



The Town of Montverde Code Enforcement Process

The following is a general description of the processes and documents involved in enforcing various codes and ordinances. This process is in accordance with Chapter 162 of the Florida Statutes and the Town of Montverde Ordinances. The following does not describe alternative methods and procedures that may be used in the enforcement of various codes and ordinances.

Registering a Complaint

As of July 1, 2021, Code Compliance Officers in Florida are no longer authorized to investigate anonymous complaints. Under the new Florida law, all tipsters making a complaint must leave their name and address at a minimum otherwise, the code complaint cannot be investigated. Code Enforcement Officers still have the authority to initiate or to investigate anonymous complaints they deem to be an “imminent threat to public health, safety, welfare, or imminent destruction of habitat or sensitive resources.”

How to Submit a Complaint

The Town of Montverde only accepts code complaints through its online portal. Code complaints can be submitted by going to the Town’s website at mymontverde.com and clicking the “CODE COMPLAINTS” link. This will enable you to enter the details of your complaint and provide the essential information required for a follow-up investigation.

Inspection Process

Once a violation is detected by a Code Compliance Officer or submitted by a citizen, a property inspection is performed by a Code Compliance Officer for visible violations.

Enforcement Processes

The Town of Montverde Code Compliance generally follows an escalating enforcement process, unless the violation is so severe that it poses a threat to the public's safety, health, or welfare.

Verbal Warning/Courtesy Notice

Depending on the severity of the violation, the code enforcement process typically begins with a Courtesy Notice. A Courtesy Notice is mailed to the legal property owner on record, as listed with the Lake County Assessors' Office. If the violation is corrected, and is not repeated, no further action will be required by the property owner.

Notice of Violation

If the property does not attain compliance by the required date listed on the Courtesy Notice, and the Owner of Record has not contacted Town Hall, a Notice of Violation is mailed via certified mail and/or posted on the subject property. A reasonable compliance period of fifteen (15) days is provided to correct the violation. The Owner of Record is responsible for contacting Town Hall and informing the Town Clerk that compliance has been achieved so that the property may be re-inspected and the case disposition may be updated.

Notice of Violation with Summons to Appear "Special Magistrate Hearing"

If the property remains in non-compliance upon re-inspection, on the specified date provided, a second Notice of Violation with a summons to appear is mailed via certified mail to the Owner of Record. This secondary notice informs the Owner of Record that a hearing is scheduled before the Town's Special Magistrate. The Special Magistrate is empowered by Florida Statute 162 and the Town of Montverde Municipal Code Section 2-178. A hearing before a Special Magistrate is held to determine if a violation(s) with the subject property exists, a period of time is provided to achieve compliance, and a potential daily fine is determined for continued non-compliance beyond the compliance date given. Both the Town and the alleged violator present their case and call and/or cross-examine witnesses. All testimonies are taken under oath. Formal rules of evidence do not apply, but fundamental due process shall be observed. The Special Magistrate will produce a written order that includes official findings of fact regarding notifications and due process, conclusions of law regarding the violation(s), a compliance date and a potential daily fine for

continued non-compliance beyond the specified compliance date. The finding or order is later reduced to a Writing Order of Enforcement, signed by the Special Magistrate, and sent via certified mail and regular mail to the violator/Owner of Record.

During the Special Magistrate hearing, the Owner of Record may request an extension to comply. A reasonable time to comply may be granted, dependent upon the circumstances. The Owner of Record is responsible for informing the Town that compliance has been achieved, so that the property may be re-inspected and the case disposition updated.

The Special Magistrate hearings are held as needed at the Montverde Town Hall located at 17404 6th Street, Montverde, FL, 34756.

Final Order of Enforcement

A written order from the Special Magistrate resulting from a violation hearing, containing a finding of facts as to notification and due process. A conclusion of law as to the violation(s) and an order specifying a compliance date and a potential daily fine for continued non-compliance beyond the compliance date given.

Notice of Fine Hearing

If the property remains noncompliant for more than ninety (90) days after the final order of enforcement, a formal notice, sent via certified mail, specifying a hearing date before the Special Magistrate, is to answer and defend allegations that the violator did not comply with the Special Magistrate's Final Order of Enforcement.

Order Imposing Penalty/Lien

A written order of the Special Magistrate, resulting from a Certification of Fine hearing, ordering the payment of a fine up to the amount specified in the Order of Enforcement, for the period of time the property remained in non-compliance beyond the compliance date specified in the Final Order of Enforcement, or which may continue to accrue until the property is brought into compliance. The Order Imposing Penalty/Lien is signed by the Special Magistrate and sent via certified mail to the violator and will be recorded with the Lake County Clerk of the Circuit Court and shall constitute a lien for all accrued fines against the property or any other real or personal property that the Owner of Record owns in Lake County.