



**CODE ENFORCEMENT HEARINGS OF THE  
SPECIAL MAGISTRATE  
MONTVERDE, FLORIDA  
WEDNESDAY, JULY 19, 2023  
10:00 A.M.**

**MONTVERDE TOWN HALL  
COUNCIL CHAMBERS**

**17404 SIXTH ST  
MONTVERDE, FLORIDA**

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**I. CALL TO ORDER:**

**II. CITY CLERK ADMINISTRATION OF OATH TO RESPONDENTS/WITNESSES:**

*I solemnly affirm that the evidence that I shall give shall be the truth, the whole truth, and nothing but the truth.*

**III. ANNOUNCE FORMAT OF PROCEEDINGS:**

**IV. CODE ENFORCEMENT OFFICER/TOWN MANAGER AGENDA UPDATES**

**V. NEW CODE COMPLIANCE CASES:**

**Case No. CE 23-000226 - REQUEST ORDER OF ENFORCEMENT**

**Respondent: Pulte Homes**

**Willow Ridge Subdivision**

**1. Soil and mud not being kept of public roadways. Evidence of soil leaving the site.**

Sec. 4-610. - Erosion control.

No erosion shall be allowed such that soil is discharged from the site to the adjacent public or private properties. Should such erosion occur, the discarded soil should be removed within 24 hours and the permittee shall be subject to penalties as set forth in section 1-12.

(1)Soil stabilization shall be completed within five days of clearing or inactivity in construction.(2)If sodding has not become established within two weeks, the town may require that a nonvegetative option be employed.(3)On steep slopes or in drainageways, special techniques that meet the design criteria outlined in the FDEP's Erosion and Sediment Control Manual shall be used to ensure stabilization.(4)Soil stockpiles must be stabilized, covered at the end of each workday or surrounded with silt fence.(5)Techniques shall be employed to prevent the blowing of dust or sediment from the site.(6)Techniques that divert upland runoff past disturbed slopes shall be employed.(7)Sediment controls shall be provided as follows: a. Sediment controls shall be provided in the form of settling basins or sediment traps or tanks, and perimeter controls as necessary. B . Where possible, settling basins shall be designed in a manner that allows adaptation to provide long-term stormwater management. c. Adjacent properties shall be protected by the use of a vegetated buffer strip, in combination with perimeter controls.

2. Construction entrance has filled with sand and clay and needs clean rock installed. Second unpermitted construction entrance along Blackstill needs closed and silt fence installed.

Sec. 4-612. - Construction site access.

(a)A temporary access road shall be provided at all sites.(b)Other measures may be required, at the town's discretion, in order to ensure that construction vehicles do not track sediment onto public streets, or washed into storm drains.

3. Silt Fence needs repaired, inlet protection is not working properly.

Sec. 12-151. - Purpose and applicability.

(a)During the construction of improvements, soil can be transported as dust and sediment carried by wind, water, and other forces. This erosion can cause negative impacts to surrounding properties and public rights-of-way.(b)This article shall govern the protection of soil and the prevention of its erosion when it is most likely to occur, during the construction process.(c)The construction process shall be considered from the date that a building permit (or development permit/zoning release if a building permit is not required) is issued to the date that a certificate of occupancy is issued. This shall include both active and abandoned construction projects.(d)The article shall apply to all lands within the town.

Sec. 12-154. - Installation of erosion control measures prior to the start of construction.

The following erosion control measures shall be installed prior to the start of any clearing or excavation of any site within the town:

4. North boundary along Fosgate needs either the silt fence reinstalled or sode placed to prevent erosion of exposed soil.

