

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: March 19, 2008

Division: County Attorney

Bulk Item: Yes No

Staff Contact Person: Cynthia L. Hall

AGENDA ITEM WORDING:

Authorization to institute collection proceedings and/or enter settlement negotiations with Arthur Mehr in Code Enforcement Case CE06100026.

ITEM BACKGROUND:

On October 2, 2006, Mr. Mehr was cited for violation of Monroe County Code Section 6-20(d), Permit #03304800 for a chain link fence did not receive a final inspection and Permit #03304788 to remove and replace a concrete slab and porch failed all of the inspections; Monroe County Code Section 8-17(a), large dead tree laying on its side in the front yard of the property; and Monroe County Code Section 8-17(b), property is overgrown with grass and weeds. The case was brought before the Special Magistrate on January 25, 2007, at which time Mr. Mehr was found in violation.. The Special Magistrate set compliance for February 15, 2007, after which time a fine would begin to run in the amount of \$100.00 per day per count. As of January 25, 2008, this property has not come into compliance and as of February 22, 2008, total fines owed are \$111,718.50.

PREVIOUS RELEVANT BOCC ACTION: None

CONTRACT/AGREEMENT CHANGES: N/A

STAFF RECOMMENDATIONS:

Approval

TOTAL COST: _____

BUDGETED: Yes No

COST TO COUNTY: _____

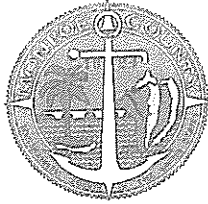
SOURCE OF FUNDS: _____

REVENUE PRODUCING: Yes No **AMOUNT PER MONTH** _____ **Year** _____

APPROVED BY: County Atty CH OMB/Purchasing _____ Risk Management _____

DOCUMENTATION: Included Not Required _____

DISPOSITION: _____ **AGENDA ITEM #** _____



BEFORE THE CODE ENFORCEMENT SPECIAL MAGISTRATE
LARRY J. SARTIN
MONROE COUNTY, FLORIDA

MONROE COUNTY, FLORIDA,
Petitioner.

CASE NO. CE06100026

vs.

ARTHUR MEHR
Respondent(s).

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

THIS CAUSE having come before the Code Enforcement Special Magistrate for a public hearing on January 25th 2007 ,and the Special Magistrate, having reviewed the evidence, heard testimony under oath and argument of counsel (if any), and being otherwise fully apprised of the premises, makes the following findings of fact, conclusions of law and order as follows:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. That the Respondent(s) is/are the owners of record of property located at BK 4, LT 10,
REVISED PLAT OF SHERRILL PARK, PB5-47, KEY LARGO, MONROE COUNTY, FLORIDA (RE# 00488270-000000);
2. That the Respondent(s) was/were duly noticed of this hearing; and
3. That the above-named property is in violation of the Monroe County Code as more particularly described in Exhibit "A", which is attached hereto and incorporated herein.

Therefore it is

ORDERED AND ADJUDGED that:

- A. Respondent(s) is/are in violation of the Monroe County Code(s) and is/are ordered to comply with the provisions of said codes by February 15th 2007. A compliance / review hearing will be held on February 22nd 2007.
- B. Upon complying, Respondent(s) shall notify the Code Inspector in this case who shall re-inspect the property and notify the Code Enforcement Department of compliance.
- C. Noncompliance by the above date will result in the imposition of a fine, \$ 100.00 (ONE HUNDRED DOLLARS), per count, per day, for each day thereafter that Respondent(s) is/are in violation.
- D. Pursuant to Florida Statutes Section 162.07, a fine in the amount of \$100.00 (ONE HUNDRED DOLLARS) has been levied for the administrative recovery for prosecution and investigation.
- E. In the event of nonpayment of fines/liens imposed, a certified copy of an order imposing a fine may be recorded in the public records and shall thereafter constitute a lien against the land on which the violation or violations exist and upon any other real or personal property owned by the violator(s).
- F. You have the right to appeal this order to the Circuit Court of Monroe County. If you wish to appeal, you must do so no later than thirty (30) days from the date of this Order. Failure to timely file a written Notice of Appeal will waive your right to appeal.

DONE AND ORDERED at the Division of Administrative Hearings, Tallahassee, Leon County, Florida, this 31st day of January, 2007.



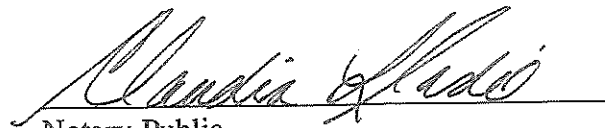
 Larry J. Sartin
 Code Enforcement Special Magistrate

STATE OF FLORIDA
 COUNTY OF LEON

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared LARRY J. SARTIN personally known to me, who executed the foregoing and acknowledged before me that he executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 31st day of January, 2007.





 Notary Public

EXHIBIT "A"

VIOLATION(S):

COUNT 1. Pursuant to Monroe County Code §6-20(d) - *Failure to Obtain Inspections:* Failure to obtain an approved inspection within one hundred eighty (180) days of the previous approved inspection shall constitute suspension or abandonment, which shall render the permit null and void. Any work completed without an approved inspection may be subject to code compliance.

COUNT 2. Pursuant to Monroe County Code §8-17(a) – **Premises to be cleaned and mowed.** (a) For the purposes of promoting the health, safety and general welfare of the residents of the county, all lands inside and outside of subdivisions, including vacant lands, and improved property within the unincorporated area of the county, shall be kept cleared of debris, garbage, litter, yard trash, refuse, special solid waste, solid waste, trash, industrial waste and/or which tend to be a breeding place or haven for snakes, rodents, insects, and vermin of all kinds and character, and/or which tend to create a fire hazard, endanger the lives and property of the residents of the county, create a traffic hazard, create a nuisance or unsanitary condition and/or which render the soil or air impure, unwholesome, or unhealthful.

