



**Town of Howey-in-the-Hills
Special Magistrate Hearing
July 27, 2023 at 9:00 A.M.
Howey-in the-Hills Town Hall
101 N. Palm Ave.
Howey-in-the-Hills, FL 34737**

MINUTES

I. CALL TO ORDER:

Special Magistrate, Zachary J. McCormick, called the Special Magistrate Hearing to Order at 9:05 AM.

II. SWEARING IN:

Code Enforcement Officer Azure Botts was sworn in.

III. CASES TO BE HEARD

A. Florida Screen Inc Hearing

CASE NO: CE-23-06-0064

PROPERTY ADDRESS: ALTKEY# 3817341 W Central Ave., Howey-in-the-Hills, FL 34737

OWNER: Florida Screen Inc.

CODE ENFORCEMENT OFFICER: Azure Botts

VIOLATION:

Town of Howey-in-the-Hills Code of Ordinances, Chapter 127, Section 127-2 and Section 127-4.

Vacant parcel has an accumulation of junk and rubbish consisting of but not limited to, unlicensed trailers, unlicensed trucks, broken awning, stacks of white boards, and screened door.

Heard at 9:06 AM

Special Magistrate McCormick asked if there was anyone present for the case as called. There was no one representing the property owner present.

Presentation given by Officer Botts representing the Town.

Officer Botts presented the following and asked that they be admitted as evidence: Composite (A) - consisting of eleven (11) pictures taken by Officer Botts.

Magistrate admitted into evidence Composite (A) consisting of eleven (11) pictures taken by Officer Botts as Exhibit A.

Officer Botts showed the eleven pictures which showed the accumulation of junk, rubbish, and unlicensed vehicles on the property. Officer Botts stated that the accumulation of junk and rubbish was still on the property as of the morning of the hearing.

Officer Botts stated that the Town's recommendation was for the property owner to pay the operational cost of \$70.31 and for the property owner clear the refuse, junk, and unlicensed vehicles with 14 days or to receive a fine of \$250 a day until the property is cleared. Officer Botts stated that this was the second time the property owner has done this.

Officer Botts stated that the black vehicle had no license plate on it and the white vehicle's tag had expired. Officer Botts explained that the property was zoned as Conservation and that everything on the property was prohibited.

Magistrate Ruling: Adjudication of Guilt, assesses operational cost of \$70.31 to be paid (due immediately), the respondent will have 14 days from the date of the hearing to bring the property into compliance, failure to cure the defect within 14 days from the date of the hearing will result in the automatic enforcement of the \$250.00 per day fine. Due to the property being zoned Conservation, none of the depicted usage was permissible.

B. Carreno Hearing

CASE NO: CE-23-07-0068

PROPERTY ADDRESS: ALTKEY#1257221. Howey-in-the-Hills, Fl 34737.

OWNER: Victor Carreno

OFFICER: Azure Botts

VIOLATION:

Town of Howey-in-the-Hills Code of Ordinances Chapter 127, Section 127-3.

Grass/weeds exceed 12 inches in height on vacant parcel.

Heard at 9:15 AM.

Special Magistrate McCormick asked if there was anyone present for the case as called. There was no one representing the property owner present.

Presentation given by Officer Botts.

Officer Botts presented the following and asked that they be admitted as evidence: Composite (A) consisting of two (2) pictures showing the grass with a measuring stick showing the grass height and an overview picture of the property.

Magistrate admitted into evidence Composite A consisting of two (2) pictures as Exhibit A.

Officer Botts stated that the Town's recommendation was for the property owner to pay an operation cost of \$70.46 and the Town asks that the property owner cut the grass to below 12 inches in height and maintain as such (this is the property owner's third violation) within 14 days of the hearing. Officer Botts stated that the Town also asks for the property owner to pay a fine for enforcement of \$250 a day until the property is brought within compliance. Officer Botts also asked that if the property owner is not in compliance by the 15th day, that the Town can mow the property, charging the hourly rate of the person mowing the property and the going rate of the rental for the lawn care equipment, that total would be \$843.55 (this would be a single initial assessment).

Magistrate Ruling: Adjudication of guilt/violation, assesses operational cost of \$70.46 to be paid by the respondent (due immediately), the respondent will have 14 days from the date of the hearing to bring the property into compliance, by cutting the grass below 12 inches in height, if the respondent fails to bring the property with compliance they will incur a fine of \$250 per day until the property is brought within compliance (if the Town does not opt to abate the property on the 15th day, the property will continue to incur a \$250 fine until the property owner or the Town mows the grass below twelve inches in height). The Town may opt to abate the property on the 15th day after the hearing, and be reimbursed for the initial cost of abatement in the amount of \$843.55; thereafter so long as the respondent does not abate the property himself, the Town will be entitle to continue abatement as needed and may be reimbursed for each additional mowing of the property, at a cost not to exceed \$250.00 for each mowing until such time as the respondent decides to cure the defect.

IV. ADJOURNMENT

Special Magistrate Hearing was adjourned at 09:49 AM.

ATTEST:


John Brock, Clerk


Zachary J. McCormick
Special Magistrate

Date: November 16, 2023