(1)Sediment control. Silt fencing that complies with Town Grading Detail G-2 (available from the town clerk) shall be placed at the base of a slope steeper than five percent (20 feet horizontal to one foot vertical) or along the downslope property line if the slope continues beyond the property line. Any area proposed as a stockpile area shall be surrounded by silt fencing or other sediment control measures.(2)Tree protection. All trees that are to remain on the property shall be protected with silt fencing that complies with Town Grading Detail G-2 (available from the town clerk). The silt fencing shall be placed around the dripline of the tree. No excavation shall take place inside the silt fencing other than the installation of approved irrigation water supply lines less than three inches in diameter.(3)Construction entrance. A construction entrance shall be placed adjacent to the paved roadway that is utilized to access the site. The construction entrance shall be a minimum of ten feet wide and 20 feet long (where feasible, with a minimum of ten feet long) and shall be constructed of crushed concrete, large aggregate, or a similar material. All access to or from the site shall be through the construction entrance.(4)Inlet protection. Any stormwater inlets on the subject property or in a public right-of-way within 100 feet of a public right-of-way shall be protected with filter fabric or other sediment, control measures.

Sec. 12-155. - Control of dust during construction.

(a)An exposed area of soil is an area that is greater than 1,000 square feet in size, is not covered with a stable nonvegetative ground cover, and if, covered with a vegetative ground cover, that vegetative ground cover is less than 40 percent. Such areas are susceptible to erosion due to wind and the creation of excessive dust.(b)Any exposed area of soil shall not remain as such for longer than seven calendar days unless water is applied daily to control dust. No more than one-eighth inch of water shall be applied in a single day. Any measurable rainfall during a given day shall be considered an application of water for that day.

Sec. 12-156. - Control of sediment during construction.

Any soil or sediment that is transported off the subject property by dust, erosion, or any reason shall be removed from the area where it has accumulated by the responsible entity within three days. Any eroded soil or sediment, other than planned soil stockpile areas, that collects to a depth of more than six inches and is closer than five feet from any property line shall be relocated on the site or removed from the site within three days.

Sec. 12-157. - Inspection of erosion control measures during construction.

Erosion control measures shall be inspected weekly and after every rainfall event greater than one-half inch. The inspection reports shall be retained at the site of the project and shall include the following information:

(1)Date and time of the inspection.(2)Reason for the inspection (weekly or rainfall).(3)List of measures that were inspected.(4)List of any repairs made or maintenance completed.(5)Name and signature of the person conducting the inspection.

Sec. 12-158. - Removal of erosion control measures.

Erosion control measures shall remain in place and be inspected as noted above until the following conditions have been met:

(1)All slopes must be stable with final ground cover.(2)All drainage conveyance channels shall be stable with final ground cover.(3)All areas that are not covered with an impervious surface shall have received stable final ground cover, such a grass, vegetation, mulch, stone, etc.(4)All areas with vegetative cover shall have vegetation that is at least 80 percent successful.(5)The site has been inspected and approved by the mayor or their designated representative, such as the public works superintendent, town engineer, or town planner.

Sec. 12-159. - Violation, enforcement and penalties.

Any violation of this article shall be considered a violation of the Land Development Code and subject to action by the code enforcement board. Additionally, a certificate of occupancy may be denied due to a violation of this article.

**First Violation Date: December 16, 2021**

### **Case No. CE 2023-04 - REQUEST ORDER OF ENFORCEMENT**

**Respondent: Frederick/ Janet Scully Fricker**

16525 Lowry Road, Montverde, FL 34756

Parcel ID # 02-22-26-0200-006-00008, Alt Key# 3921582

1. No permit or zoning clearance obtained for driveway/boat ramp.

**Sec 5-42 (c) Permits**

Permit and permit fee required. It shall be unlawful for any person, firm or corporation to construct, erect, alter, repair, enlarge, move, or demolish any building or structure; or to erect, install, enlarge, alter, repair, remove, correct, or replace any electrical, gas, mechanical or plumbing system, or cause any such work to be done within the Town of Montverde without first making application and obtaining a permit therefore from the building department, and upon payment of fees as adopted herein.

