

**CITY OF LYNN HAVEN
CODE ENFORCEMENT HEARING
May 23, 2013**

The Lynn Haven Code Enforcement Hearing was convened on Thursday, May 23, 2013 at 2:00 p.m. in the Lynn Haven City Hall Commission Meeting Room.

Present: Al Stopka, Esq. Special Magistrate
Robert Jackson, Esq. Attorney for the City of Lynn Haven
Mike Brown, Code Enforcement Officer for City of Lynn Haven

Call to Order by Special Magistrate Stopka

Special Magistrate Stopka spoke about the procedure that would be used during the hearing.

Swearing in of Officers by Special Magistrate Stopka.

Item #3. Hearing on 1101 W. 19th Street, property owner John Yates

Code Enforcement Officer Mike Brown presented the case noting the violations were M.O. 26-30, 26-32 and 26-33.

At the conclusion of the presentation a recommendation was made to find the respondent to be in violation of the aforementioned M.O.; that he be given fifteen (15) days to abate the violations and if not so abated a fine of One Hundred Dollars (\$100.00) per day be assessed for each day the nuisance is not abated up to the thirtieth (30th) day. On the thirtieth (30th) day the City will begin abatement of the violations. The costs and fines associated with the enforcement and abatement be assessed to the property owner and if not paid within thirty (30) days of notice, a lien be placed against the property with a 10% annual interest rate.

Special Magistrate Stopka accepted the Case File Package as evidence.

Special Magistrate Stopka found that John L. Yates is the owner of the real property located at 1109 W. 19th Street, Lynn Haven Florida identified by the Bay County Property Appraiser by Parcel ID No. 10897-000-000.

On February 22, 2012, March 16, 2012 and July 19, 2012 Notice of the above Municipal Ordinance Violations was given to the property owner by City Code Enforcement Officer Mike Brown.

On April 15, 2013 the owner was provided notice of the violations and the hearing before the Code Enforcement Magistrate via certified and regular mail. In addition the notice was posed on the subject property and at the Lynn Haven City Hall more than 10 days prior to the Code Enforcement hearing.

As of the date of the hearing many of the items and debris had been removed from the subject property, however, the evidence presented showed that violations of sections 26-30 and 26-32 still existed.

The Special Magistrate ordered that the property owner, representatives or designees shall abate the violations and remove the accumulation of rubbish, trash, junk, lumber and abandoned materials

within Thirty (30) days of the date of the Order. Any continuing violation of the code sections shall result in a fine in the amount of \$50.00 per day for each day the violations continue to exist on the subject property.

If the subject property is not in compliance within Forty Five (45) Days of the date of this Order the City or its designee shall undertake the removal and abatement of any nuisance remaining upon the property in violation of City Code, and assess the costs of such removal and abatement against the owner of the property. A subcontractor retained by the city for the purpose of abatement is granted supervised access to all exterior area os the Subject Property to assess abatement costs.

The property owner will pay \$200.00 for the administrative costs of the hearing, which are immediately due and payable. If the full amount of the administrative costs, fines and any abatement costs incurred remain unpaid for Sixty (60) Days after execution of the Order, a certified copy of the Order shall be recorded in the public records of Bay County which shall constitute a lien against the violator's property and shall accrue an interest rate of 10% per annum. The City of Lynn Haven may foreclose on any such lien which remains unpaid after three months from the time the lien is filed.

Item #4 Hearing on 716 E. Pineforest Drive, property owner James W. Morgan.

Code Enforcement Officer Mike Brown presented the case noting the violations were M.O. 26-30, 26-32 and 26-33.

At the conclusion of the presentation a recommendation was made to find the respondent to be in violation of the aforementioned M.O.; that he be given fifteen (15) days to abate the violations and if not so abated a fine of One Hundred Dollars (\$100.00) per day be assessed for each day the nuisance is not abated up to the thirtieth (30th) day. On the thirtieth (30th) day the City will begin abatement of the violations. The costs and fines associated with the enforcement and abatement be assessed to the property owner and if not paid within thirty (30) days of notice, a lien be placed against the property with a 10% annual interest rate. . The City of Lynn Haven may foreclose on any such lien which remains unpaid after three months from the time the lien is filed.

Special Magistrate Stopka accepted the Case File Package as evidence.

