

**CODE ENFORCEMENT HEARINGS OF THE
SPECIAL MAGISTRATE
MONTVERDE, FLORIDA
THURSDAY, AUGUST 13, 2020
1:00 P.M.**

**MONTVERDE TOWN HALL
MAYOR'S OFFICE**

**17404 SIXTH ST
MONTVERDE , FLORIDA**

I. CALL TO ORDER:

II. SWEARING IN:

III. ANNOUNCE FORMAT OF PROCEEDINGS/ANNOUNCE ADVICE TO PUBLIC:

IV. NEW BUSINESS:

V. OLD BUSINESS

**Non-Compliance Hearing for Case No. CE2019-062- 16751 Seventh St
(AKA Country Road 455)**

Violations: Violation of Town Code, Section(s):

Sec. 26-73 Description: Charge or rate for water service

Full Violation: Users of the service of the waterworks system shall pay therefor a charge or rate as currently established or as hereafter adopted by Resolution of the Town Council from time to time.

Date violation first observed: November 6, 2018

Date by which the violation was to be corrected: December 18, 2018

Date of Non-Compliance: October 8, 2019

Payment received October 9, 2019

Partial Payment December 23, 2019, Partial Payment January 7, 2020

Partial Payment April 23, 2020. Partial Payment July 28, 2020

Payment in full July 30, 2020

Sec. 26-74 Description: Unlawful connection

Full Violation: No person shall be allowed to connect into the waterworks system without the written consent of the Town Council, and then the connection with such system shall only be made under the direction and supervision of the Municipal Director of Public Works. Any property owner of plumber who shall make any connections without such consent shall, upon conviction, be subject to the general penalty.

Date violation first observed: November 6, 2018

Date by which the violation was to be corrected: December 18, 2018

Date of Non-Compliance: October 18, 2019

As of August 10, 2020 the property is still in Non-Compliance

Sec. 26-77 Description: Payment of fee; and bills required

Full Violation: Bills for the monthly charges and fees referenced in sections 26-72 and 26-73 shall be submitted by the municipal Town Clerk and shall be paid by the users monthly. If any monthly bill for water service remains unpaid on or after 20 days from the date of the submission of said bill for such service, a penalty of ten percent of said bill shall be imposed

and be added to said bill; and, if said bill shall remain due and unpaid for a period of 30 days from the date of submission of such bill, the water service to the consumer shall be discontinued and shall be be reconnected until all past due charges shall have been fully paid, together with a reconnection charge as currently established or as hereafter adopted by Resolution of the Town Council from time to time.

Date violation first observed: November 6, 2018
Date by which the violation was to be corrected: December 18, 2018
Date of Non-Compliance: October 8, 2019 – Payment received October 9, 2019
Partial Payment December 23, 2019, Partial Payment January 7, 2020
Partial Payment April 23, 2020, Partial Payment July 28, 2020
Payment in full July 30, 2020

Sec. 26-78 Description: No Service Free

Full Violation: No water shall be furnished fee of charge to any person whatsoever, and each and every agency, department or instrumentality which uses the waterworks system shall pay therefor at the rate fixed by this article.

Date violation first observed: November 6, 2018
Date by which the violation was to be corrected: December 18, 2018
Date of Non-Compliance: October 8, 2019 – Payment received October 9, 2019
Partial Payment December 23, 2019, Partial Payment January 7, 2020
Partial Payment April 23, 2020, Partial Payment July 28, 2020
Payment in full July 30, 2020

Sec 18-20 Description: Charge for Waste Pickup

Full Violation: The Town is authorized to charge individuals or entitles, Including, but not limited to, residential and commercial customers, the cost of waste pickup, and to place such charges on the entities' water bills or collect said charges in any other practical manner. Any Town of Montverde water utility customer within the corporate limits of the Town of Montverde shall be required to obtain garbage service provided by the Town and shall be financially responsible for such garbage charge. Notwithstanding anything to the contrary contained herein, a water utility customer of a vacant residence, of any other building, including but not limited to a commercial building or industrial building, or of a lot/land unimproved by a residence or other building (collectively, "the property") shall not be required to obtain from the Town and pay for garbage service for the property for the period of time the property is vacant or unimproved and garbage service is not being utilized.