Comments: You need to obtain a proper building permit, have an inspection and pay permit fees.

2. No construction management plan submitted.

**Section 12-152 Installing a driveway without proper construction management plan.**

A construction management plan shall be submitted to the town clerk with the application for any zoning release or building permit that includes any clearing, excavating, removal

of significant vegetation (greater than 200 square feet), or other earthwork. The construction management plan shall include the following information:

- (1) Existing buildings, driveways, pavement, and other improvements.
- (2) Proposed buildings, driveways, pavement, and other improvements.

Comment: Submit a construction management plan to the Town.

3. No grading plan submitted to the Town.

Section 4-52 Lot grading plan requirements.

- (a) All construction within the Town of Montverde shall conform to the protection of soil resources requirements within this Land Development Code and the slope restrictions described therein.
- (b) Lots of record required to meet the requirements of this section are as follows:
  - (1) Infill lots and new and existing subdivision lots that have a slope anywhere on the lot exceeding four percent or due to the size of the house is deemed by the town and its consultants to meet the lot grading plan requirements of this section.
  - (2) Lots in the Lake Florence storm drainage basin and the Lake Apopka storm drainage basin are deemed of special concern by the town and must meet the requirements of this section.
- (h) All lots in the basin of Lake Florence or Lake Apopka will be required to have an environmental drainage swale adjacent to the lake that will remain dry during the wet season. This shall be shown on the residential lot site plan. See town grading detail sheet G-3. Town can require this in other areas that might be of concern.

Comments: Erosion control plans must be submitted and approved by the Town. A permit will need to be issued followed by an inspection.

4. Landscape has not been maintained in the swale area.

Sec 4-186(c) it is the responsibility of the property owner to maintain the landscape in accordance with the standards of Article VIII in perpetuity.

Comments: Correct landscape changes to meet the standards.

5. Environmental swale altered without permit.

Sec 4 – 188 Environmental Swale Landscape Requirements.

Comment: Obtain a permit and zoning clearance

**Violation Date: 2/16/2023**

**Case No. CE 2023-000147 - REQUEST ORDER OF ENFORCEMENT**

**Respondent: Brecheen, Drew**

17527 Strahan Street, Montverde, FL 34756

Parcel ID # 01-22-26-0700-000-01300, Alt Key# 1462720

1. Tall grass and weeds

18-71, 18-72 – weeds mean grasses, annual plants, vines and vegetation with growth in excess of 18 inches but does not include trees, shrubs, and cultivated flowers and gardens. It shall be the responsibility of the owner to maintain the general cleanliness of the property. The accumulation or storage of garbage may tend to depreciate property value in the area or create a nuisance or hazard and shall not be allowed to accumulate on any lot or parcel of land within the corporate limits of the town except as may be allowed by permit approved

by the town council or except when such materials are properly housed and out of public view.

Comment: Tall grass and weeds need to be kept cut.

**Violation Date: May 30, 2023**

**Case No. CE 2023-000146 - REQUEST ORDER OF ENFORCEMENT**

**Respondent: Brecheen, Glen**

17511 Strahan Street, Montverde, FL 34756

Parcel ID # 01-22-26-0700-000-01100, Alt Key# 1462711

1. Tall grass and weeds

18-71, 18-72 – weeds mean grasses, annual plants, vines and vegetation with growth in excess of 18 inches but does not include trees, shrubs, and cultivated flowers and gardens. It shall be the responsibility of the owner to maintain the general cleanliness of the property. The accumulation or storage of garbage may tend to depreciate property value in the area or create a nuisance or hazard and shall not be allowed to accumulate on any lot or parcel of land within the corporate limits of the town except as may be allowed by permit approved by the town council or except when such materials are properly housed and out of public view.

Comment: Tall grass and weeds need to be kept cut.

2. Maintenance of Right of Way – Tree cutting left in the right of way.

22-6(a) Owner's responsibility for maintaining right-of-way.

