Beach Code of Ordinances exist: Section 42-117 Exterior Structure Maintenance. *Owner to provide the board with update on case.*

Jose Miranda, contractor, is working with Mr. Lore and Ms. Maestre on the addition/renovation of the house. There has been a delay in beginning the project, but they are about to go through the HDC process for the February Meeting to gain approval. They are using Hygema House Builders to help with structure repairs. They plan to begin the construction drawings in February. He expects to being in Spring 2022. Material delays have made the process more difficult. Vice Chair Kresse offered the next report to be emailed directly to the City of Fernandina Code Enforcement Department. Michelle Forstrom confirmed it would be okay with the staff to submit a report after the HDC meeting in February.

Ms. Maestre, 11 S. 7th St., she has spoke to Hygema who will be completing the porch, aesthetically it will remain the same, they will be doing structural repairs to this and a pillar out back. She has began painting the carriage house.

5. NEW BUSINESS

5.1 **RUSSELL, ANGELA, 311 N 11TH ST., CASE 2021-0473** Violation(s) of the City of Fernandina Beach Code of Ordinances exist: Section 42-173- Wrecked or inoperable motor vehicles on private property declared a nuisance and prohibited. *Requesting Board determination of the case.*

This case came into compliance and has been removed from the agenda.

6. BOARD BUSINESS

None

7. ADJOURNMENT

There being no further business to come before the Code Enforcement and Appeals Board, Board Member moved to adjourn the meeting, Board Member seconded the motion. A vote was taken and passed with all ayes carried.

The Meeting was adjourned at 6:05 p.m.

Quasi-Judicial – Denotes that the item must be conducted as a Quasi - Judicial hearing in accordance with City Commission established procedure and Florida Statutes.

All members of the public are invited to be present and be heard. Non -English speaking individuals may request a language or sign interpreter at least ten (10) working days prior to this meeting. Persons with disabilities requiring accommodations in order to participate should contact the City Clerk at (904) 310 - 3115 or TTY/TDD 711 (for the hearing or speech impaired).

For information regarding this matter, please contact the Community Development Department (904) 310-3135. If any person decides to appeal any decision made by the Code Enforcement & Appeals Board with respect to any matter considered at such meeting he/she will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be made.

STAFF REPORT
Case 2021-0390
City of Fernandina Beach Code Enforcement & Appeals Board
January 6, 2022

Violation Information

Owner	Pamela L. & Michael D. Brown 1503 Broome St. Fernandina Beach, Florida 32034
Violation	City of Fernandina Beach – Code of Ordinances, Section 42-116 Duty to Maintain Property – Cut high grass and weeds in excess of (12") twelve inches on entire property. Remove all vines growing up on the exterior of the house. Maintain all flower beds. Keep backyard cut in compliance of 12" inches.
Location:	1503 Broome Street, Fernandina Beach, Florida 32034

Summary and Background Information

August 18, 2021 – I posted a notice of visit on the front door giving the owner (10) ten days to correct the violation. I recorded photographs of the violation.

August 30, 2021 – A second inspection was performed. The property was still in violation of 42-116.

August 31, 2021 – We mailed a certified NOV/NOH letter to the owner giving an additional 10 days to correct the Duty to Maintain Property, Section 42-116 violation.

September 13, 2021 – NOV/NOH inspection was performed with the property still in violation.

October 19, 2021 – I performed a compliance inspection and found the property was still overgrown.

October 26, 2021 – Our Adm. Asst. and Legal Adm Asst. conducted extensive research to try to find contact numbers for these owners.

November 11, 2021 – NOV/NOH Certified letter was returned undeliverable.

November 15, 2021 – I posted a copy of the Notice of Violation/Hearing letter on the front door giving an additional (10) ten days to come into compliance. I recorded a photograph of the posting. A notarized affidavit of service was completed for the violation property, City Hall, and the Peck Center.

December 21, 2021 – A pre-agenda inspection was performed confirming the property is still in violation of Code of Ordinances, Section 42-116.

Conclusion.
Someone has cut the front yard, but the side and rear yards are still overgrown. The Code Enforcement and Legal Dept. has extensively searched to try to find contact numbers for the owners of this property without any results.

Recommendation.
The City recommends a motion to be made to find the respondent in violation of Code of Ordinances, Section 42-116 Duty to Maintain Property, allowing the Respondent (10) ten additional days to come into compliance by 01/16/2022. The City recommends a motion to be made that all administration fees be paid by the Respondent and a fine of $50.00 per day to begin on 01/17/2022 if not in compliance, with a lien placed on this property on 03/04/2022.

George Wells

Code Enforcement Officer

CITY OF FERNANDINA BEACH
Code Enforcement Department
(904) 310-3440

George Wells
Code Enforcement Officer
(904) 310-3442

ADMINISTRATIVE FEES INCURRED FROM
1503 Broome Street
AS OF 01/06/2022
CODE CASE # 2021-0390

STAFF PERSONNEL OR ITEMS	# OF UNITS OR HOURS	PRICE OR RATE PER HOUR	TOTAL
Michelle Forstrom, Code Enforcement Director	1	$28.42	$28.42
George Wells, Code Enforcement Officer	5.5	$24.40	$134.20
Crystal Turner, Administrative Coordinator/Board Secretary	5	$20.19	$100.95
Tammi Bach, City Attorney	1	$72.29	$72.29
Katie Newton, Legal Assistant	1	$27.16	$27.16
Record Findings of Facts with the Clerk of Circuit Court of Nassau County	1	$23.50	$23.50
Certified letters mailed	1	$6.98	$6.98
First Class letters mailed	1	$0.51	$0.51

TOTAL ADMINISTRATIVE FEES DUE $394.01

*****TOTAL AMOUNT DUE MUST BE PAID IN FULL TO CLOSE THIS CASE AND AVOID A LIEN ON THIS PROPERTY*****

City of Fernandina Beach
Code Enforcement Department

Mr. George Wells
gwells@fbfl.org

CODE ENFORCEMENT & APPEALS BOARD
2nd NOTICE OF VIOLATION/NOTICE OF HEARING

November 15, 2021

POSTED 11-15-21

Case Number: CODE-2021-0390

POSTED NOTICE ON THE FRONT DOOR

IN THE MATTER OF:

Pamela L. & Michael D. Brown
1503 Broome Street
Fernandina Beach, FL 32034

PREMISES: 1503 BROOME ST., FERNANDINA BEACH, FL 32034

The brief legal description of the real property upon which this violation occurred is: 1/2 HX INT (S&B) W72 FT OF E215 FT OF N136.5 FT OF S1/2 OF OUTLOT 4

The Code Enforcement office of the City of Fernandina Beach is notifying you of alleged violation(s) of the City of Fernandina Beach Code of Ordinances and/or the City of Fernandina Beach Land Development Code and contends that the following violation(s) exist:

42-116	**Duty to Maintain Property**	
	Cut high grass, weeds, and vines that are in violation of 42-116 on entire property.	**By 11/25/2021**

(These can be found on the City's website: www.fbfl.us/code).

If this office is not notified of compliance by you, this department will refer this matter to the Code Enforcement & Appeals Board for legal action at the date and time listed below.

DATE: January 6, 2022

TIME: 5:30 PM

LOCATION: City Commission Chambers, 204 Ash St

YOU HAVE THE RIGHT to appear before the Board at that time to answer and defend the allegations that you have violated the above cited provision(s) of the Code of Ordinances/Land Development Code.

If the Board finds that you are in violation, they will consider all appropriate actions required to bring the property into compliance, which may include, but is not limited to the recovery of fees, fines which may be imposed for the duration of the non-compliance (NOT TO EXCEED $250.00 per day, per violation), and in some cases demolition.

Please be advised that the Rules of the Code Enforcement & Appeals Board and the Code of Ordinances of the City of Fernandina Beach govern the procedures of the Board.

PLEASE GOVERN YOUR SELF ACCORDINGLY.

If you have any questions, please feel free to contact me (please see my attached business card for contact information).

George Wells

Code Enforcement Officer

Hearing impaired or non-English speaking individuals may request a language or sign interpreter at least (10) ten working days prior to this hearing. Please contact the City Clerk's office at (904) 310-3115.

AFFIDAVIT OF SERVICE

State of Florida
County of Nassau

Code Enforcement Case Number: 2021-0390

I, George Wells, being first duly sworn, depose and state as follows:

1. That I am an employee of the City of Fernandina Beach, Code Enforcement.

2. That part of my duties includes, posting a Notice of Violation/Notice of Hearing letters, and other correspondence; and

3. That on the 15th Day of November 2021, at 2:00 p.m. I posted the Notice of Violation/Notice of Hearing letter for **Case 2021-0390, 1503 Broome Street, Fernandina Beach, FL 32034** at:

   a. 1503 Broome Street, Fernandina Beach, FL 32034
   b. City Hall, located at 204 Ash St., Fernandina Beach, FL 32034
   c. The Peck Center at 516 S. 10th St. Fernandina Beach, FL 32034

FURTHER AFFIANT SAYETH NAUGHT.

