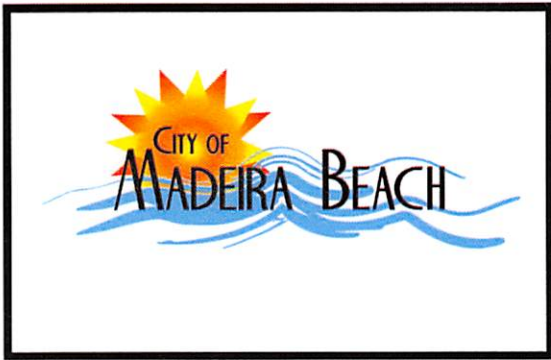




THE CITY OF MADEIRA BEACH

PUBLIC NOTICE

The Code Enforcement Special Magistrate, City of Madeira Beach, Florida will hold a meeting at the Madeira Beach City Hall Patricia Shontz Commission Chambers, 300 Municipal Drive, Madeira Beach, Florida 33708 to discuss the items of business listed hereon at the time and date indicated below:

SPECIAL MAGISTRATE CODE ENFORCEMENT AGENDA

2:00 P.M.

MONDAY, APRIL 23, 2018

COMMISSION CHAMBERS

A. INTRODUCTION – SPECIAL MAGISTRATE BART R. VALDES.

Welcome to the City of Madeira Beach Code Enforcement Special Magistrate Hearings. The Special Magistrate is charged with conducting hearings to determine whether an alleged violation of the City Code has occurred. In order to meet that obligation, all parties or their representatives will be allowed an opportunity to be heard on matters relevant to the alleged violation(s). All witness offering testimony or presenting evidence will be required to swear or affirm that the testimony they provide is the truth.

The order of presentation will begin with the City presenting their evidence of alleged violation(s) and then the Respondent shall present his/her case. Both parties shall have an opportunity to cross-examine all witnesses. The Special Magistrate may question any witnesses.

The clerk will announce the names of the cases from the agenda. When you hear your case called, please respond by coming to the podium with your representative and/or any witness to be sworn. When addressing the Special Magistrate, please speak clearly into the microphone.

B. CALL TO ORDER

C. ADMINISTRATION OF OATH TO RESPONDENTS/WITNESSES

D. NEW BUSINESS

Case #2018.050	
Respondent/Property Owner; Name & Mailing Address:	PADILHA, ROBERTO 4757 NW 72ND AVE MIAMI FL 33166-5616
Property Location:	118 143 RD AVE MADEIRA BEACH
Legal & Parcel #:	MADEIRA MANOR LOT 5 09-31-15-54288-000-0050
Violation(s)/Charge(s):	Sec. 14-69. - Same—Maintenance of the exterior of premises. The exterior of premises and all structures thereon including but not limited to private property and vacant lots shall be kept free of all hazards to the health, safety and welfare of persons on or near the premises. It shall be the duty of the owner/occupant of such property to promptly abate or remove the same. (1) Garbage, trash, refuse, debris, accumulations of filth, broken glass, junk, scrap metal, scrap lumber, wastepaper products, discarded building materials, inoperative machinery, machinery parts, and similar materials shall not be stored or maintained on private property. (2) Abandoned, inoperable, or unlicensed vehicles, boats, boat trailers, trailers, campers, recreation vehicles, motorcycles, and machinery shall not be stored

or maintained on private property except as provided elsewhere in the Code of Ordinances.

(3)

Overhanging or overhead objects which are loose, insecurely fastened or otherwise constitute a danger of falling on persons or property by reason of their location above the ground shall not be stored or maintained on private property.

(4)

Holes, excavations, pits, and depressions which present a danger to persons or property on or near private property shall be filled or safely covered.

(5)

Breaks, projections, obstructions, and other trip and fall hazards on walks, paths, steps, sidewalks, driveways, parking lots, parking areas, and other parts of premises accessible to and used by persons on the property are prohibited.

(6)

Pet and animal waste and excretions shall not be accumulated on private property.

(7)

Water shall not be allowed to collect, stand, or accumulate on private property so as to constitute a breeding ground for mosquitos and other insects.

(8)

Any condition on private property which evidences rodent, vermin, pest, or insect infestation, nesting or habitation is prohibited.

(9)

All permanent signs and billboards exposed to public view permitted by reason of other regulations or as a lawful nonconforming use shall be maintained in good repair. Any signs which have excessively weathered or faded, or those upon which the paint has excessively peeled or cracked shall, with their supporting members, be removed forthwith or put into a good state of repair. All nonoperative or broken electrical signs shall be repaired or shall, with their supporting members be removed forthwith.