Date violation first observed: April 11, 2019
Date by which the violation was to be corrected: June 14, 2019
Date of Non-Compliance: October 8, 2019 – Payment received October 9, 2019
Partial Payment December 23, 2019, Partial Payment January 7, 2020
Partial Payment April 23, 2020, Partial Payment July 28, 2020
Payment in full July 30, 2020

Non-Compliance Hearing for Case No. 2020-02-02 16751 Seventh St. 16751 (AKA 16751 CR 455)

Violations: Violation of Town Code, Section(s):

Chapter 10 – Sec 10-90 (a)(b)(c)(d)

Description: Livestock, Farm Animals, and Fowl

- (a) *Applicability.* No person shall breed or maintain farm animals, fowl, or other livestock within the Town limits unless such person complies with the zoning restrictions outlined in this article. “Farm animals, fowl, or other livestock” shall include but are not limited to chickens, roosters, turkeys, guinea fowl, pigeons, peacocks, parrots, pheasants, psittacines, emus, lamas, alpacas, horses, mules, donkeys, jackasses, jennies, bulls, cows, calves, steers, goats, hogs, rabbits, or sheep. Hogs are not permitted within the Town. However, one (1) pot belly pig 120-lbs in weight or less is permitted per one parcel as a pet.
- (b) *Keeping fowl, rabbits or goats.* A resident is permitted to raise chickens provided it is consistent with (d) below. However, any person residing on a parcel 1-acre or more in size within the Town is permitted to maintain fowl, including but not limited to chickens, turkeys, guinea fowl, pigeons, peacocks, parrots, pheasants or psittacines, and rabbits or goats, however, must completely enclose the area in which the fowl, rabbits or goats are kept by an opaque fence with slats at least six feet in height or a manufactured wood privacy fence with no holes or rot at least six feet in height completely surrounding such area. The fence may only be in the rear yard of any lot and must be set back from the property line on the back and on the sides at least 15 feet. **Roosters are not permitted to be maintained within any zoning district in the Town of Montverde.** No more than ten (10) total fowl species including chickens, turkeys, all other farm raised birds, and rabbits and goats shall be permitted on any parcel 1-acre or more in size. No more than ten (10) total fowl species including chickens, turkeys, all other farm raised birds, and rabbits and goats shall be permitted on any parcel 1-acre or more in size. It shall be unlawful and a violation of this chapter for any person to allow, permit any chicken, rooster, turkey, guinea fowl, pigeon, peacock, parrot, pheasant, psittacine or other domestic fowl to run at large within the corporate limits of the Town.
- (c) *Chickens.* **Chickens other than roosters, shall be allowed for personal use as an accessory use on lots less than 1-acre within the following residential districts: R1-L, R1-M, RA/MH, R2, R3, and ORC.** Any person keeping, harboring, raising or maintaining chickens as an accessory to an occupied dwelling unit shall be subject to the following restrictions:
1. No more than five (5) chickens may be kept;
 2. Slaughtering of chickens is prohibited;
 3. Chickens must be secured within the chicken coop or fenced enclosure at all times;
 4. All feed and other items associated with the keeping of chickens that are likely to attract or to become infested with rodents or other pests shall be kept in a rodent and pest-proof container;
 5. No manure shall be allowed to accumulate on the floor of the coop or ground. A fly-tight bin for storage of manure shall be utilized; the size shall be sufficient to contain all accumulations of manure. The fly-tight bin shall be kept at least fifteen (15) feet away from all property; and
 6. Composting of chicken manure shall be allowed in an enclosed bin. The composting bin shall be kept at least twenty (20) feet away from all property lines.
 7. Chicken coop or fenced enclosure used to house chickens. Any chicken coop or fenced enclosure used to house chickens shall:
 - a. Not be located in the front or side yards; and
 - b. Be set back a minimum of fifteen (15) feet from all property lines.

Date violation first observed: February 21, 2020

Date by which the violation was to be corrected: March 12, 2020

Date of Non-Compliance: March 13, 2020 and as of August 10, 2020 the property is still in non-compliance.

ADJOURN

If a person decides to appeal any decision made by the Board, Agency or Commission with respect of any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purposes, he or she may need to ensure that a verbatim records of the proceedings be made, which record includes the testimony and evidence upon which the appeal is based.

In accordance with the Americans with Disabilities Act (ADA), if a person with a disability defined by the ADA needs special accommodation to participate in this proceeding, then not later than two (2) business days prior to the proceeding, he or she should contact the Town of Montverde, at 17404 Sixth St., Montverde, FL (407) 469-2681.