Signature: George Wells

George Wells
(Printed name)

Subscribed and sworn to before me, a notary public in and for the State of Florida, this 15th day of November 2021.

(SEAL)

CRYSTAL NICOLE TURNER
Notary Public - State of Florida
Commission # HH 170342
My Comm. Expires Aug 26, 2025
Bonded through National Notary Assn.

Signature: Crystal Turner

CRYSTAL TURNER
(Printed name of Notary)

City of Fernandina Beach
204 Ash Street
Fernandina Beach, FL 32034

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Pamela L. & Michael D. Brown
1503 Broome St.
Fernandina Beach, FL 32034

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RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

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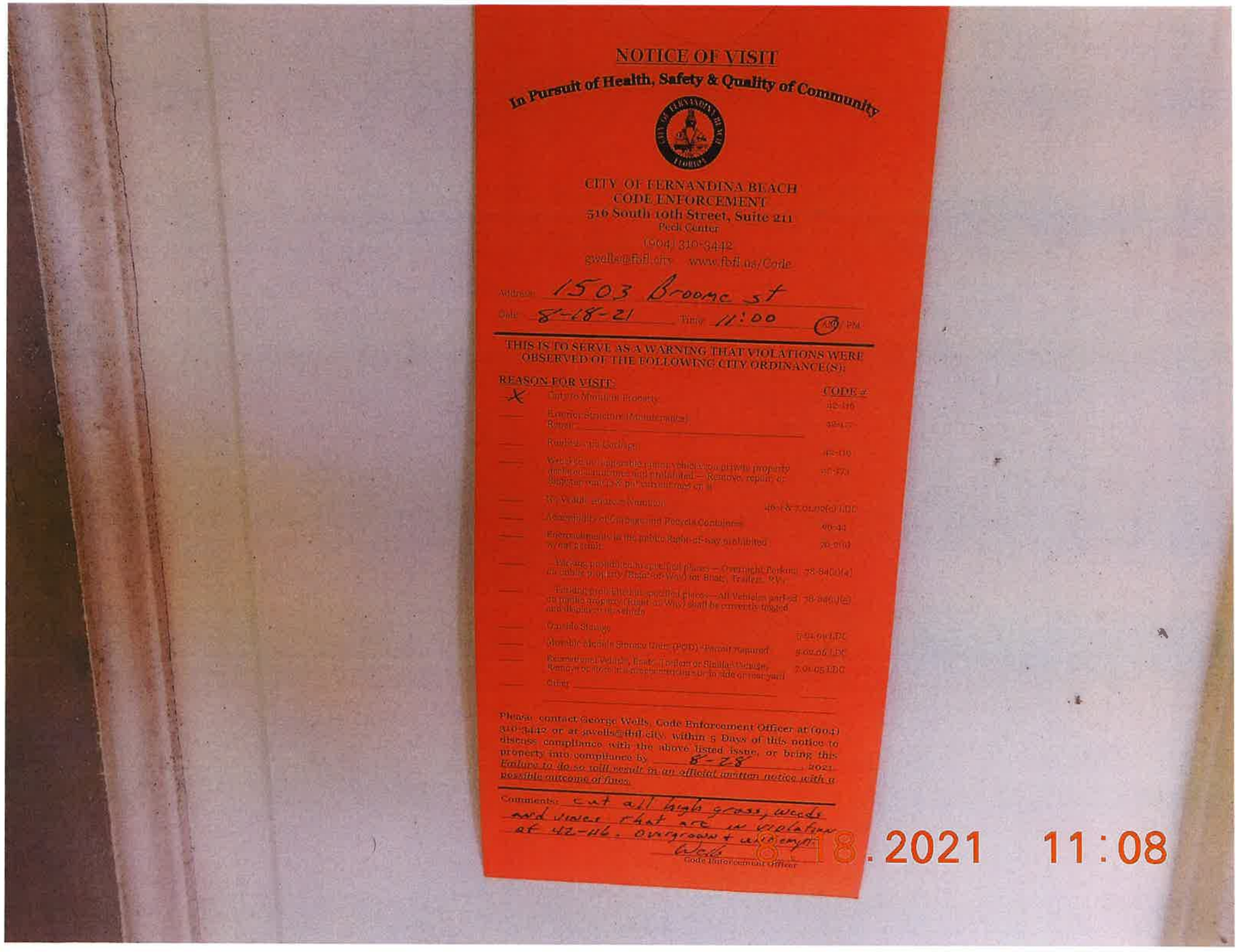


NOTICE OF VISIT

In Pursuit of Health, Safety & Quality of Community

CITY OF FERNANDINA BEACH
CODE ENFORCEMENT
516 South 10th Street, Suite 211
Peck Center
(904) 310-3442
gwells@fbfl.city www.fbfl.us/Code

Address: 1503 Broome st

Date: 8-18-21 Time: 11:00 AM / PM

THIS IS TO SERVE AS A WARNING THAT VIOLATIONS WERE OBSERVED OF THE FOLLOWING CITY ORDINANCE(S):

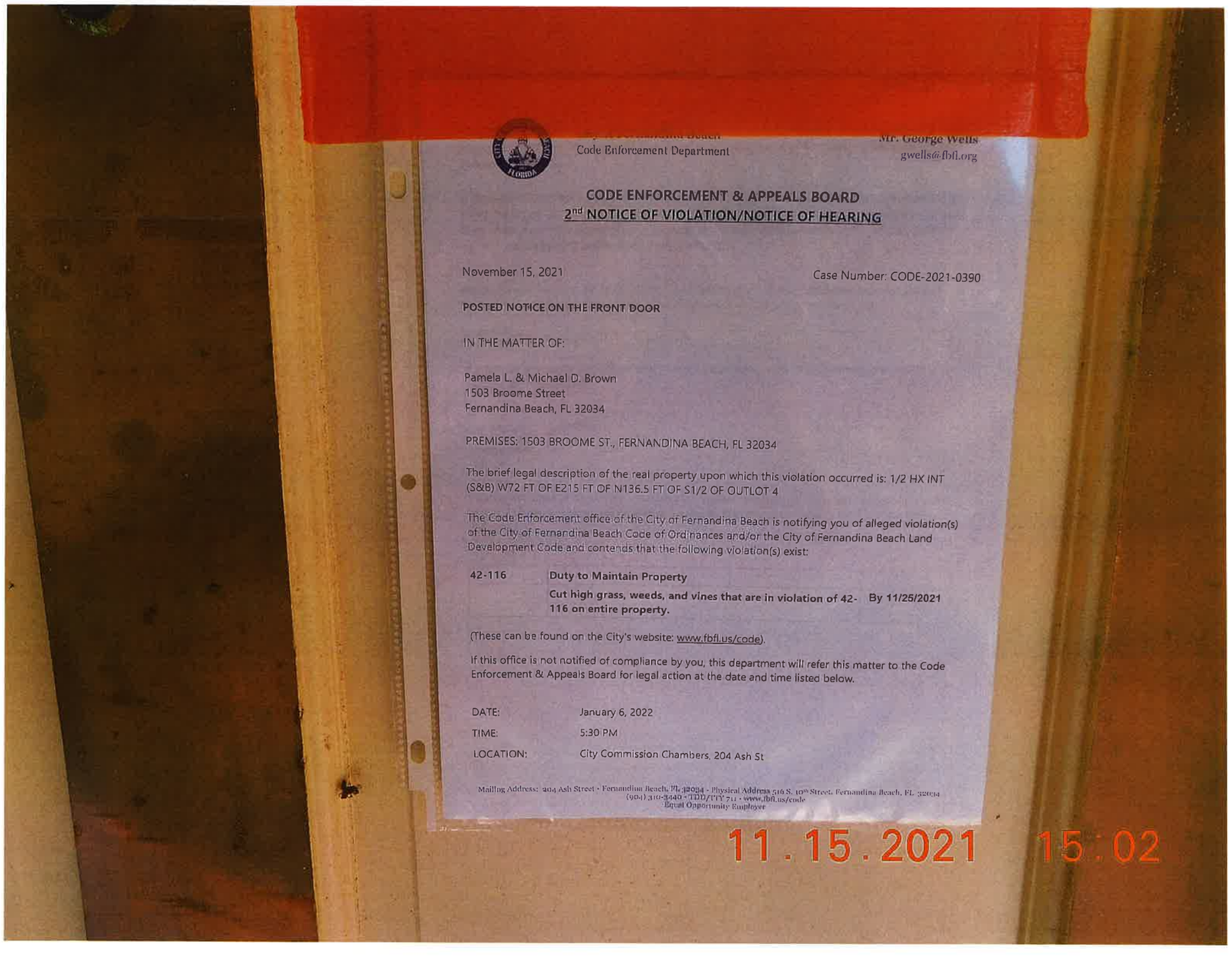
REASON FOR VISIT:		CODE #
X	Cut to Maintain Property	42-116
___	Exterior Structure (Maintenance) Repair: ___	42-117
___	Rubbish and Garbage	42-119
___	Wrecked and Inoperable motor vehicles on private property [illegible] — Remove, repair, or [illegible]	42-171
___	[illegible]	46-1 & 7.01.02(c) LDC
___	Accessibility of Garbage and Recycle Containers	46-44
___	Encroachments in the public Right-of-way prohibited w/ out a permit	70-2(d)
___	Parking prohibited in specified places — Overnight Parking on public property (Right-of-Way) for Boats, Trailers, RV's	78-84(a)(4)
___	Parking prohibited in specified places — All Vehicles parked on public property (Right-of-Way) shall be currently tagged and display [illegible] vehicle	78-84(a)(5)
___	Outside Storage	7.01.04 LDC
___	Movable Module Storage Unit (POD) - Permit required	7.02.06 LDC
___	Recreational Vehicle, Boats, Trailers or Similar Storage, Remove or store in a [illegible] or in side or rear yard	7.01.05 LDC
___	Other: ___	