(10)

All store fronts and walls exposed to public view shall be kept in good repair. Paint or similar protective coating shall be applied where required, and shall not constitute a safety hazard or nuisance. If repairs to a store front become necessary, such repairs shall be made with the same or similar materials used in the construction of the store front in such a manner as to permanently repair the damaged area or areas. Any cornice visible above a store front shall be kept painted, where required, and in good repair.

(11)

Any awning or marquee and its accompanying structural members which extend over any street, sidewalk or other portion of the premises shall be maintained in good repair and shall not constitute a nuisance or a safety hazard. In the event such awnings or marquees are not properly maintained in accordance with the foregoing, they shall, together with their supporting members, be removed forthwith. If such awnings or marquees are made of cloth, plastic or of a similar material, such cloth or plastic, where exposed to public view, shall be maintained in good condition and shall not show evidence of excessive weathering, discoloration, ripping, tearing or other holes. Nothing herein shall be construed to authorize any encroachment on streets, sidewalks or other parts of the public domain.

- **Sec. 14-70. - Same—General maintenance.**

The exterior of every structure or accessory structure (including fences, signs, screens and store fronts) shall be maintained in good repair, termite free and all surfaces thereof shall be kept painted or have similar protective coating where necessary for purpose of preservation and appearance. All surfaces shall be maintained free of broken glass, loose shingles, crumbling stone or brick, excessive peeling paint or other condition reflective of deterioration or inadequate maintenance to the end which the property itself may be preserved, safety and fire hazards eliminated, and adjoining properties will be protected from conditions which tend to decrease the property values of surrounding properties.

(1)

All reconstruction of walls and sidings shall conform to the requirements of the Standard Building Code and shall be finished in a manner such that the materials used will not be of a kind which by their appearance, under prevailing practices and standards, will depreciate the values of the neighboring and adjoining premises.

(2)

Floors, interior walls and ceilings of every structure shall be structurally sound.

(3)

Floors shall be considered to be structurally sound when capable of safely bearing imposed loads and shall be maintained at all times in a condition so as to be smooth, free from cracks, breaks and other hazards.

(4)

All roofs shall have a suitable covering free of holes, cracks or excessively worn surfaces, which will prevent the entrance of moisture into the structure and provide reasonable durability. Metal roofs showing signs of corrosion shall be painted with an approved product or have similar protective coating applied in accordance with the manufacturer's specifications.

(5)

Washrooms and water closet compartment floors shall be surfaced with water resistant materials and shall be kept in a sanitary condition at all times.

(6)

Supporting structural members are to be kept structurally sound, free of deterioration and capable of bearing imposed loads safely.

(7)

Walls and ceilings shall be in good repair, free from excessive cracks, breaks, loose plaster and similar conditions. Walls shall be provided with paint, wall covering materials or other protective covering.

(8)

Every washroom and water closet compartment shall be provided with permanently installed lighting fixtures with a switch and wall plate so located and maintained to ensure there is no danger of short circuiting from water, from other bathroom facilities or from splashing of water.

(9)

All premises shall be properly connected to and be provided with electric power through safely insulated conductors and shall conform to all provisions of the National Electrical Code.

(10)

The owner/occupant shall have the duty and responsibility of providing storage containers for the storage and disposal of garbage.

(11)

	Foundation and walls shall be maintained structurally sound, free from defects and damage and capable of bearing imposed loads safely. (12) Chimneys and all flue and vent attachments thereto shall be maintained structurally sound, free from defects and so maintained as to capably perform at all times the function for which they are designed. Chimneys, flues, gas vents, or other draft-producing equipment shall provide sufficient draft to develop the rated output of the connected equipment, shall be structurally safe, durable, smoke tight and capable of withstanding the action of flue gases. (13) Exterior porches, landings, balconies, stairs and fire escapes shall be provided with railings properly designed and maintained to minimize the hazard of people falling, and the same shall be kept structurally sound, in good repair and free from defects
Case #2018.109B	
Respondent/Property Owner; Name & Mailing Address:	PADILHA, ROBERTO 4757 NW 72ND AVE MIAMI FL 33166-5616
Property Location:	118 143 RD AVE MADEIRA BEACH
Legal & Parcel #:	MADEIRA MANOR LOT 5 09-31-15-54288-000-0050
Violation(s)/Charge(s):	DIVISION 2. - BUILDING PERMITS Sec. 86-52. - When required. A person, firm or corporation shall not construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or erect, or construct a sign, or install or alter fire extinguishing apparatus, elevators, engines, steam boiler, furnace, incinerator, or other heat producing apparatus, plumbing, mechanical or electrical equipment or any appurtenances, the installation of which is regulated by the land development regulations or other sections of the Code until a permit has been issued by the building official. When the cost of repair or modification does not exceed \$500.00, does not result in a structural change, and does not require an inspection, a permit need not be issued by the building official. No permit is required for uncovered flat slabs of no greater than 50 square feet, for work of a strictly cosmetic nature (painting, wallpapering, carpeting, kitchen cabinets, etc.) or roof work less than \$100.00 in value.
Case #2018.014	
Respondent/Property Owner; Name & Mailing Address:	SMITH, NICOLE 27817 PLEASURE RIDE LOOP WESLEY CHAPEL FL 33544-1842
Property Location:	843 BAY POINT DR MADEIRA BEACH

