

CODE ENFORCEMENT BOARD MEETING
Wednesday, April 13, 2016 – 2:00 p.m.
City Hall, Council Chambers, Vero Beach, Florida

AGENDA

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIENCE**
- 3. PRELIMINARY MATTERS**
 - A) Adoption of Minutes – March 9, 2016**
 - B) Agenda Additions, Deletions and Adoption**
- 4. UNLICENSED CONTRACTORS/CITATIONS**
- 5. EVIDENTIARY HEARINGS**
 - A) Citation Appeals**
 - 1. CASE #16-CE-6515 / 839M**
VIOLATOR: Studio 14, LLC / Scott Redfield
VIOLATION: Sign violation
VIOLATION ADDRESS: 1962 14th Avenue, Vero Beach, Florida 32960
(Repeat Violation \$200)
 - B) Non-Compliance / Compliance Reports**
 - 1. Request for Board Order**
 - a. CASE #15-CE-6314 / 0936T**
VIOLATOR: Charles Sullivan, Sr.
VIOLATION: Renting of dock space is a prohibited act in this district and a limit of two boats registered by the property owner is the maximum per dock allowance
VIOLATION ADDRESS: 10 Seagull Avenue, Vero Beach, Florida 32960
(Request to continue case to the June 8, 2016 Code Enforcement Board meeting date)
 - b. CASE #15-CE-6315 / 0937T**
VIOLATOR: Charles Sullivan, Sr.
VIOLATION: Renting of dock space is a prohibited act in this district and a limit of two boats registered by the property owner is the maximum per dock allowance

VIOLATION ADDRESS: 12 Seagull Avenue, Vero Beach, Florida 32960

(Request to continue case to the June 8, 2016 Code Enforcement Board meeting date)

- c. **CASE #15-CE-6060 / 752M**
VIOLATOR: Venetian Apartments / Kraig Vann Pyle
VIOLATION: Construction without permit
VIOLATION ADDRESS: 2545 Indian River Boulevard, Vero Beach, Florida 32960
(Case is continued from the February 19, 2016 hearing)

- d. **CASE #15-CE-6276 / 0871T**
VIOLATOR: Titone Properties, LLC / Mark Titone
VIOLATION: Extensive trash and debris accumulated along rear property line and drainage area
VIOLATION ADDRESS: 1926 40th Avenue, Vero Beach, Florida 32960
(Request to find in compliance as of March 1, 2016 and to pay)

- e. **CASE #15-CE-3315 / 0864T**
VIOLATOR: Andrew F. Zaleski
VIOLATION: Home occupation without active business tax receipt and parking and signage of vehicle with business name
VIOLATION ADDRESS: 1912 26th Avenue, Vero Beach, Florida 32960
(Request to find in compliance as of February 8, 2016 and to pay)

- f. **CASE #16-CE-2235 / 0910T**
VIOLATOR: Laura L. McCloskey
VIOLATION: Weeds, grass, and overgrowth in excess of 12”
VIOLATION ADDRESS: 1606 24th Avenue, Vero Beach, Florida 32960

- g. **CASE #16-CE-6440 / 818M**
VIOLATOR: Cottonways, Inc. / Jennifer Davis
VIOLATION: Sign Violation
VIOLATION ADDRESS: Indian River Boulevard and 21st Street, Vero Beach, Florida 32960

- h. **CASE #15-CE-5775 / 0667T**
VIOLATOR: Bank of America
VIOLATION: Weeds, grass, and undergrowth in excess of 12”; excessive garbage, rubbish, and trash throughout the property

VIOLATION ADDRESS: 905 Coquina Lane, Vero Beach, Florida 32963

(Request to find in compliance and to cease continuing penalties)