Please contact George Wells, Code Enforcement Officer at (904) 310-3442 or at gwells@fbfl.city, within 5 Days of this notice to discuss compliance with the above listed issue, or bring this property into compliance by 8-28, 2021. *Failure to do so will result in an official written notice with a possible outcome of fines.*

Comments: cut all high grass, weeds and vines that are in violation of 42-116. Overgrown + wild empty

Wells
Code Enforcement Officer

8.18.2021 11:08



Code Enforcement Department

Mr. George Wells
gwells@fbfl.org

CODE ENFORCEMENT & APPEALS BOARD
2nd NOTICE OF VIOLATION/NOTICE OF HEARING

November 15, 2021

Case Number: CODE-2021-0390

POSTED NOTICE ON THE FRONT DOOR

IN THE MATTER OF:

Pamela L. & Michael D. Brown
1503 Broome Street
Fernandina Beach, FL 32034

PREMISES: 1503 BROOME ST., FERNANDINA BEACH, FL 32034

The brief legal description of the real property upon which this violation occurred is: 1/2 HX INT (S&B) W72 FT OF E215 FT OF N136.5 FT OF S1/2 OF OUTLOT 4

The Code Enforcement office of the City of Fernandina Beach is notifying you of alleged violation(s) of the City of Fernandina Beach Code of Ordinances and/or the City of Fernandina Beach Land Development Code and contends that the following violation(s) exist:

42-116	**Duty to Maintain Property** **Cut high grass, weeds, and vines that are in violation of 42-116 on entire property.**	**By 11/25/2021**

(These can be found on the City's website: www.fbfl.us/code).

If this office is not notified of compliance by you, this department will refer this matter to the Code Enforcement & Appeals Board for legal action at the date and time listed below.

DATE: January 6, 2022

TIME: 5:30 PM

LOCATION: City Commission Chambers, 204 Ash St

Mailing Address: 204 Ash Street • Fernandina Beach, FL 32034 • Physical Address 516 S. 10th Street, Fernandina Beach, FL 32034
(904) 310-3440 • TDD/TTY 711 • www.fbfl.us/code
Equal Opportunity Employer

11.15.2021 15:02

1503
11.15.2021 15:02

8 . 18 . 2021 11 : 08

8.18.2021 11:08

8.18.2021 11:09

03
8.18.2021 11:08

STAFF REPORT
Case 2021-0441
City of Fernandina Beach Code Enforcement & Appeals Board
January 6, 2022

Violation Information

Owner	Jan Wielgosz 2604 Pirates Bay Drive Fernandina Beach, Florida 32034
Violation	City of Fernandina Beach – Code of Ordinances, Section 42-116 Duty to Maintain Property – Cut high grass and weeds in excess of (12") twelve inches on entire property. Remove all vines growing up on the exterior of the house. Maintain all flower beds. Keep backyard cut in compliance of 12" inches. Section 42-117 - Exterior Structure (Maintenance). – Replace the rotten wood on the bottom panel of the garage door.
Location:	2604 Pirates Bay Drive, Fernandina Beach, Florida 32034

Summary and Background Information

September 15, 2021 – I posted a notice of visit on the front door giving 30 days to correct the violations. We recorded photographs of the violations.

October 18, 2021 – A second inspection was performed. The property was still in violation of 42-117 and 42-116.

October 19, 2021 – We mailed a certified NOV/NOH letter to the owner giving an additional 30 days to correct the maintenance of structure violations.

October 26, 2021 – The certified letter was returned to sender undeliverable.

November 3, 2021 – NOV/NOH inspection was performed with the property still in violation.

November 15, 2021 – I posted a copy of the Notice of Violation/Hearing on the front door giving an additional 30 days to come into compliance. I recorded a photograph of the posting. A notarized affidavit of service was completed for the violation property, City Hall, and the Peck Center.

November 23, 2021 – The owner sent an email explaining what his intentions were in correcting the violations..

December 16, 2021 – I performed a NOV/NOH inspection which confirmed the property was still in violation of Code of Ordinances, Section 42-117 and 42-116.

December 07, 2021 – The owner sent a follow up e-mail concerning his position.

December 21, 2021 – A pre-agenda inspection was performed confirming the property is still in violation of Code of Ordinances, Section 42-117 and 42-116.

Conclusion.

This property is still in violation of Code of Ordinances, Section 42-116 and 42-117. The Owner is taking an invalid stance arguing he cannot do any work on the property because of a Stop Work Order placed on the property regarding electrical issues. The Building Official stated this code case is not effected by that Stop Work Order.

Recommendation.

The City recommends a motion to be made to find the respondent in violation of Code of Ordinances, Section 42-117 Exterior Structure (Maintenance) and Section 42-116 Duty to Maintain Property, allowing the Respondent (30) thirty additional days to come into compliance by 02/06/2022. The City recommends a motion to be made that all administration fees be paid by the Respondent and a fine of $50.00 per day per violation to begin on 02/07/2022 if not in compliance, with a lien placed on this property on 03/22/2022.

George Wells

George Wells

Code Enforcement Officer

CITY OF FERNANDINA BEACH
Code Enforcement Department
(904) 310-3440

George Wells
Code Enforcement Officer
(904) 310-3442

ADMINISTRATIVE FEES INCURRED FROM
2604 Pirates Bay Drive
AS OF 01/06/2022
CODE CASE # 2021-0441

STAFF PERSONNEL OR ITEMS	# OF UNITS OR HOURS	PRICE OR RATE PER HOUR	TOTAL
Michelle Forstrom, Code Enforcement Director	1	$28.42	$28.42
George Wells, Code Enforcement Officer	5.5	$24.40	$134.20
Crystal Turner, Administrative Coordinator/Board Secretary	3	$20.19	$60.57
Tammi Bach, City Attorney	0.5	$72.29	$36.15
Katie Newton, Legal Assistant	0.5	$27.16	$13.58
Record Findings of Facts with the Clerk of Circuit Court of Nassau County	1	$23.50	$23.50
Certified letters mailed	1	$6.98	$6.98
First Class letters mailed	1	$0.51	$0.51

TOTAL ADMINISTRATIVE FEES DUE $303.91

*****TOTAL AMOUNT DUE MUST BE PAID IN FULL TO CLOSE THIS CASE AND AVOID A LIEN ON THIS PROPERTY*****

City of Fernandina Beach
Code Enforcement Department

Mr. George Wells
gwells@fbfl.org

CODE ENFORCEMENT & APPEALS BOARD
2nd NOTICE OF VIOLATION/NOTICE OF HEARING

November 15, 2021

Case Number: CODE-2021-0441

POSTED NOTICE ON THE FRONT DOOR

IN THE MATTER OF:

Jan Wielgosz
2193 High Rigger Place
Fernandina Beach, FL 32034

PREMISES: 2604 PIRATES BAY DR., FERNANDINA BEACH, FL 32034

The brief legal description of the real property upon which this violation occurred is: LOT 83 IN OR 2225/1926 PIRATES BAY PB 5/213

The Code Enforcement office of the City of Fernandina Beach is notifying you of alleged violation(s) of the City of Fernandina Beach Code of Ordinances and/or the City of Fernandina Beach Land Development Code and contends that the following violation(s) exist:

42-116	**Duty to Maintain Property**	
	Remove all vines growing up on the exterior of the house. Cut back and maintain all flower beds. Cut all high grass and weeds on entire property front and rear.	**By 12/15/2021**
42-117	**Exterior Structure (Maintenance)**	
	Repair or replace the rotten section on the garage door.	**By 12/15/2021**

(These can be found on the City's website: www.fbfl.us/code).