Legal & Parcel #:	BAY POINT ESTATES 2ND ADD BLK 1, LOT 5 & LAND TO WATER15-10-31-15-04500-001-0050
Violation(s)/Charge(s):	Sec.14-68. - Same—Maintenance of vegetation, trees, plantings and landscaping. the owners/occupants of private property are responsible for the maintenance of plants, trees, grass, ground cover, plantings, landscaping, organic materials, and vegetation of any type or nature (collectively referred to as vegetation and organic material) located on such property and abutting rights-of-way, excluding roads and streets. The board of commissioners may designate by resolution right-of-way areas to be maintained by the city due to special circumstances. (1) Private property and rights-of-way shall be maintained with a herbaceous layer of sod, a ground cover material or organic mulch. Sod shall be maintained at a maximum overall height of six inches or less; other ground cover material shall be maintained at an overall height not to exceed 12 inches. Organic mulch shall be composed of chopped or shredded organic material and maintained in a manner which will retard or prevent the rapid or easy spread of fire.
Case #2018.019	
Respondent/Property Owner; Name & Mailing Address:	OVERTURE REALTY LLC 149 N LIMESTONE LEXINGTON KY 40507-1124
Property Location:	13222 3rd ST. E MADEIRA BEACH
Legal & Parcel #:	PAGE'S REPLAT OF MITCHELL'S BEACH BLK K, LOT 17 15-31-15-65304-011-0170
Violation(s)/Charge(s):	Sec.14-69. - Same—Maintenance of the exterior of premises. the exterior of premises and all structures thereon including but not limited to private property and vacant lots shall be kept free of all hazards to the health, safety and welfare of persons on or near the premises. It shall be the duty of the owner/occupant of such property to promptly abate or remove the same. (3) Overhanging or overhead objects which are loose, insecurely fastened or otherwise constitute a danger of falling on persons or property by reason of their location above the ground shall not be stored or maintained on private property. Sec.14-70. - Same—General maintenance. the exterior of every structure or accessory structure (including fences, signs, screens and store fronts) shall be maintained in good repair, termite free and all surfaces thereof shall be kept painted or have similar protective coating where necessary for purpose of preservation and appearance. All surfaces shall be maintained free of broken glass, loose shingles, crumbling stone or brick, excessive peeling paint or other condition reflective of deterioration or inadequate maintenance to the end which the property itself may be preserved, safety and fire hazards eliminated, and adjoining properties will

	be protected from conditions which tend to decrease the property values of surrounding properties. (1) All reconstruction of walls and sidings shall conform to the requirements of the Standard Building Code and shall be finished in a manner such that the materials used will not be of a kind which by their appearance, under prevailing practices and standards, will depreciate the values of the neighboring and adjoining premises. • (2) Floors, interior walls and ceilings of every structure shall be structurally sound. (4) All roofs shall have a suitable covering free of holes, cracks or excessively worn surfaces, which will prevent the entrance of moisture into the structure and provide reasonable durability. Metal roofs showing signs of corrosion shall be painted with an approved product or have similar protective coating applied in accordance with the manufacturer's specifications. • (7) Walls and ceilings shall be in good repair, free from excessive cracks, breaks, loose plaster and similar conditions. Walls shall be provided with paint, wall covering materials or other protective covering.
Reference Materials:	Notice of Hearing Affidavit of Service Statement of Violation Notice of Violation Photograph/Audio Evidence

E. OLD BUSINESS

F. ADJOURNMENT

Any person who decides to appeal any decision of the City Commission with respect to any matter considered at this meeting will need a record of the proceedings and for such purposes 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 to be based. The law does not require the City Clerk to transcribe verbatim minutes; therefore, the applicant must make the necessary arrangements with a private reporter or private reporting firm and bear the resulting expense. In accordance with the Americans with Disability Act and F.S. 286.26; any person with a disability requiring reasonable accommodation in order to participate in this meeting should call 727-391-9951 or fax a written request to 727-399-1131.

BROADCAST ON BRIGHT HOUSE GOVERNMENT ACCESS CHANNEL 640

Posted: **April 13, 2018**