



CODE ENFORCEMENT HEARINGS OF THE
SPECIAL MAGISTRATE
MONTVERDE, FLORIDA
WEDNESDAY, NOVEMBER 15, 2023
10:00 A.M.

MONTVERDE TOWN HALL
COUNCIL CHAMBERS

17404 SIXTH ST
MONTVERDE, FLORIDA

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 23-000381 – EMERGENCY CONDEMNATION – UNFIT AND UNSAFE BUILDING
Respondent(s): Heirs of Ruth Nix; Sandra Nix, Charles Nix Jr., Robert Nix, Keith Latimore
17135 Franklin Avenue, Montverde FL 34756
Parcel ID# 01-22-26-0900-002-00000
Alt Key# 1530911

Sec. 5-52. Unfit or unsafe dwellings or structures declared nuisance.

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

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

- (1) Dwellings or structures, or portions thereof, including accessory buildings, that are structurally unsafe, unstable, unsanitary, inadequately provided with exit facilities, or use of unsafe equipment that is in such disrepair or condition that the equipment is a hazard to life, health, property or safety of the public or occupants of the dwelling or structure;
- (2) Any structure not provided with permanent means of adequately securing all openings against unauthorized entry;
- (3) Constituting a fire hazard;
- (4) Unsuitable or improper for the use of occupancy for which they are intended because is insanitary, is of a condition conducive for vermin or rat infested, contains fifth and contamination, broken glass, or lacks ventilation or other essential equipment required by any applicable code;
- (5) Constituting a hazard to health or safety because of inadequate maintenance, dilapidation, obsolescence or abandonment;
- (6) Dangerous to life or property including but not limited to means of ingress or egress fails to conform to the approved building or fire code, any portion of the dwelling or structure has been damaged by fire, wind, flood, vandalism, deterioration, neglect, or abandonment or by any other cause to such an extent that it is likely to partially or completely collapse or to become detached or dislodged; or

- (7) Otherwise in violation of any of the following: the Florida Building Code, the Florida Fire Prevention Code and the Life Safety Code, the International Codes published by the International Code Council, and the National Electric Code (NFPA 70).
- (c) Such structures are further declared a nuisance or unsafe dwelling or structure

Further Notice of Violation:

Sec. 5-59. Assessment of cost as lien on property.

(a) Upon expiration of the appeal period, if no appeal having been taken, the Town Manager, after proceeding under this article, shall report the abatement of the nuisance by the town. The Special Master shall assess the entire cost of such vacation, demolition, removal or securing, including any unpaid fees and costs arising out of any appeal hearing, against the real property, upon which such costs was incurred. This assessment, including rodent extermination where employed, all administrative costs, postal expense, newspaper advertising or other similar costs, when made, constitutes a lien upon such property.

(b) The town shall record a notice of lien in the public records of Lake County, Florida, showing the nature of the lien, the amount thereof and an accurate legal description of the property, including the street address. The lien shall date from the date of recording and recite the names of all persons notified or interested parties. Such municipal lien shall bear interest from the date of recording at the rate of nine (9) percent per year and shall be enforceable by foreclosure in the same manner and time as a town code enforcement lien if unsatisfied after the expiration of ninety (90) days from the date of recording the notice of lien.

(c) Such lien may be foreclosed and collected in the manner and procedure by which real property mortgages are foreclosed and collected, including an award of reasonable attorney's fees and costs for recording the notice of lien and prosecuting the foreclosure proceedings.

Sec. 5-64. Penalty for violation of article.

(a) If the owner or occupant fails to comply with the written notice or order of the Town Manager or the Special Master issued pursuant to this article, then the owner or occupant may be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for a term not to exceed sixty (60) days, or by both such fine and imprisonment. Each day that a violation shall continue to exist shall be considered a separate violation and may be prosecuted as such.

(b) If any dwelling or building or other structure described in this article is occupied and the occupant refuses to vacate the structure, in addition to the penalties set out in subsection (a), the town may apply to the circuit court for the appropriate order requiring vacation of premises and compliance with this article.

Case No. 23-000133 – ORDER OF ENFORCEMENT

Respondent: Future Custom Homes

Lowry Road Montverde FL 34756

Parcel #: 02-22-2301-000-010-00500

Alt Key: 1531578

1. Tall Grass and Weeds

Sec. 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, in shall be the responsibility of 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 property housed and out of site.

Violation Date: September 20, 2023

Case No. 23-00023-000224 – ORDER OF ENFORCEMENT

Respondent: Jennifer Hanson

Neal Street, Montverde FL 34756

Parcel #: 01-22-26-0050-000-01200

Alt Key: 3543980

1. Tall Grass and Weeds

Sec. 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, in shall be the responsibility of 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 property housed and out of site.

Violation Date: August 10, 2023

Case No. 23-000298 – ORDER OF ENFORCEMENT

Respondent: Mr. & Mrs. Jacob Proffer

17720 Alfred Street Montverde FL 34756

Parcel #: 02-22-26-0500-000-03000

Alt Key: 1462894

1. No land disturbance without sediment control plan

4-606 - No person shall be granted a site development permit for land-disturbing activity, without the town's approval of an erosion and sediment control plan. Land-disturbing activities of one acre (43,560 square feet) or more require a NPDES permit issued by FDEP.

2. Erosion Control - Failure to maintain BMP

4-610 - 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."

Violation Date: September 20, 2023

Case No. 23-000225

Respondent: Eric Delisle

16829 Ridgewood, Montverde FL 34756

Parcel #: 01-22-26-1400-001-01201

Alt. Key #: 2996901

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.

Violation Date: August 9, 2023

Case No. 23-000332

Respondent: Mrs. Jean Frazier

16643 7th Street, Montverde FL 34756

Parcel #: 11-22-26-0200-00B-00100

Alt. Key #: 1531756

1. Storage and repair of equipment or parts of any kind within the public view for more than ten days in a residential area, prohibited home occupation use.

Sec. 10-88. - (a) Home occupations shall be permitted in all zoning districts except PFD and U districts. (b) All home occupations which serve customers on the property, store materials or equipment on the property, or have employees that are not resident occupants must be registered annually with the town clerk. All other home occupations may, at the resident's discretion, choose to be registered annually with the town clerk. (c) The following shall not be permitted as home occupations: (6) Repair of any equipment within public view (10) Storage of equipment or parts of any kind within public view for more than ten hours.

Violation Date: September 20, 2023

Case No. 23-000346

Respondent: Mr. & Mrs. Michael Norris

17623 Broad Street, Montverde FL 34756

Parcel #: 01-22-26-0600-000-00W09

Alt. Key #: 1463271

1. Swimming pool without fence enclosure

Sec. 4-241. Location and distance restrictions; construction requirements.

(d) All swimming pools shall be completely enclosed by a screened enclosure or by a fence. The fence shall be not less than four feet and not more than six feet in height. The fence shall be sufficiently constructed to prevent access to the swimming pool by children who do not reside on the premises or who are not invitees of the owner or lessee of the swimming pool. Each fence shall meet the minimum standards for fence construction as outlined in this chapter. All gates and other openings in the enclosure or fence shall meet the most current requirements of the Florida Building Code. The requirements of this section shall not apply to swimming or wading pools the maximum depth of which is 18 inches or less measured from the surface water level to the bottom of the pool.

Violation Date: September 20, 2023

VI ADJOURNMENT