



**CODE ENFORCEMENT SPECIAL
MAGISTRATE HEARING
TUESDAY, MAY 15, 2018
CITY HALL at 685 WEST MONTROSE STREET
At 1:30 PM**

CALL TO ORDER

SWEARING IN WITNESSES

AGENDA

OTHER BUSINESS

UNFINISHED BUSINESS

NEW BUSINESS

**Item 1 - C2017-000755
Wallace**

John R. Prickett
1800 South US Highway 27 (Bubbas
Catfish)

VIOLATION:

Chapter 118, Section 118-32 Landscape
Plans
Chapter 118, Section 118-35 Maintenance
and Pruning
Chapter 118, Section 118-35 (b)
Replacement
Chapter 118, Section 118-36(a) Quality

**Item 2 - C2017-000305
Reusch/Wallace**

Tiproel LLC
Vacant Lot on Bloxam Ave
AK 1109957

VIOLATION:

Motion to Lien

ADJOURN

Any person wishing to appeal any decision made by the Code Enforcement Special Magistrate at this meeting will need a record of the proceedings. For that purpose, such person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based.

In accordance with the Americans with Disabilities Act (ADA), if any person with a disability as 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 Development Services Department at 352-241-7302.

Please be advised that if you intend to show any document, picture, video or items to the Council or Board in support or opposition to any item on the agenda; a copy of the document, picture, video or item must be provided to the Recording Clerk for the City's records.

City of Clermont

P.O. BOX 120219, CLERMONT, FLORIDA 34712-0219

VIOLATION NOTICE

November 22, 2017

Violation # C2017-000755

To: PRICKETT JOHN R
PO BOX 1599
EUSTIS, FL 32727

Violation/Property address: 1800 SOUTH US HIGHWAY 27 CLERMONT, FL. 34711 (BUBBAS CATFISH)

You are hereby notified that you are in violation of the referenced section of the City of Clermont Code of Ordinances for the parcel located at 1800 SOUTH US HIGHWAY 27 in reference to: **all hedges on US 27 side (front entrance of restaurant) have been removed without authorization from the City.**

Compliance with the Violation(s) listed will be when the following condition(s) are met:

- **When the SWEET VIBURNUM hedges are replaced and inspected and approved from the City.**

Type of Violation: Sec. 118-32 Landscape Plan, Sec. 118-34 Installation of landscape material and Sec. 118-37 Landscape buffers.

See code list attached to the notice for information

Type of Violation: Sec. 118-35. Maintenance and pruning.

(a)

Maintenance. The owner, tenant and their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping, which shall be maintained in good condition so as to present a healthy, neat and orderly appearance and shall be kept free from refuse and debris. All required landscaping shall be maintained in perpetuity.

(b)

Replacement. All unhealthy and dead plant material shall be replaced within 30 days in conformance with the approved site/landscaping plan for the property or in conformance with the provisions of this article if an approved plan is not on file with the city. The size of replacement trees shall be as specified in section 118-113(d)(2).

(c)

Pruning. Vegetation and trees required by this Code shall only be pruned to maintain health and vigor. Pruning shall be in accordance with "Standard Practice for Trees, Shrubs and Other Woody Plant Maintenance ANSI 300" of the National Arborist Association. Trees shall not be severely pruned in order to permanently maintain growth at a reduced height or spread. A trees natural growth habit shall be considered in advance of conflicts which might arise (i.e. view, signage, lighting and similar conflicts). Excessive pruning, hatracking, topping, etc., shall be considered tree abuse and a violation of this Code.

(d)

Violations. A person who violates any provision of this article, and fails to correct the violation as provided herein, may be subject to penalties pursuant to the city Code of Ordinances. Tree abuse offenses shall be considered a separate offense for each tree

damaged or destroyed contrary to the provisions of this article.

Type of Violation: Section 118-35 (b) Replacement.

All unhealthy and dead plant material shall be replaced within 30 days in conformance with the approved site/landscaping plan for the property or in conformance with the provisions of this article if an approved plan is not on file with the city.

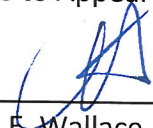
Type of Violation: Section 118-36 (a) Quality.

Plant materials used in conformance with the provisions of this article shall meet specifications of Florida No. 1 Grade or better, according to the current edition of Grades and Standards for Nursery Plants of the state Department of Agriculture.

Please contact me at 352-241-7304 or ewallace@clermontfl.org when you comply, so an inspection to determine compliance can be scheduled. Should you have questions about the landscape plan and/or approved/preferred hedges please contact chenschel@clermontfl.org or 352-241-7308 as he is the City Arborist.

You are directed to take action by **December 15th, 2017** . Failure to remedy the violation within the allotted time will result in a Notice to Appear for a hearing before the Code Enforcement Special Magistrate.

By:



E. Wallace

Code Enforcement Officer

**Code Enforcement Special Magistrate
City of Clermont**

NOTICE OF HEARING

CITY OF CLERMONT,

Petitioner

vs.