If this office is not notified of compliance by you, this department will refer this matter to the Code Enforcement & Appeals Board for legal action at the date and time listed below.

DATE: January 6, 2022

TIME: 5:30 PM

LOCATION: City Commission Chambers, 204 Ash St

YOU HAVE THE RIGHT to appear before the Board at that time to answer and defend the allegations that you have violated the above cited provision(s) of the Code of Ordinances/Land Development Code.

If the Board finds that you are in violation, they will consider all appropriate actions required to bring the property into compliance, which may include, but is not limited to the recovery of fees, fines which may be imposed for the duration of the non-compliance (NOT TO EXCEED $250.00 per day, per violation), and in some cases demolition.

Please be advised that the Rules of the Code Enforcement & Appeals Board and the Code of Ordinances of the City of Fernandina Beach govern the procedures of the Board.

PLEASE GOVERN YOUR SELF ACCORDINGLY.

If you have any questions, please feel free to contact me (please see my attached business card for contact information).

George Wells

Code Enforcement Officer

Hearing impaired or non-English speaking individuals may request a language or sign interpreter at least (10) ten working days prior to this hearing. Please contact the City Clerk's office at (904) 310-3115.

AFFIDAVIT OF SERVICE

State of Florida
County of Nassau

Code Enforcement Case Number: 2021-0441

I, George Wells, being first duly sworn, depose and state as follows:

1. That I am an employee of the City of Fernandina Beach, Code Enforcement.

2. That part of my duties include hand delivering Notice of Violation/Notice of Hearing letters, and other correspondence; and

3. That on the 15th Day of November 2021, at 2:43 p.m. I posted the Notice of Violation/Notice of Hearing letter for **Case 2021-0441, 9604 Pirates bay dr., Fernandina Beach, FL 32034**.

FURTHER AFFIANT SAYETH NAUGHT.

Signature: George Wells

George Wells
(Printed name)

Subscribed and sworn to before me, a notary public in and for the State of Florida, this 15th day of November 2021.

(SEAL)

CRYSTAL NICOLE TURNER
Notary Public - State of Florida
Commission # HH 170342
My Comm. Expires Aug 26, 2025
Bonded through National Notary Assn.

Signature: Crystal Turner

CRYSTAL TURNER
(Printed name of Notary)

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☐ Return Receipt (electronic) $
☐ Certified Mail Restricted Delivery $
☐ Adult Signature Required $
☐ Adult Signature Restricted Delivery $

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Total Postage and Fees
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Jan Wielgosz
2193 High Rigger Pl.
Fernandina Beach, FL 32034

Street and Apt.
City, State, ZIP

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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10/20/2021
US POSTAGE $006.98⁰

ZIP 32034
011E11684667

City of Fernandina Beach
204 Ash Street
Fernandina Beach, FL 32034
CODE ENFORCEMENT

7020 0090 0001 9419 7469

RECEIVED
OCT 26 2021
CODE ENFORCEMENT
FERNANDINA BEACH, FLORIDA

Jan Wielgosz
2193 High Rigger Pl.
Fernandina Beach, FL 32034

NIXIE 322 FE 1 0010/22/21
RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

UTF BC: 32034423004 *1738-00074-20-39
32034-451793
32034-4230

George (Chip) Wells

From: Wil Wielgosz <wilwielgosz@yahoo.com>
Sent: Tuesday, December 7, 2021 10:33 AM
To: George (Chip) Wells
Subject: Re: Stop harassing me

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender, were expecting this email, and know the content is safe.

A stop worker is a stop work order. Period. Do you harass everyone over a weed in a flower bed? Absolutely absurd. I'm not removing a few weeks. Property is mowed by a service. The whole city is out of control. Selective enforcement doesn't work with me. Who is filing a complaint. If you won't tell me I'll file a freedom of information act which I have done a dozen times in regards to Beckman.

What electrical are you talking about? No electrical work was done. I resolved the electric meter issue with David. City needs to hire him and pay him what he wants. He's an asset to the city.

Sent from my iPhone

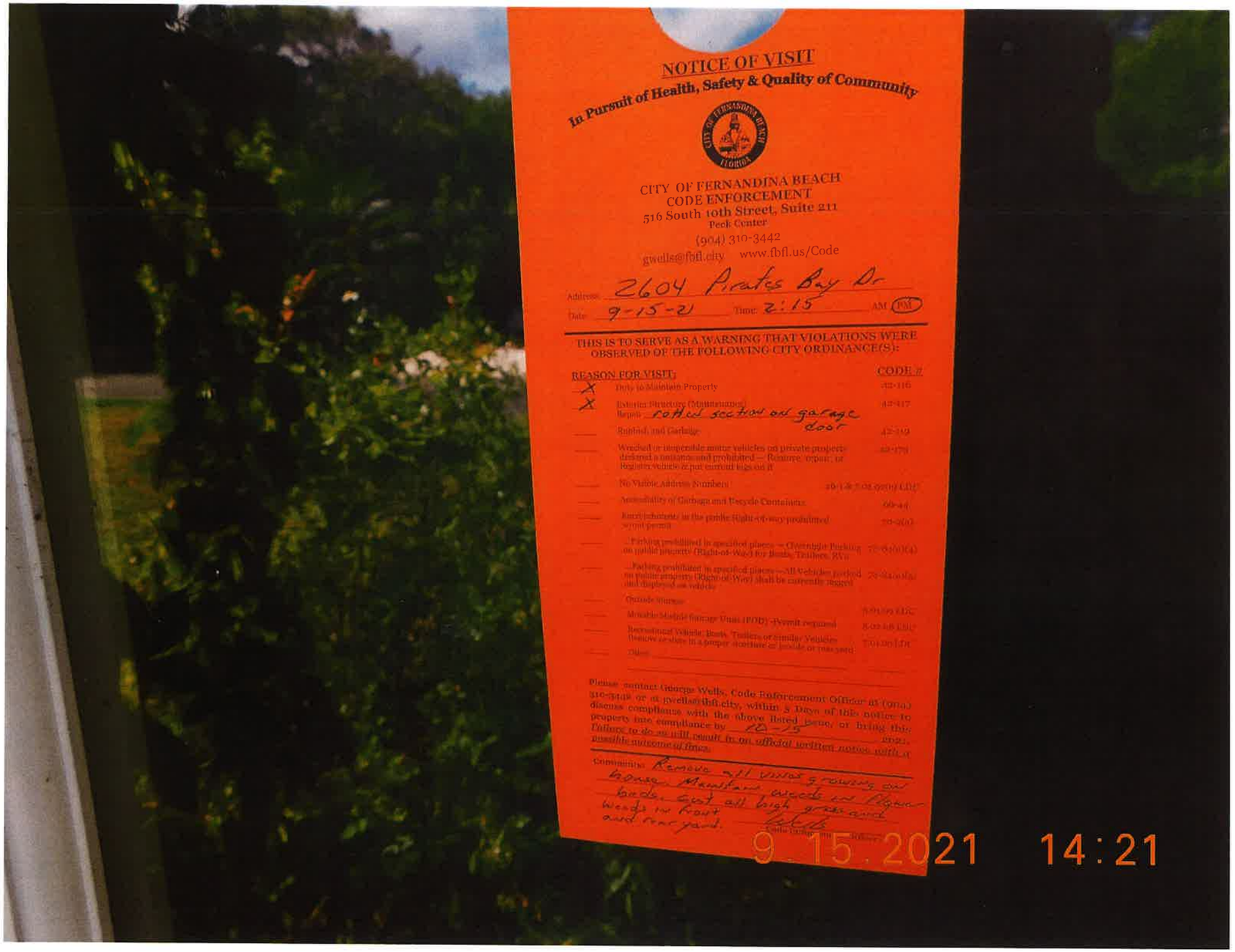
> On Dec 7, 2021, at 9:08 AM, George (Chip) Wells <gwells@fbfl.org> wrote:
>
> Good morning, Mr. Wielgosz
> I spoke with the new building official Mr. Jimmy Parr this morning about the stop work order issued for your property. He stated if you would call or come in this issue could be resolved it is in relation to some electrical work. I asked him about the code case issue and he said that would not need a permit to repair, so this work can be done above and beyond the stop work.
> Thanks, George Wells 904-310-3442
>
> George (Chip) Wells
> Code Enforcement Officer
> City of Fernandina Beach
> 516 South 10th Street, Suite 211
> Fernandina Beach, Florida 32034
> (904) 310-3442 | gwells@fbfl.org
> www.fbfl.us
>
> **If this email is related to the Board, Committee or Commission that you serve on, please DO NOT REPLY TO ALL.**
> Disclaimer: According to Florida Public Records Law, email correspondence to and from the City of Fernandina Beach, including er addresses and other personal information, is public record and must be made available to the public and media upon request, un otherwise exempted by the Public Records Law. If you do not want your email address released in response to a public records requ do not send electronic mail to this entity. Instead, contact this office by phone or in writing.
> -----Original Message-----
> From: Wil Wielgosz <wilwielgosz@yahoo.com>
> Sent: Tuesday, November 23, 2021 2:59 PM
> To: George (Chip) Wells <gwells@fbfl.org>
> Subject: Stop harassing me

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender, were expecting this email, and know the content is safe.