Special Magistrate Stopka found that James W. Morgan is the owner of the real property located at 716 E. Pineforest Drive, Lynn Haven Florida identified by the Bay County Property Appraiser by Parcel ID No. 11634-722-000.

On July 24, 2012, January 29, 2013 and April 15, 2013 Notice of the above Municipal Ordinance Violations was given to the property owner by City Code Enforcement Officer Mike Brown.

On April 15, 2013 the owner was provided notice of the violations and the hearing before the Code Enforcement Magistrate via certified and regular mail. In addition the notice was posed on the subject property and at the Lynn Haven City Hall more than 10 days prior to the Code Enforcement hearing.

As of the date of the hearing much of the rubbish and untended vegetative growth had been removed from the subject property, however, the evidence presented showed that violations of sections 26-30, 26-32 and 26-33 still existed.

The Special Magistrate ordered that the property owner, representatives or designees shall abate the

violations and remove the accumulation of rubbish, trash, junk, lumber and abandoned materials within Fifteen (15) Days of the date of the Order. Any continuing violation of the code sections shall result in a fine in the amount of \$50.00 per day for each day the violations continue to exist on the subject property.

If the subject property is not in compliance within Thirty(30) Days of the date of this Order the City or its designee shall undertake the removal and abatement of any nuisance remaining upon the property in violation of City Code, and assess the costs of such removal and abatement against the owner of the property. A subcontractor retained by the city for the purpose of abatement is granted supervised access to all exterior area os the Subject Property to assess abatement costs.

The property owner will pay \$200.00 for the administrative costs of the hearing, which are immediately due and payable. If the full amount of the administrative costs, fines and any abatement costs incurred remain unpaid for Sixty (60) Days after execution of the Order, a certified copy of the Order shall be recorded in the public records of Bay County which shall constitute a lien against the violator's property and shall accrue interest at the rate of 10% per annum. The City of Lynn Haven may foreclose on any such lien which remains unpaid after three months from the time the lien is filed.

Item #5 Hearing on 406 E. 19th Street, property owners Jeffery or Shamain Ridgeway.

Code Enforcement Officer Mike Brown presented the case noting the violations were M.O. 26-30, 26-32, 26-33, 26-97 and 54-27.

At the conclusion of the presentation a recommendation was made to find the respondent to be in violation of the aforementioned M.O.; that he be given fifteen (15) days to abate the violations and if not so abated a fine of One Hundred Dollars (\$100.00) per day be assessed for each day the nuisance is not abated up to the thirtieth (30th) day. On the thirtieth (30th) day the City will begin abatement of the violations. The costs and fines associated with the enforcement and abatement be assessed to the property owner and if not paid within thirty (30) days of notice, a lien be placed against the property with a 10% annual interest rate.

Special Magistrate Stopka accepted the Case File Package as evidence.

Special Magistrate Stopka found that Jeffery L. Ridgeway and Shamain Ridgeway are the owners of the real property located at 406 W. 19th Street, Lynn Haven Florida identified by the Bay County Property Appraiser by Parcel ID No. 10897-000-000.

On February 29, 2012 the owners were notified that the subject property contained an unsafe structure. Subsequently the owners began demolition of the structure and the gradual removal of the debris and rubbish caused by the demolition, but did not complete the demotion or removal of the resulting debris and rubbish. On October 24, 2012, December 17, 2012 and April 17, 2013 Notice of the above Municipal Ordinance Violations was given to the property owner by City Code Enforcement Officer Mike Brown.

On April 15, 2013 the owner was provided notice of the violations and the hearing before the Code Enforcement Magistrate via certified and regular mail. In addition the notice was posed on the subject property and at the Lynn Haven City Hall more than 10 days prior to the Code Enforcement hearing.

As of the date of the hearing many of the rubbish and debris had been removed from the subject

property, however, the evidence presented showed that violations of sections 26-30 (a) (b), 26-32 (1), 26-33 (1) and 26-97 still existed.

The Special Magistrate ordered that the property owner, representatives or designees shall abate the violations and remove the accumulation of demolition debris, rubbish, trash, junk, lumber and abandoned vehicle within Thirty (30) days of the date of the Order. Any continuing violation of the code sections shall result in a fine in the amount of \$50.00 per day for each day the violations continue to exist on the subject property.