PRICKETT JOHN R

Respondent

Case No. C2017-000755

Pursuant to Section 2-206 of the Code of the City of Clermont, Florida, you are hereby notified that a Public Hearing will be conducted in the above-styled cause, pending and undetermined by the Code Enforcement Special Magistrate on:

MAY 15, 2018 @ 1:30PM

at

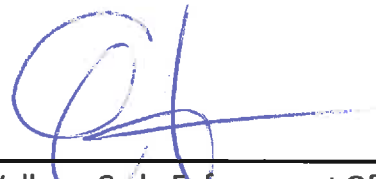
**685 West Montrose Street, Clermont, Florida.
Council Chambers of City Hall**

The Special Magistrate will receive testimony and evidence at said Public Hearing and shall make such findings of fact as are supported by the testimony and evidence pertaining to the matters alleged in the Violation Notice. If the violation is corrected and then recurs, or if the violation is not corrected by the time specified by the Code Enforcement Officer in his/her Statement of Violation, this case may be presented to the Special Magistrate even if the violation has been corrected prior to the hearing.

Any letters, lists, pictures of items displayed, presented or handed out at a public meeting for any City Commission, Board, Council or City public meeting, must be left with the recording clerk at the meeting at that time. No cell phone or electronic displays are permitted unless a printed copy is supplied at that time to the recording clerk.

I hereby certify that a true and correct copy of the above and foregoing Notice of Hearing has been furnished by Certified Mail/Personal Service to Respondent, PRICKETT JOHN R.
Certified Mail/Return Receipt Requested #

BY:



Evie Wallace, Code Enforcement Officer
this 2nd day of April, 2018

IF A PERSON DESIRES TO APPEAL ANY DECISION WITH RESPECT TO ANY MATTER CONSIDERED AT THESE PROCEEDINGS, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND THAT, FOR THIS PURPOSE, SUCH PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

**CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF CLERMONT, FLORIDA**

CITY OF CLERMONT

Petitioner,

vs.

TIPROEL LLC ET AL,

Respondent.

**Case No: C2017-000305
Vacant Lot on Bloxam Adj. to Orange Grove
Clermont, Florida**

FINDINGS OF FACT, CONCLUSION OF LAW and ORDER

THIS MATTER came before the Code Enforcement Special Magistrate of the City of Clermont for hearing on **August 15, 2017**, and the Special Magistrate having heard sworn testimony and received evidence from **Lori Crain, Code Enforcement Officer**, for the City and having noted that Respondent was not represented, thereupon issues the following Findings of Fact, Conclusion of Law, and Order:

I. FINDINGS OF FACT

- 1) Notice as required by Section 162.12, F.S. was provided to Respondent.
- 2) The Respondent is the owner of and in custody and control of the property described in the Violation Notice dated July 19, 2017.
- 3) There exists on the property fallen trees and limbs, trash and debris, and weeds creating a nuisance.

II. CONCLUSION OF LAW

The Code Enforcement Special Magistrate finds the Respondent, **TIPBOEL LLC ET AL**, is in violation of City of Clermont Code Section 122-344 "Property Maintenance"; Section 34-61 "Enumeration of prohibited items, conditions or actions constituting nuisances"; Section 34-62 "Creation or maintenance of nuisance by property owner declared unlawful", Chapter 14, Section 301.3-1-IPMC "Vacant structures and land" and Chapter 14, Section 302.4-IPMC, "Weeds".

III. ORDER

Based on the above-stated findings and conclusion of law, it is hereby Ordered that:

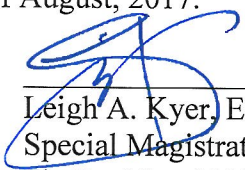
- 1) Respondent shall correct the above-stated violation on or before **August 31, 2017**, by taking the remedial action as set forth in the Violation Notice dated July 19, 2017. If the Respondent fails to timely correct the violation a fine of **TWO HUNDRED AND FIFTY**

DOLLARS (\$250) will accrue for each day the violation continues past the compliance date as stated above.

2) Respondent bears the burden of, and shall contact the City of Clermont Code Enforcement Department to arrange for a re-inspection of the Property and to verify that the violations have been corrected, and the property has been brought into compliance with the City Code Sections as cited above. Respondents shall call (352) 241-7343 to request an inspection.

3) Any fine imposed shall accrue from the date it is imposed until the date that the violation is corrected as verified by the City of Clermont Code Enforcement Department.

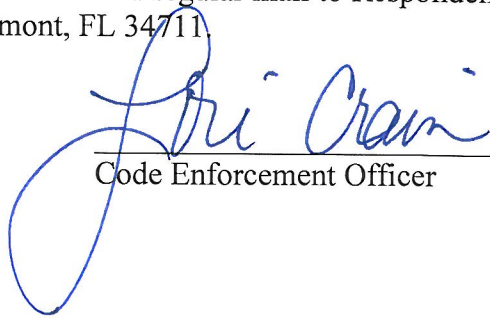
Done and Ordered this 25 day of August, 2017.



Leigh A. Kyer, Esq.
Special Magistrate
Fla Bar No.: 192325

An aggrieved party, including the City Council of the City of Clermont, may appeal a final administrative order of the Code Enforcement Special Magistrate to the Circuit Court. Any such appeal shall be filed within thirty (30) days of the rendition of this Order as set forth in Section 162.11, Florida Statutes.

I HEREBY CERTIFY that on this 25th day of August 2017, a true and correct copy of this Order has been furnished by certified and regular mail to Respondent, TIPROEL LLC ET AL, 11728 Osprey Pointe Blvd., Clermont, FL 34711.



Code Enforcement Officer