2604 Pirates Bay.

Stop work order issued by the ex stellar employee Beckman. Lawn is not long. Stop it now or I will add to my lawsuit. Targeted. Plain and simple. When illegal stop work order lifted I will repair small rot on garage. I refuse to violate the stop work order.

Sent from my iPhone



NOTICE OF VISIT

In Pursuit of Health, Safety & Quality of Community

CITY OF FERNANDINA BEACH
CODE ENFORCEMENT
516 South 10th Street, Suite 211
Peck Center
(904) 310-3442
gwells@fbfl.city www.fbfl.us/Code

Address: 2604 Pirates Bay Dr

Date: 9-15-21 Time: 2:15 AM PM

THIS IS TO SERVE AS A WARNING THAT VIOLATIONS WERE OBSERVED OF THE FOLLOWING CITY ORDINANCE(S):

	REASON FOR VISIT:	CODE #
X	Duty to Maintain Property	32-116
X	Exterior Structure (Maintenance) Repair: rotted section on garage door	42-117
___	Rubbish and Garbage	42-119
___	Wrecked or inoperable motor vehicles on private property declared a nuisance and prohibited — Remove, repair, or register vehicle or put current tags on it	42-179
___	No Visible Address Numbers	26-1 & 7-02 [illegible] LDC
___	Accessibility of Garbage and Recycle Containers	66-44
___	Recreational Vehicle, Boats, Trailers or similar Vehicles Remove or store in a proper structure or inside or rear yard	70-2(a)
___	...Parking prohibited in specified places — Overnight Parking on public property (Right-of-Way) for Boats, Trailers, RVs	72-8(a)(4)
___	...Parking prohibited in specified places — All Vehicles parked on public property (Right-of-Way) shall be currently tagged and displayed on vehicle	72-8(a)(5)
___	Outside Storage	5-01-[illegible] LDC
___	Movable Mobile Storage Units (POD) -Permit required	8-02-[illegible] LDC
___	Recreational Vehicle, Boats, Trailers or similar Vehicles Remove or store in a proper structure or inside or rear yard	7-01-[illegible] LDC
___	Other	

Please contact George Wells, Code Enforcement Officer at (904) 310-3442 or at gwells@fbfl.city, within 5 Days of this notice to discuss compliance with the above listed issue, or bring this property into compliance by 10-15 2021. Failure to do so will result in an official written notice with a possible outcome of fines.

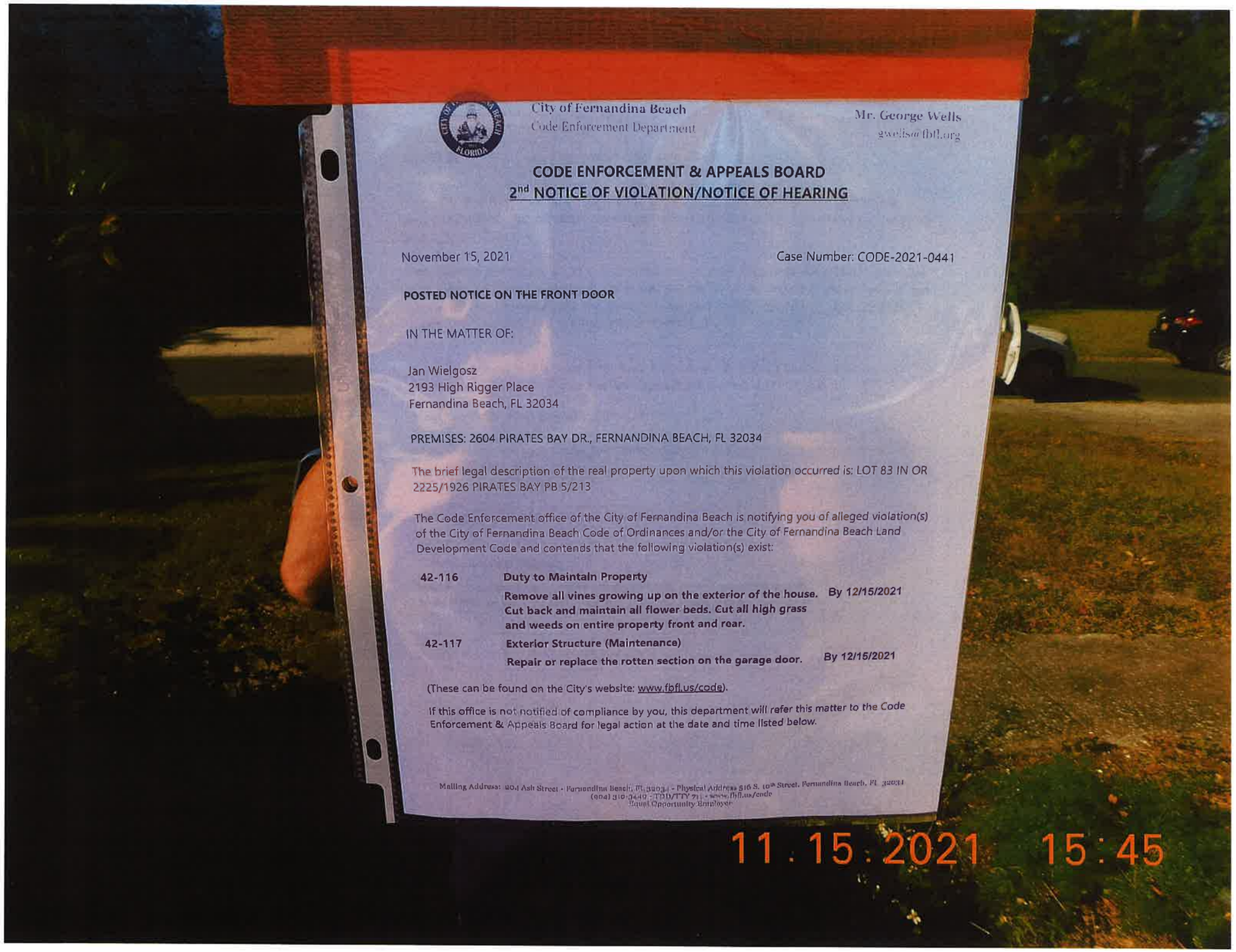
Comments: Remove all vines growing on house. Maintain weeds in flower beds. Cut all high grass and weeds in front and rear yard.

Code Enforcement Officer

9.15.2021 14:21

9.15.2021 14:20

COFB
11 . 15 . 2021 15 : 45



City of Fernandina Beach
Code Enforcement Department

Mr. George Wells
gwells@fbfl.org

CODE ENFORCEMENT & APPEALS BOARD
2nd NOTICE OF VIOLATION/NOTICE OF HEARING

November 15, 2021

Case Number: CODE-2021-0441

POSTED NOTICE ON THE FRONT DOOR

IN THE MATTER OF:

Jan Wielgosz
2193 High Rigger Place
Fernandina Beach, FL 32034

PREMISES: 2604 PIRATES BAY DR., FERNANDINA BEACH, FL 32034

The brief legal description of the real property upon which this violation occurred is: LOT 83 IN OR 2225/1926 PIRATES BAY PB 5/213

The Code Enforcement office of the City of Fernandina Beach is notifying you of alleged violation(s) of the City of Fernandina Beach Code of Ordinances and/or the City of Fernandina Beach Land Development Code and contends that the following violation(s) exist:

42-116	**Duty to Maintain Property**	
	Remove all vines growing up on the exterior of the house. Cut back and maintain all flower beds. Cut all high grass and weeds on entire property front and rear.	**By 12/15/2021**
42-117	**Exterior Structure (Maintenance)**	
	Repair or replace the rotten section on the garage door.	**By 12/15/2021**

(These can be found on the City's website: www.fbfl.us/code).