(1) All owners of unimproved property, and occupants and owners of improved property are responsible at all times to maintain their property in a clean, litter-free and mowed condition, including sidewalks, grass strips, alleys up to and including median point of the alley, curb, swale areas, or rights of way up to the edge of pavement of any public street. Maintenance shall include, but not be limited to, mowing the grass and weeds, and general edging, trimming and clean up activities. Grasses or weeds shall not exceed 12 inches in height. Property owners and occupants or their designees are prohibited from removing trees and performing other activities in the rights of ways utilization permit issued by the town or county and as may otherwise be regulated by this code. The town may, upon approval of the Town Manager, mow selected areas of the rights of way when doing so is found to serve the public interest.

Comment: Remove debris from right of way.

3. Abandoned, disabled and inoperable vehicles and repair of vehicles.

a) Abandoned, disabled, or inoperable vehicles, or vehicles that are not allowed to be operated on a public roadway (such as dirt bikes, all-terrain vehicles, oversized four-wheel drive vehicles with non-DOT approved tires, unlicensed hobby vehicles), must be parked in an enclosed structure or hidden from public view completely by an opaque fence or wall. Such vehicles may be parked on a Florida DMV licensed trailer. This applies to both residential and ORC zoned areas.

Comment: Remove disabled vehicle from public view.

**Violation Date: May 30, 2023**

**Case No. CE 2023-000197 - REQUEST ORDER OF ENFORCEMENT**

**Respondent: Samson, Cal**

17411 Seventh Street, Montverde, FL 34756

Parcel ID # 01-22-26-1000-007-00100, Alt Key# 1531284

1. Permit Required for Construction

5-42(C) - Permit and permit fee required. It shall be unlawful for any person, firm or corporation to construct, erect, alter, repair, enlarge, move, or demolish any building or structure; or to erect, install, enlarge, alter, repair, remove, correct, or replace any electrical, gas, mechanical or plumbing system, or cause any such work to be done within the Town of Montverde without first making application and obtaining a permit therefore from the building department, and upon payment of fees as adopted herein.

Comment: You must apply for a permit, pay all fees, and pass all inspections.

**Violation Date: June 7, 2023**

**Case No. CE 2023-000188 - REQUEST ORDER OF ENFORCEMENT**

**Respondent: Czech Mate Investments**

17007 Lakeside Drive, Montverde, FL 34756

Parcel ID # 01-22-26-0600-000-00X03, Alt Key# 1463459

1. Tall Grass and Weeds

18-71, 18-72 - Weeds means grasses, annual plants, vines, and vegetation with growth in excess of 18 inches, but does not include trees, shrubs and cultivated flowers and gardens. Responsibilities of owner. It shall be the responsibility of the owner to maintain the general cleanliness of the property. The accumulation or storage of garbage may tend to depreciate property values in the area or create a nuisance or hazard and shall not be allowed to accumulate on any lot or parcel of land within the corporate limits of the town except as may be allowed by permit approved by the town council, or except when such materials are properly housed and out of public view.

2. Unlawful Disposal of weeds and garbage

18-73 - It shall be unlawful and subject to penalties provided in this article to deposit garbage or weeds of any kind upon any vacant, occupied or unoccupied premises within the town, or upon any street, alley, parkway or park, or in any canal, waterway, rock pit, pool or lake within the town. Garbage and garden clippings shall not be burned within the town limits except when in accordance with the state division of forestry guidelines and/or restrictions. No garbage shall be buried within the town limits.

Comment: Tall grass and weeds need to be cut and disposed of properly.

