



**CODE ENFORCEMENT HEARINGS OF THE  
SPECIAL MAGISTRATE  
MONTVERDE, FLORIDA  
WEDNESDAY, NOVEMBER 17, 2021  
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 DEFENDENTS/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:**

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

**VI. NEW BUSINESS:**

**Case No. CE 2021-06 Affidavit of Non-Compliance**

**Respondent: Frazier, Jean**

16643 Seventh Street, Montverde FL 34756

Parcel ID # 11-22-26-0200-00B-00100, Alt Key 1531756

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

1. Excess debris, machinery, junk, trailers, mowers stored in a residential area creating a nuisance.

*Sec. 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 means every accumulation of paper, excelsior, rags, wooden and paper boxes or containers, sweepings and all other accumulation of waste materials which are usual to housekeeping and to the operation of stores, offices and other business places, including bottles, cans and containers; unsightly junk, wood, brick, cement block or other debris, refrigerators, furnaces, washing machines, stoves, machinery, inoperable or derelict motor vehicles or equipment or parts thereof; anything worthless, useless or discarded; rubbish; worthless, unwanted material that is rejected or thrown out; debris, litter; discarded animal and vegetable matter, as from a kitchen; and refuse.*

Date of initial inspection: May 30, 2021

Date by which the violation was to be corrected: June 18, 2021

Special Magistrate Hearing: July 28, 2021

Date to be in compliance as ordered by Special Magistrate: September 30, 2021

Reinspection and Affidavit of Non-Compliance: October 11, 2021

Fine Ordered by Special Magistrate at \$25.00 per day

**Case No. CE2021-11**

**Respondent: Harman, Garland**

17711 Sugar Pine, Montverde, FL 34756

Parcel ID # 01-22-26-1600-000-03700, Alt Key 3794836

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

1. High weeds and grass, trash throughout the property.  
Sec. 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 means every accumulation of paper, excelsior, rags, wooden and paper boxes or containers, sweepings and all other accumulation of waste materials which are usual to housekeeping and to the operation of stores, offices and other business places, including bottles, cans and containers; unsightly junk, wood, brick, cement block or other debris, refrigerators, furnaces, washing machines, stoves, machinery, inoperable or derelict motor vehicles or equipment or parts thereof; anything worthless, useless or discarded; rubbish; worthless, unwanted material that is rejected or thrown out; debris, litter; discarded animal and vegetable matter, as from a kitchen; and refuse.

Date of initial inspection: September 2, 2021

Date by which the violation was to be corrected: September 21, 2021

Date of Reinspection: October 26, 2021

**Case No. CE2021-12**

**Respondent: Eric Delisle**

16829 Ridgewood, Montverde, FL 34756

Parcel ID # 01-22-26-1400-001-01201, Alt Key 2996901

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

1. Building without a permit; interior/exterior alterations being done and solar panels being added with alteration to the electrical system.  
*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.*
2. Inoperable vehicle parked in yard.  
*Sec. 24-35 (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.*
3. Dumping mulch and trash in right of way.  
*Sec. 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 means every accumulation of paper, excelsior, rags, wooden and paper boxes or containers, sweepings and all other accumulation of waste materials which are usual to housekeeping and to the operation of stores, offices and other business*

places, including bottles, cans and containers; unsightly junk, wood, brick, cement block or other debris, refrigerators, furnaces, washing machines, stoves, machinery, inoperable or derelict motor vehicles or equipment or parts thereof; anything worthless, useless or discarded; rubbish; worthless, unwanted material that is rejected or thrown out; debris, litter; discarded animal and vegetable matter, as from a kitchen; and refuse.

4. Destruction of Town owned water meter

*Florida Statute: Chapter 812.14 (a) willfully alter, tamper with, damage or knowingly allow damage to a meter, meter seal, pipe, conduit, wire, line, cable, transformer, amplifier, or other apparatus or device belonging to a utility line service in such a manner as to cause loss or damage or to prevent any meter installed for registering electricity, gas, or water from registering the quantity which otherwise would pass through the same.*

Date of initial inspection: September 6, 2021

Date by which the violation was to be corrected: September 23, 2021

Date of Reinspection: October 6, 2021

**Case No. CE2021-15**

**Respondent: M&M of Orlando**

Ninth Street, Montverde, FL 34756

Parcel # 01-22-26-1400-0001-00802, Alt Key 2776901

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

1. Grading plan for lot.

*Sec. 12.5 (b) Land Clearing. Unless exempted herein, it shall be unlawful and subject to the penalties provided herein for any person directly or indirectly by another on his behalf to:*