If this office is not notified of compliance by you, this department will refer this matter to the Code Enforcement & Appeals Board for legal action at the date and time listed below.

Mailing Address: 204 Ash Street • Fernandina Beach, FL 32034 • Physical Address: 816 S. 10th Street, Fernandina Beach, FL 32034
(904) 310-3440 • TDD/TTY 711 • www.fbfl.us/code
Equal Opportunity Employer

11.15.2021 15:45

2604
11.15.2021 15:45

2604
9.15.2021 14:20

9 15 2021 14:20

2604
9.15.2021 14:20

9.15.2021 14:24

STAFF REPORT
Case 2021-0456
City of Fernandina Beach Code Enforcement & Appeals Board
January 6, 2022

Violation Information

Owner	Donna K. Perkins 2673 Gregor McGregor Blvd. Fernandina Beach, Florida 32034
Violation	City of Fernandina Beach – Code of Ordinances, Section 42-173 Wrecked or inoperable motor vehicles on private property declared a nuisance and prohibited. – Remove, repair, or register all vehicles on private property and affix current tags on them. Section 42-117 Exterior Structure (Maintenance). – Replace all rotten wood on the right-side stairs and landing. Install balusters and handrails as required. The entry door on the 2nd floor landing has rotten wood needing repair or replacement. Replace section of fascia missing on the right side of the house. Obtain all necessary building permits as required.
Location:	2673 Gregor McGregor Blvd., Fernandina Beach, Florida 32034

Summary and Background Information

September 23, 2021 – We received an online complaint concerning this property from George Skidmore (Neighbor) about inoperable vehicles and maintenance of structure violations.

September 27, 2021 – We received a 2nd complaint about the violations on this property from Toni Brown in Utilities. I inspected the property and determined the silver van parked on the south side of the house was operable with a current tag, but the tires needed inflating. I saw no fluids leaking from this vehicle at this time. I advised the owner to keep the tires inflated and the grass maintained around the vehicle, there were several violations concerning the stairs and landing, along with an entry door that was rotten at the bottom. A section of fascia on the right side of the house was missing needing to be replaced. I recorded photographs of the violations.

October 28, 2021 – A second inspection was performed. The property was still in violation of 42-117.

November 1, 2021 – We mailed a certified NOV/NOH letter to the owner giving an additional 30 days to correct the maintenance of structure violations.

November 3, 2021 – The certified letter was delivered to this address and left with an Individual. Delivery signature was verified by the postman. The owner was given 30 days to correct violations.

November 9, 2021 – We received the return receipt card back from the post office with their Covid signature giving us proper service.

December 2, 2021 – I performed a NOV/NOH inspection which confirmed the property was still in violation of Code of Ordinances, Section 42-117.

December 20, 2021 – Michelle Forstrom and I did a field inspection to meet with George Skidmore and discuss enforcement actions.

December 21, 2021 – A pre-agenda inspection was performed confirming the property is still in violation of Code of Ordinances, Section 42-117.

Conclusion.
This property is still in violation of Code of Ordinances, Section 42-117. All repairs and maintenance of structure items have not been completed.

Recommendation.
The City recommends a motion to be made to find the respondent in violation of Code of Ordinances, Section 42-117 Exterior Structure (Maintenance), allowing the Respondent (30) thirty additional days to come into compliance by 02/06/2022. The City recommends a motion to be made that all administration fees be paid by the Respondent and a fine of $50.00 per day for the violation to begin on 02/07/2022 if not in compliance, with a lien placed on this property on 03/22/2022.

George Wells

George Wells

Code Enforcement Officer

CITY OF FERNANDINA BEACH
Code Enforcement Department
(904) 310-3440

George Wells
Code Enforcement Officer
(904) 310-3442

ADMINISTRATIVE FEES INCURRED FROM
2673 Gregor McGregor Blvd.
1/6/2022
CODE CASE #2021-0456

STAFF PERSONNEL OR ITEMS	# OF UNITS OR HOURS	PRICE OR RATE PER HOUR	TOTAL
Michelle Forstrom, Code Enforcement Director	2	$28.42	$56.84
George Wells, Code Enforcement Officer	5.5	$24.40	$134.20
Crystal Turner, Administrative Coordinator/Board Secretary	3	$20.19	$60.57
Tammi Bach, City Attorney	0.5	$72.29	$36.15
Katie Newton, Legal Assistant	0.5	$27.16	$13.58
Record Findings of Facts with the Clerk of Circuit Court of Nassau County	1	$23.50	$23.50
Certified letters mailed	1	$6.98	$6.98
First Class letters mailed	1	$0.51	$0.51

TOTAL ADMINISTRATIVE FEES DUE $332.33

*****TOTAL AMOUNT DUE MUST BE PAID IN FULL TO CLOSE THIS CASE AND AVOID A LIEN ON THIS PROPERTY*****

City of Fernandina Beach
Code Enforcement Department

Mr. George Wells
gwells@fbfl.org

CODE ENFORCEMENT & APPEALS BOARD
NOTICE OF VIOLATION/NOTICE OF HEARING

November 1, 2021

Case Number: CODE-2021-0456

Cert. #: 7020 2450 0002 0267 3284

IN THE MATTER OF:

Donna K. Perkins
2673 Gregor McGregor Blvd.
Fernandina Beach, Florida 32034

PREMISES: 2673 GREGOR MCGREGOR BLVD., FERNANDINA BEACH, FL 32034

The brief legal description of the real property upon which this violation occurred is: BLOCK A LOT 19

The Code Enforcement office of the City of Fernandina Beach is notifying you of alleged violation(s) of the City of Fernandina Beach Code of Ordinances and/or the City of Fernandina Beach Land Development Code and contends that the following violation(s) exist:

42-173	**Wrecked or inoperable motor vehicles on private property declared a nuisance and prohibited**	
	Inflate tires and maintain grass around operable vehicle.	**By 12/1/2021**
42-117	**Exterior Structure (Maintenance)**	
	Install required handrails and balusters on stairs and landing to upstairs entry doorway. Repair or replace rotten 2nd story entry door. Replace missing fascia board on the south side of the house. Pull all building permits as required.	**By 12/1/2021**

(These can be found on the City's website: www.fbfl.us/code).

If this office is not notified of compliance by you, this department will refer this matter to the Code Enforcement & Appeals Board for legal action at the date and time listed below.

DATE: January 6, 2022

TIME: 5:30 PM

LOCATION: City Commission Chambers, 204 Ash St

YOU HAVE THE RIGHT to appear before the Board at that time to answer and defend the allegations that you have violated the above cited provision(s) of the Code of Ordinances/Land Development Code.

If the Board finds that you are in violation, they will consider all appropriate actions required to bring the property into compliance, which may include, but is not limited to the recovery of fees, fines which may be imposed for the duration of the non-compliance (NOT TO EXCEED $250.00 per day, per violation), and in some cases demolition.

Please be advised that the Rules of the Code Enforcement & Appeals Board and the Code of Ordinances of the City of Fernandina Beach govern the procedures of the Board.

PLEASE GOVERN YOUR SELF ACCORDINGLY.

If you have any questions, please feel free to contact me (please see my attached business card for contact information).

George Wells

Code Enforcement Officer

Hearing impaired or non-English speaking individuals may request a language or sign interpreter at least (10) ten working days prior to this hearing. Please contact the City Clerk's office at (904) 310-3115.

RECEIVED
NOV 04 2021
CODE ENFORCEMENT
FERNANDINA BEACH, FLORIDA

U.S. Postal Service™ Code Enf
CERTIFIED MAIL® RECEIPT
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

OFFICIAL USE 204

Certified Mail Fee	$ 3.60
Extra Services & Fees (check box, add fee as appropriate)	
☑ Return Receipt (hardcopy)	$ 2.85
☐ Return Receipt (electronic)	$
☐ Certified Mail Restricted Delivery	$
☐ Adult Signature Required	$
☐ Adult Signature Restricted Delivery	$
Postage	$ .53
Total Postage and Fees	$ 6.98

Postmark Here

7020 2450 0002 0267 3284

Donna K. Perkins
2673 Gregor McGregor Blvd.
Fernandina Beach, Florida 32034

or Instructions

RECEIVED
NOV 09 2021
CODE ENFORCEMENT
FERNANDINA BEACH, FLORIDA

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Donna K. Perkins
2673 Gregor McGregor Blvd.
Fernandina Beach, Florida 32034