**Violation Date: June 6, 2023**

**Case No. CE 2022-000115 - REQUEST ORDER OF FINE**

**Respondent: Diego, Christopher**

17632 Ninth Street, Montverde, FL 34756

Parcel ID # 01-22-26-1200-005-00300, Alt Key# 3037511

1. Building without a permit; interior/exterior alterations being done without permit

Sec 5-42 (c) Permit and Permit fee required. It shall be unlawful for any person, firm or corporation to construct, erect, alter, repair, enlarge, move or demolish any building or structure; or to erect, install, enlarge, alter, repair, remove, correct or replace any electrical, gas, mechanical or plumbing system or cause any such work to be done within

the Town of Montverde without first making application and obtaining a permit therefore from the building department, and upon payment of fees as adopted herein.

Comment: You must obtain proper permits, have the property inspected and pay permit fees to the Town of Montverde.

2. Building without a permit; Fence

Sec 5-42 (c) Permit and Permit fee required. It shall be unlawful for any person, firm or corporation to construct, erect, alter, repair, enlarge, move or demolish any building or structure; or to erect, install, enlarge, alter, repair, remove, correct or replace any electrical, gas, mechanical or plumbing system or cause any such work to be done within the Town of Montverde without first making application and obtaining a permit therefore from the building department, and upon payment of fees as adopted herein.

Comment: You must obtain proper permits, have the property inspected and pay permit fees to the Town of Montverde.

3. Violation of Single Family R1M zoning area.

Sec. 10-52. - R1M—Medium district.

(a) Description of district. The R1M zoning district is intended for single-family residence to preserve and enhance medium density neighborhood values.

4. Certificate of Occupancy not issued, property is not approved for habitation.

Sec. 5-42 (f) Certificates.

(1) Certificates of occupancy required. No building presently under construction, or hereinafter erected, altered or enlarged, shall be used or occupied in whole or in part until a certificate of occupancy shall have been issued by the building official, certifying that the building and occupancy are in accordance with the provisions of the adopted building code and all other ordinances and laws applicable thereto.

Comment: You must obtain permits and pass inspections required for occupancy.

**Violation Date: December 21, 2022**

**Case No. CE 2023-000193 - REQUEST ORDER OF ENFORCEMENT**

**Respondent: Pulte Homes**

16002 Winding Bluff, Montverde, FL 34756

Parcel ID # 10-22-26-0010-000-01400, Alt Key# 3934118

1. Illegal use of water without fee

Sec. 26-74 - Unlawful connection

Connection to the town water system without the written consent of the town manager, or connection without it occurring under the direction and supervision of the town manager or designee is prohibited and unlawful. Connection to the town's water system may require, at owner's expense, for an owner to construct a line under a sidewalk, trail, or road.

Failure to connect to the town's water system in the location as directed by the town manager will subject the owner or plumber to the general penalty as set forth in section 1-12. Any property owner or plumber who shall make any connections without such consent shall, upon conviction, be subject to the general penalty as set forth in section 1-12. Sec.

26-78 No Service Fee

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

2. Illegal Cross Connection

Sec. 26-104 Prohibited

Any cross connection, as defined by F.A.C. 62-550.200, or any successor provision, is hereby prohibited as to any water consumer and the water system of the town. The water consumer shall have the primary responsibility for preventing cross connection or backflow from consumer's property from impacting the town water supply.

Sec. 26-105. - Backflow prevention devices required; discontinuation of water service authorized. Upon discovery of a prohibited cross connection, the town shall discontinue water service until the contaminant source is eliminated, or an appropriate backflow prevention device acceptable to the town is installed. No new water service connection shall be installed without the installation of an appropriate backflow prevention device. Whenever installation of a backflow prevention device is required, the consumer shall be responsible for payment of installation charges.

Comment: Contact the Town regarding water usage

**Violation Date: June 6, 2023**

**Case No. CE 2023-000189 - REQUEST ORDER OF ENFORCEMENT**

**Respondent: Pulte Homes**

15302 Willow Ridge, Montverde, FL 34756

Parcel ID # 10-22-26-0010-000-09600, Alt Key# 3934200

1. Illegal use of water without fee

Sec. 26-74 - Unlawful connection

Connection to the town water system without the written consent of the town manager, or connection without it occurring under the direction and supervision of the town manager or designee is prohibited and unlawful. Connection to the town's water system may require, at owner's expense, for an owner to construct a line under a sidewalk, trail, or road.