(1) *Perform and land clearing or grubbing unless approved a part of a site plan (in accordance with Chapter 6) and/or a subdivision plat approval (in accordance with chapter 8).*

(2) *Perform tree removal, land clearing, grubbing, grading, excavation, construction, or make or install any improvement upon any site or tract, regardless of the existence of valid permits or approvals for the given activity, unless each protected tree to be preserved pursuant to this chapter has been marked by a highly visible band and unless all protected areas established pursuant to the Land Development Code has been surrounded by a protective barrier.*

2. No erosion plan and sediment control presented to Town.

*Sec. 4 -608 – Erosion Control and Sediment Plan:*

(a) *The erosion and sediment control plan shall include the following:*

(1) *A natural resources map identifying soils, forest cover, and resources protected under other chapters of this Code. This map should be at a scale no smaller than 1" x 100'.*

(2) *A sequence of construction of the development site, including stripping and clearing, rough grading, construction of utilities, infrastructure, and buildings, and final grading and landscaping.*

(3) *All erosion and sediment control measures necessary to meet the objectives of this local regulation throughout all phases of construction and permanently, after completion of the site's development. Depending upon the complexity of the project, the drafting of intermediate plans may be required at the close of each season.*

(4) *Sodding of all disturbed areas required. Types of sod, type and rate of lime and fertilizer application, and kind and quality of mulching for both temporary and permanent vegetative control measures.*

(5) *Provisions for maintenance of control facilities, including easements.*

(b) *Modifications to the plan. Major amendments of the erosion and sediment control plan shall be submitted to the town and shall be processed and approved, or disapproved, in the same manner as the original plans. Field modifications of a minor nature may be authorized by the town by written authorization to the permittee.*

3. No erosion control.

*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.*

4. Tree Removal.

*Sec. 12-3 – Tree removal permit: It shall be unlawful and a violation of the Land Development Code to clear or remove a tree with a diameter of four inches or greater, measured at four and one-half feet above existing grade, by any method without first securing a permit from the town unless removal of such tree is exempted by other provisions of this section or the Land Development Code.*

Date of initial inspection: October 11, 2021

Date by which the violation was to be corrected: October 26, 2021

Date of Reinspection: October 26, 2021 and November 3, 2021

**Case No. 2021-16**

**Respondent: Freddie/Janie Hunt**

Highland Avenue, Montverde, FL 34756

Parcel ID # 11-22-26-0001-000-00400, Alt Key 1037239

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

1. High weeds and grass, trash throughout the property.

*Sec. 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 means every accumulation of paper, excelsior, rags, wooden*

*and paper boxes or containers, sweepings and all other accumulation of waste materials which are usual to housekeeping and to the operation of stores, offices and other business places, including bottles, cans and containers; unsightly junk, wood, brick, cement block or other debris, refrigerators, furnaces, washing machines, stoves, machinery, inoperable or derelict motor vehicles or equipment or parts thereof; anything worthless, useless or discarded; rubbish; worthless, unwanted material that is rejected or thrown out; debris, litter; discarded animal and vegetable matter, as from a kitchen; and refuse.*

2. Dead Trees

*Sec. 4-187 Hazardous trees and landscaping – The mayor or the mayor’s designee may require the removal of any tree or landscaping which constitutes imminent danger to the safety of the public.*

Date of initial inspection: October 6, 2021

Date by which the violation was to be corrected: October 26, 2021

Date of Reinspection: October 26, 2021

**Case No. 2021-23**

**Respondent: Edwin Santos**

17115 Franklin Avenue, Montverde, FL 34756

Parcel # 02-22-26-0900-002-00500, Alt Key 2868384

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

1. Construction of fence without a permit.

*Section 4-260 states “the construction of any fence shall require a building permit from the town. Before the building permit is issued, the applicant shall submit plans which shall show the dimension of the property, the type of fence proposed to be constructed and its location of the property”*

2. Fence installed in right of way.

*Section 22-1 states “The physical alteration, either temporary or permanent, of any public right of way that is under the jurisdiction of the town, shall require a right of way utilization permit be issued by the town for such alteration or impediment.”*

3. Alterations to building without permit.

*Section 5-42 states (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.*

Date of initial inspection: September 20, 2021

Date by which the violation was to be corrected: October 4, 2021

Date Issued notice of violation: October 27, 2021

Date of Reinspection: November 9, 2021

**V. OLD BUSINESS**

Review of previous Code Compliance Cases

**VI. 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.

Notice is hereby given, that one or more Members of the Montverde Town Council may be present at this meeting.