COUNT 3. Pursuant to Monroe County Code § Section 8-17(b) – **Premises to be cleaned and mowed.** (b) For the purposes of health, safety and general welfare of the residents of the county, all commercial and residential lots, vacant or occupied, shall be kept mowed except that or subdivisions located within public acquisition areas, publicly owned vacant lots acquired for conservation and resource protection purposes and private vacant lots subject to a county approved management plan.

CORRECTION(S):

COUNT 1. Contact the Monroe County Building Department and obtain permits and inspections for work done, or obtain a demolition permit and remove as directed.

COUNT 2. Remove all debris, garbage, litter and/or items specified by the Code Enforcement inspector. Removal of said materials does not authorize the cutting or removal of native or other vegetation without a permit if required.

COUNT 3. Lot is required to be mowed.

CONTACT YOUR CODE INSPECTOR UPON COMPLIANCE

Upper Keys (305)852-7135
Middle Keys (305)289-2810
Lower Keys (305)292-4495

I HEREBY CERTIFY that a true and correct copy of the above has been furnished to the Respondent(s) via first-class mail at 5776 E. Foxhollow Drive, Boca Raton, FL 33486, this 2nd day of February, 2007.



Code Enforcement Liaison
Karen L. Bass

Please make check or money order payable to Monroe County Code Enforcement and mail to 2798 Overseas Highway, Marathon, FL 33050.

BEFORE THE CODE ENFORCEMENT SPECIAL MAGISTRATE
LARRY J. SARTIN
MONROE COUNTY, FLORIDA

MONROE COUNTY, FLORIDA

Petitioner,

vs.

CASE NO. CE06100026

ARTHUR MEHR

Respondent(s).

ORDER IMPOSING PENALTY/LIEN

THIS CAUSE having come on for public hearing before the Special Magistrate on January 25th 2007, at the Marathon Government Regional Center, located at 2798 Overseas Highway, Marathon, Florida, after due notice to the Respondent(s), at which time the Special Magistrate heard testimony under oath, received evidence, and issued his Order finding the Respondent(s) in violation of Monroe County Code Section(s): §6-20(d), §8-17(a), §8-17(b).

Said Order, and subsequent orders, required the Respondent(s) to correct the violation(s) by February 15th 2007, and further, that failure to correct the violation(s) by the compliance date may result in a fine \$100.00(ONE HUNDRED DOLLARS) per count, per day, being imposed for each day thereafter that there is noncompliance. At the meeting of the Special Magistrate held on February 22nd 2007, Inspector Williams testified that the following violation(s) had not yet been corrected: §6-20(d), §8-17(a), §8-17(b).

ACCORDINGLY, the Special Magistrate finding that the violation(s) had not been corrected, as previously ordered, it is hereby:

ORDERED that the Respondent(s) pay to Monroe County, Florida, a fine in the amount of \$100.00(ONE HUNDRED DOLLARS) per count, per day beginning February 16th 2007, and for each and every day thereafter that the violation(s) exist(s) and/or continue(s) to exist. Pursuant to Florida Statutes Section 162.07, a cost in the amount of \$100.00 (ONE HUNDRED DOLLARS) is hereby levied for the administrative recovery for prosecution and investigation.

THIS ORDER SHALL CONSTITUTE A LIEN AGAINST THE LAND ON WHICH THE VIOLATION(S) EXIST(S) AND UPON ANY OTHER REAL OR PERSONAL PROPERTY OWNED BY THE VIOLATOR(S).

THE VIOLATION(S) EXIST(S) ON THE FOLLOWING DESCRIBED PROPERTY: BK 4, LT 10, REVISED PLAT OF SHERRILL PARK, PB5-47, KEY LARGO, MONROE COUNTY, FLORIDA (RE#00488270-000000);

Pursuant to Section 162.09, Florida Statutes, this lien may be recorded with the Clerk of the Courts for Monroe County, Florida.

That upon complying, the Respondent(s) shall notify the Code Inspector in this case, who shall reinspect the property and notify the Special Magistrate of compliance.

DONE AND ORDERED this 6th day of March, 2007, at the Division of Administrative Hearings, Tallahassee, Florida.

BY

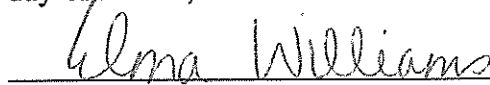

Larry J. Sartin

Code Enforcement Special Magistrate

STATE OF FLORIDA
COUNTY OF LEON

I HEREBY CERTIFY that on this day, before me, on officer duly authorized in the State aforesaid and in the County aforesaid, to take acknowledgments, personally appeared Larry J. Sartin, personally known to me, who executed the foregoing and acknowledged before me that he executed the same.


WITNESS my hand and official seal in the County and State last aforesaid this 6th day of March, 2007.


Notary Public



Elma Williams
Commission # DD481642
Expires December 2, 2009
Bonded Troy Fain Insurance Inc 800-395-7019

I HEREBY CERTIFY that a true and correct copy of the above and foregoing Order Imposing Penalty/Lien has been furnished by U.S. Mail, to the Respondent(s) at 5776 e. Foxhollow Drive, Boca Raton, FL 33486, this 6th day of March, 2007.


Karen L. Bass,
Code Enforcement Liaison

MONROE COUNTY
OFFICIAL RECORDS