9590 9402 6323 0296 8471 96

2. Article Number *(Transfer from service label)*
7020 2450 0002 0267 3284

COMPLETE THIS SECTION ON DELIVERY

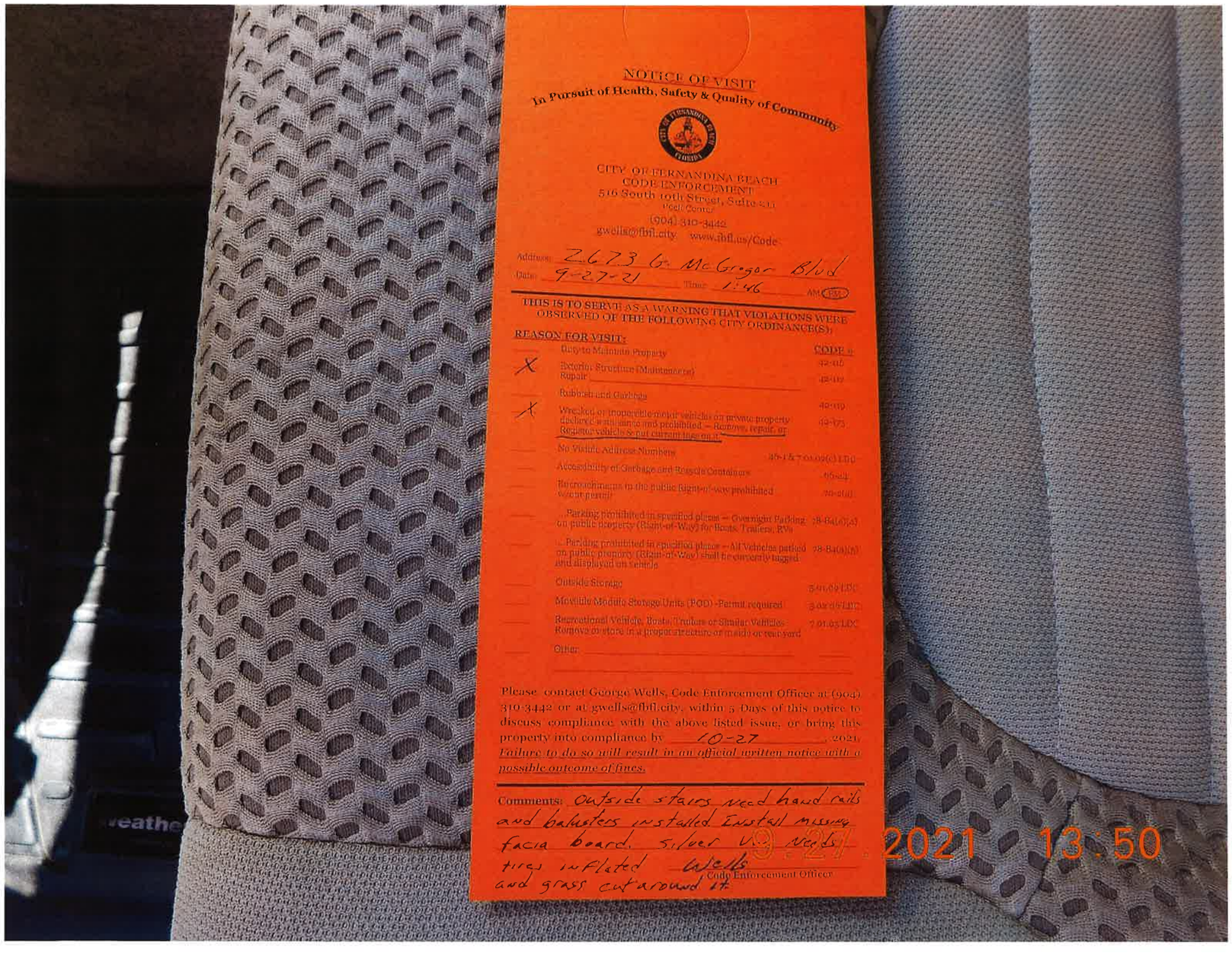
A. Signature
X DER CY ☑ Agent ☐ Addressee

B. Received by *(Printed Name)* C19 C. Date of Delivery 11/3/21

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☑ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2020 PSN 7530-02-000-9053 Domestic Return Receipt



NOTICE OF VISIT

In Pursuit of Health, Safety & Quality of Community

CITY OF FERNANDINA BEACH
CODE ENFORCEMENT
516 South 10th Street, Suite 211
Peck Center
(904) 310-3442
gwells@fbfl.city www.fbfl.us/Code

Address: 2673 G. McGregor Blvd
Date: 9-27-21 Time: 1:46 AM PM

THIS IS TO SERVE AS A WARNING THAT VIOLATIONS WERE OBSERVED OF THE FOLLOWING CITY ORDINANCE(S):

REASON FOR VISIT:

		CODE #
	Duty to Maintain Property	42-115
X	Exterior Structure (Maintenance) Repair	42-117
	Rubbish and Garbage	42-119
X	Wrecked or inoperable motor vehicles on private property declared a nuisance and prohibited — Remove, repair, or Register vehicle & put current tags on it	42-173
	No Visible Address Numbers	46-1 & 7.01.02(c) LDC
	Accessibility of Garbage and Recycle Containers	66-24
	Encroachments in the public Right-of-way prohibited w/out permit	70-2(d)
	Parking prohibited in specified places — Overnight Parking on public property (Right-of-Way) for Boats, Trailers, RVs	78-84(a)(a)
	Parking prohibited in specified places — All Vehicles parked on public property (Right-of-Way) shall be currently tagged and displayed on vehicle	78-84(a)(b)
	Outside Storage	5.01.09 LDC
	Movable Module Storage Units (POD) -Permit required	5.02.05 LDC
	Recreational Vehicle, Boats, Trailers or Similar Vehicles Remove or store in a proper structure or inside or rear yard	7.01.03 LDC
	Other:	

Please contact George Wells, Code Enforcement Officer at (904) 310-3442 or at gwells@fbfl.city, within 5 Days of this notice to discuss compliance with the above listed issue, or bring this property into compliance by 10-27, 2021. *Failure to do so will result in an official written notice with a possible outcome of fines.*

Comments: Outside stairs need hand rails and balusters installed. Install missing facia board. Silver V... Needs tires inflated and grass cut around it.

Wells
Code Enforcement Officer

9.27.2021 13:50

9.27.2021 13:50

9.27.2021 13:52

9.27.2021 13:50

CHRYSLER
9.27.2021 13:50

ARTICLE VI – CODE ENFORCEMENT

Section. Intent

It is the intent of this article to promote, protect, and improve the health, safety, and welfare of the citizens of the City of Fernandina Beach by authorizing the creation of one or more code enforcement special magistrates ("special magistrate") with authority to impose administrative fines and other non-criminal penalties to provide an equitable and expeditious method of enforcing certain codes and ordinances in force in the City, where a pending or repeated violation continues to exist.

Section. Definitions

The following words, terms and phrases used in this article, have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

City Commission means the legislative body of the City of Fernandina Beach.

City Code and City Ordinances means the Code of Ordinances or the Land Development Code of the City of Fernandina Beach, as amended from time to time.

Code inspector or *code enforcement officer* means any authorized agent or employee of the city whose duty it is to assure code compliance.

Person means an individual, firm association, organization, partnership, company, corporation, or any other business entity, trust, whether government or private.

Repeat violation means a violation of a provision of a code or ordinance by a person who has been previously found by the special magistrate(s), through a code enforcement board or any other quasi-judicial or judicial process, to have violated or who has admitted violating the same provision within five years prior to the violation, notwithstanding the violations occur at different locations.

Special magistrate: any special magistrate appointed by the City Commission to hear code enforcement violation cases and/or appeal cases.

Violator means the person responsible for the code violation, which, in the appropriate circumstances, is either the perpetrator of the violation or the owner of the real property upon which the violation occurred.

Section. Appointment of Special Magistrate

(a) The special magistrate is appointed by the City Commission and serves with compensation as established by the City Commission upon appointment. The City may utilize the services of one or more special magistrates to conduct hearings concerning the City Code and City Ordinances.

(b) The special magistrate appointed pursuant to this Article must be a graduate of an American Bar Association-approved law school, and possess a minimum of five (5) years prior legal experience. Preference will be granted to residents of the City of Fernandina Beach who possess such qualifications.

(c) Special magistrates serve for terms established by the City Commission. Special magistrates are subject to removal, with or without cause, from their positions at any time during their term, by the City Commission.

Section. Jurisdiction of Special Magistrate

(a) The special magistrate has the jurisdiction and authority to hear and decide alleged violations of the following:

(1) City of Fernandina Beach Code of Ordinances or Land Development Code;

(2) State, county and local laws and ordinances whose intent is to promote the health, welfare and safety of the citizens of the City;

(3) Appeals originating from the issuance of citations by code enforcement officers due to violations of the Code of Ordinances and Land Development Code of the City of Fernandina Beach

(b) Any alleged violation of the aforesaid Code of Ordinances or Land Development Code may also be enforced in a court of competent jurisdiction.