Failure to connect to the town's water system in the location as directed by the town manager will subject the owner or plumber to the general penalty as set forth in section 1-12. Any property owner or plumber who shall make any connections without such consent shall, upon conviction, be subject to the general penalty as set forth in section 1-12.

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Comment: Contact the Town regarding water usage

**Violation Date: May 30, 2023**



**Case No. CE 2023-000173 - REQUEST ORDER OF ENFORCEMENT**

**Respondent: Pulte Homes**

15391 Blue Spruce, Montverde, FL 34756

Parcel ID # 10-22-26-0010-000-06100, Alt Key# 3934165

1. Illegal use of water without fee

Sec. 26-74 - Unlawful connection

Connection to the town water system without the written consent of the town manager, or connection without it occurring under the direction and supervision of the town manager or designee is prohibited and unlawful. Connection to the town's water system may require, at owner's expense, for an owner to construct a line under a sidewalk, trail, or road.

Failure to connect to the town's water system in the location as directed by the town manager will subject the owner or plumber to the general penalty as set forth in section 1-12. Any property owner or plumber who shall make any connections without such consent shall, upon conviction, be subject to the general penalty as set forth in section 1-12.

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2. Illegal Cross Connection

Sec. 26-104 Prohibited

Any cross connection, as defined by F.A.C. 62-550.200, or any successor provision, is hereby prohibited as to any water consumer and the water system of the town. The water consumer shall have the primary responsibility for preventing cross connection or backflow from consumer's property from impacting the town water supply.

Sec. 26-105. - Backflow prevention devices required; discontinuation of water service authorized. Upon discovery of a prohibited cross connection, the town shall discontinue water service until the contaminant source is eliminated, or an appropriate backflow prevention device acceptable to the town is installed. No new water service connection shall be installed without the installation of an appropriate backflow prevention device. Whenever installation of a backflow prevention device is required, the consumer shall be responsible for payment of installation charges.

Comment: Contact the Town regarding water usage

**Violation Date: May 30, 2023**

**Case No. CE 2023-000191 - REQUEST ORDER OF ENFORCEMENT**

**Respondent: Pulte Homes**

15882 Winding Bluff, Montverde, FL 34756

Parcel ID # 10-22-26-0010-000-03300, Alt Key# 3934137

1. Illegal use of water without fee

Sec. 26-74 - Unlawful connection

Connection to the town water system without the written consent of the town manager, or connection without it occurring under the direction and supervision of the town manager or designee is prohibited and unlawful. Connection to the town's water system may require, at owner's expense, for an owner to construct a line under a sidewalk, trail, or road. Failure to connect to the town's water system in the location as directed by the town manager will subject the owner or plumber to the general penalty as set forth in section 1-12. Any property owner or plumber who shall make any connections without such consent shall, upon conviction, be subject to the general penalty as set forth in section 1-12.

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2. Illegal Cross Connection

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Any cross connection, as defined by F.A.C. 62-550.200, or any successor provision, is hereby prohibited as to any water consumer and the water system of the town. The water consumer shall have the primary responsibility for preventing cross connection or backflow from consumer's property from impacting the town water supply.

Sec. 26-105. - Backflow prevention devices required; discontinuation of water service authorized. Upon discovery of a prohibited cross connection, the town shall discontinue water service until the contaminant source is eliminated, or an appropriate backflow prevention device acceptable to the town is installed. No new water service connection shall be installed without the installation of an appropriate backflow prevention device.

Whenever installation of a backflow prevention device is required, the consumer shall be responsible for payment of installation charges.

Comment: Contact the Town regarding water usage

**Violation Date: May 30, 2023**

**VI ADJOURNMENT**