If the subject property is not in compliance within Forty Five (45) Days of the date of this Order the City or its designee shall undertake the removal and abatement of any nuisance remaining upon the property in violation of City Code, and assess the costs of such removal and abatement against the owner of the property. A subcontractor retained by the city for the purpose of abatement is granted supervised access to all exterior area os the Subject Property to assess abatement costs.

The property owner will pay \$200.00 for the administrative costs of the hearing, which are immediately due and payable. If the full amount of the administrative costs, fines and any abatement costs incurred remain unpaid for Sixty (60) Days after execution of the Order, a certified copy of the Order shall be recorded in the public records of Bay County which shall constitute a lien against the violator's property and shall accrue interest at the rate of 10% per annum. The City of Lynn Haven may foreclose on any such lien which remains unpaid after three months from the time the lien is filed.

Item #6 Hearing on 1311 Kentucky Avenue, property owners Mary Susan Modzel and / or Lancelot D. Hughes.

Code Enforcement Officer Mike Brown presented the case noting the violations were M.O. 26-30 and 26-32.

At the conclusion of the presentation a recommendation was made to find the respondent to be in violation of the aforementioned M.O.; that he be given fifteen (15) days to abate the violations and if not so abated a fine of One Hundred Dollars (\$100.00) per day be assessed for each day the nuisance is not abated up to the thirtieth (30th) day. On the thirtieth (30th) day the City will begin abatement of the violations. The costs and fines associated with the enforcement and abatement be assessed to the property owner and if not paid within thirty (30) days of notice, a lien be placed against the property with a 10% annual interest rate.

Special Magistrate Stopka accepted the Case File Package as evidence.

Special Magistrate Stopka found that Lancelot D. Hughes and Mary Susan Modzel are the owners of the real property located at 1311 Kentucky Avenue, Lynn Haven Florida identified by the Bay County Property Appraiser by Parcel ID No. 10897-000-000.

On April 18, 2012, June 13, 2012 and April 15, 2013 Notice of the above Municipal Ordinance Violations was given to the property owners by City Code Enforcement Officer Mike Brown.

On April 15, 2013 the owner was provided notice of the violations and the hearing before the Code Enforcement Magistrate via certified and regular mail. In addition the notice was posed on the subject property and at the Lynn Haven City Hall more than 10 days prior to the Code Enforcement hearing.

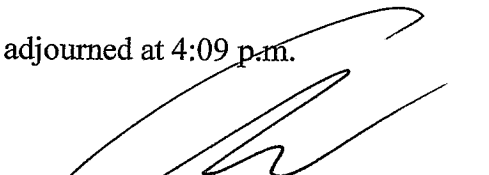
As of the date of the hearing some of the junk, trash and debris had been removed from the subject property, however, the evidence presented showed that violations of sections 26-30 and 26-32 (1) (12) still existed.

The Special Magistrate ordered that the property owner, representatives or designees shall abate the violations and remove the accumulation of junk, debris, trash, rubbish, abandoned equipment, and appliances, materials, metals, lumber or any other things in violation of the noted Municipal Ordinances within Fifteen (15) Days of the date of the Order. Any continuing violation of the code sections shall result in a fine in the amount of \$50.00 per day for each day the violations continue to exist on the subject property.

If the subject property is not in compliance within Thirty(30) Days of the date of this Order the City or its designee shall undertake the removal and abatement of any nuisance remaining upon the property in violation of City Code, and assess the costs of such removal and abatement against the owner of the property. A subcontractor retained by the city for the purpose of abatement is granted supervised access to all exterior area os the Subject Property to assess abatement costs.

The property owner will pay \$200.00 for the administrative costs of the hearing, which are immediately due and payable. If the full amount of the administrative costs, fines and any abatement costs incurred remain unpaid for Sixty (60) Days after execution of the Order, a certified copy of the Order shall be recorded in the public records of Bay County which shall constitute a lien against the violator's property and shall accrue interest at the rate of 10% per annum. The City of Lynn Haven may foreclose on any such lien which remains unpaid after three months from the time the lien is filed.

There being no further business the Hearing adjourned at 4:09 p.m.


Al Stopka, Esq., Special Magistrate


Cindy Vann, Clerk