Section. Powers and duties

(a) The Special Magistrate has the power to:

(1) Adopt rules for the conduct of hearings; provided, however, that the rules are uniform for all special magistrates.

(2) Subpoena alleged violators and witnesses to hearings;

i. Subpoenas may be served by the city police department;

(3) Subpoena evidence including books, paper records, documents, photographs, and electronically stored information to hearings;

(4) Administer oaths and take testimony under oath;

(5) Enter orders finding a violation or non-violation;

(6) Issue orders having the force of law to command whatever steps are necessary to bring a violation into compliance.

Section. Notice of Violation/Notice of Hearing

(a) It is the duty of the code inspector to initiate enforcement proceedings of the various codes and ordinances under the jurisdiction of the special magistrate and more particularly set out hereinafter; however, no special magistrate has the power to initiate such enforcement proceedings.

(b) Except as provided in subsection (c), if a violation of any such code or ordinance is found, the code inspector will notify the violator and give him or her a reasonable time to correct the violation. Should the violation continue beyond the time specified for correction, the code inspector will notify the special magistrate in writing, specifying the alleged violations of code or ordinance then existing and request a hearing. The special magistrate, through clerical staff, will schedule a hearing, and written notice of such hearing will be hand delivered or mailed as provided in § 162.12, Florida Statutes, to the property owner and/or the violator. At the option of the special magistrate, notice may additionally be served by publication or posting as provided § 162.12, Florida Statutes. If the violation is corrected and then recurs, or if the violation is not corrected by the time specified for correction by the code inspector, the case may be presented to the special magistrate even if the violation has been corrected prior to the hearing, and the notice will so state.

(c) If a repeat violation is found, the code inspector must notify the violator but is not required to give the violator a reasonable time to correct the violation. The code inspector, upon notifying the violator

of a repeat violation, will notify the special magistrate and request a hearing. The special magistrate, through clerical staff, will schedule a hearing and provide notice pursuant to § 162.12, Florida Statutes. The case may be presented to the special magistrate even if the repeat violation has been corrected prior to the hearing and the notice will so state. If the repeat violation has been corrected, the special magistrate retains the right to schedule a hearing to determine costs and impose the payment of reasonable enforcement fees upon the repeat violator. The repeat violator may choose to waive his or her rights to this hearing and pay said costs as determined by the special magistrate.

(d) If the code inspector has reason to believe a violation presents a serious threat to the public health, safety and welfare or if the violation is irreparable or irreversible in nature, the code inspector will make a reasonable effort to notify the property owner and/or violator, and may immediately notify the special magistrate and request a hearing. The code inspector will, in their discretion, also notify the City Police Department, the Department of Health, or such other public safety agency as the code inspector deems appropriate.

(e) If the owner of property that is subject to an enforcement proceeding before an enforcement board, special magistrate, or court transfers ownership of such property between the time the initial pleading was served and the time of the hearing, such owner must:

(1) Disclose, in writing, the existence and the nature of the proceeding to the prospective transferee.

(2) Deliver to the prospective transferee a copy of the pleadings, notices, and other materials relating to the code enforcement proceeding received by the transferor.

(3) Disclose, in writing, to the prospective transferee that the new owner will be responsible for compliance with the applicable code and with orders issued in the code enforcement proceeding.

(4) File a notice with the code inspector of the transfer of the property, with the identity and address of the new owner and copies of the disclosures made to the new owner, within five (5) days after the date of the transfer.

A failure to make the disclosures described in paragraphs (e)(1) through (e)(3) before the transfer creates a rebuttable presumption of fraud. If the property is transferred before the hearing, the proceeding will not be dismissed, but the new owner will be provided a reasonable period to correct the violation before the hearing is held.

Section. Conduct of Hearings

(a) Upon request of the code inspector, or at such other times as may be necessary, the special magistrate may call a code enforcement hearing. Minutes are kept of all hearings by the special magistrate through clerical staff; and all hearings and proceedings are open to the public and recorded. The City will provide clerical and administrative personnel as may be reasonably required by the special magistrate for the proper performance of their duties.

(b) Each case before the special magistrate will be presented by the City's code inspection staff or the City Attorney.

(c) The alleged violator has the right to be represented by an attorney, however, the alleged violator or their attorney must provide written notice of such representation at least five (5) working days prior to the scheduled date of hearing to the special magistrate and the City Attorney.

(c) The special magistrate will hear the cases on the agenda for that day. All testimony will be under oath and be recorded. The special magistrate will take testimony from the code inspector, alleged violator, and any witnesses. Formal rules of evidence do not apply, but fundamental due process is observed and governs the proceedings. Formal discovery, including depositions, is not permitted.

(d) If written notice of the code enforcement hearing has been provided to any alleged violator, the hearing may be conducted in the absence of the violator.

(e) The special magistrate may, at his or her own discretion, postpone or continue a hearing.

(f) The special magistrate may issue findings of fact, based on evidence of record and conclusions of law; and may issue an order affording the proper relief consistent with powers granted in this article and in Chapter 162, Florida Statutes at the conclusion of the hearing. All such findings of fact, conclusions of law, and orders will be issued not later than thirty (30) days from the date of the hearing. The order may include a notice that it must be complied with by a specified date and that a fine may be imposed if the order is not complied with by said date. A certified copy of such order may be recorded in the public records of the county and will constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property. The findings therein will be binding upon the violator and, if the violation concerns real property, any subsequent purchasers, successors in interest, or assigns. If an order is recorded in the public records pursuant to this subsection and the order is complied with by the date specified in the order, the special magistrate will issue an order acknowledging compliance that will be recorded in the public records. A hearing is not required to issue such an order acknowledging compliance.

(g) Notification of the special magistrate's action will be delivered by the City to the violator by regular mail within ten (10) days of the date that order is executed.

Section. Penalties for violation, liens

(a) The special magistrate, upon written notification by the code inspector that an order of the special magistrate has not been complied with by the date specified in the magistrate's order, may order the violator to pay a fine in an amount specified in this section for each day past the date set by the special magistrate for compliance. Upon written notice to the special magistrate of a repeat violation and a hearing thereon, the special magistrate may order the violator to pay a fine in an amount specified in this section for each day the repeat violation continues past the date of notice to the violator of the repeat violation. If there is a finding of the continuance of a violation beyond the date specified for compliance, at the discretion of the special magistrate, a hearing is not necessary for the issuance of an order imposing a fine on the violator.

(b) A fine imposed pursuant to this section may not exceed two hundred fifty dollars ($250.00) per violation per day for a first violation, may not exceed five hundred dollars ($500.00) per violation per day for a repeat violation, and may not exceed five thousand dollars ($5,000.00) for a violation found to be irreparable or irreversible in nature.

In determining the amount of the fine, if any, the special magistrate will consider the following factors:

(1) The gravity of the violation;

(2) Any actions taken by the violator to correct the violation; and,

(3) Any previous violations committed by the violator.

(c) A certified copy of an order imposing a fine may be recorded in the public records, and thereafter will constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the violator. Upon petition to the circuit court, such order may be enforced in the same manner as a court judgment by the sheriffs of this state, including execution and levy against the personal property of the violator, but such order will not be deemed a court judgment except for enforcement purposes. A fine imposed pursuant to this section will continue to accrue until the violator comes into compliance or until judgment is rendered in a suit to foreclose on a lien filed pursuant to this section, whichever occurs first. A lien arising from a fine imposed pursuant to this section runs in favor of the City, and the City may execute a satisfaction or release of lien entered pursuant to this section. After three (3) months from the filing of any such lien that remains unpaid, the City may foreclose on the lien or to sue to recover a money judgment for the lien plus accrued interest. No lien created pursuant to the provisions of this section may be foreclosed on real property that is a homestead under Section 4, Article X of the State Constitution. The money judgment provisions of this section do not apply to real or personal property that is covered under Section 4(a), Article X of the State Constitution.

(d) No lien provided under this article will continue for a period longer than twenty (20) years after the certified copy of an order imposing a fine has been recorded, unless within that time an action to foreclose on the lien is commenced in a court of competent jurisdiction, In an action to foreclose on a lien, the prevailing party is entitled to recover all costs, including a reasonable attorney's fees, that it incurs in the foreclosure. The continuation of the lien effected by the commencement of the action will not be good against creditors or subsequent purchasers for valuable consideration without notice, unless a notice of lis pendens is recorded.

Section. Appeals of Special Magistrate decisions

An aggrieved party, including the City, may appeal a final administrative order of the special magistrate to the circuit court. Such an appeal will not be a hearing de novo but be limited to appellate review of the record created before the special magistrate. An appeal must be filed within thirty (30) days of the execution of the order to be appealed.