- i. CASE #16-CE-6407 / 0909T**
VIOLATOR: Bank of America
VIOLATION: Home is unsecure with signs of vagrancy; overgrowth of vegetation, trash and debris strewn about the property
VIOLATION ADDRESS: 905 Coquina Lane, Vero Beach, Florida 32963
- j. CASE #16-CE-6457 / 824M**
VIOLATOR: Maxwell Properties, Inc. / James R. Maxwell
VIOLATION: New and existing businesses on-site require site plan approval for repair, rental and storage of vehicles
VIOLATION ADDRESS: 1146 21st Street, Vero Beach, Florida 32960
- k. CASE #16-CE-6432 / 829M**
VIOLATOR: High Tide Autos
VIOLATION: Failure to obtain Business Tax Receipt
VIOLATION ADDRESS: 2626 U.S.1, Vero Beach, Florida 32960
- l. CASE #16-CE-6520 / 843M**
VIOLATOR: Jungle Club Sport Complex / John Cairns / Katie Smith
VIOLATION: Prohibited signs eight (8) placed on right-of-way
VIOLATION ADDRESS: 6th Avenue, 21st Street, and Indian River Boulevard, Vero Beach, Florida
- m. CASE #16-CE-6413 / 823M**
VIOLATOR: Matthew Martise
VIOLATION: Weeds, grass, or undergrowth at a height of more than 12 inches
VIOLATION ADDRESS: 2020 Delmar Avenue, Vero Beach, Florida 32960
- n. CASE #15-CE-6246 / 793M**
VIOLATOR: Judith Trage
VIOLATION: Weeds, grass, or undergrowth at a height of more than 12 inches; dead tree on property; garbage and trash in yard; non-operable motor vehicle in the front yard
VIOLATION ADDRESS: 1030 27th Street, Vero Beach, Florida 32960

(New owner)

6. OLD BUSINESS

7. ADMINISTRATIVE MATTERS

8. CLERK'S MATTERS

9. ATTORNEY'S MATTERS

A) Order Denying Plaintiff Charles Fitz's Motion for Final Summary Judgment

10. CHAIRMAN'S MATTERS

11. MEMBER'S MATTERS

12. ADJOURNMENT

This is a Public Meeting. Should any interested party seek to appeal any decision made by the Board with respect to any matter considered at such meeting or hearing, he will need a record of the proceedings and that, for such purpose he may need to ensure that a record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Anyone who needs a special accommodation for this meeting may contact the City's Americans with Disabilities Act (ADA) Coordinator at 978-4920 at least 48 hours in advance of the meeting.

CODE ENFORCEMENT BOARD MINUTES
Wednesday, March 9, 2016 – 2:00 p.m.
City Hall, Council Chambers, Vero Beach, Florida

PRESENT: Chairman, Kirk Noonan; Vice Chairman, Frank Pizzichillo; Members: Suzanne Shell, Jeffrey McGann, Stephen McDonald, Herbert Whittall, Christopher Bryant and Alternate Member #1, Eric Price **Also Present:** City Attorney, Wayne Coment; Code Enforcement Officer, Tom Ramsey; Code Enforcement Officer, Melody Sanderson; Indian River County Licensing Inspector, David Checchi and Deputy City Clerk, Sherri Philo

1. CALL TO ORDER

Today's meeting was called to order at 2:00 p.m.

2. PLEDGE OF ALLEGIENCE

The Chairman led the Board members and the audience in the Pledge of Allegiance to the flag.

The Deputy City Clerk swore in staff and all witnesses present for today's meeting en masse.

3. PRELIMINARY MATTERS

A) Adoption of Minutes – February 10, 2016

Mr. Pizzichillo made a motion to adopt the minutes of the February 10, 2016 Code Enforcement Board meeting. Mr. Bryant seconded the motion and it passed unanimously.

B) Agenda Additions, Deletions and Adoption

Mr. Tom Ramsey, Code Enforcement Officer, pulled item 5-B) 1b – Betty Smith from today's agenda. He reported that the property is in compliance and the civil penalty and costs have been paid. He then pulled item 5-B) 1d – Crystal Pools/821 Dahlia LLC, from today's agenda. He reported that the property is in compliance and the civil penalty has been paid.

Ms. Melody Sanderson, Code Enforcement Officer, pulled item 5-B) 1h – Matthew Martise and item 5-B) 1i – Jeff's Tractor Service, Inc.; Jeff Falcetta; Michael Schlitt Construction; 546 Indian Lilac, LLC from today's agenda.

Mr. Wayne Coment, City Attorney, explained that the Board would need to take action on item 5-B) 1b – Betty Smith because the Board issued a Board order finding violation, to correct, and to pay costs.

Item # 5-B) 1b - CASE #15-CE-6204 / 0818T – Betty Smith

Mr. Noonan made a motion that the Board finds there was a violation, the violation has been corrected, and the civil penalties and costs have been paid. Mr. Pizzichillo seconded the motion and it passed unanimously.

Mr. Noonan made a motion to adopt the agenda as amended. Mr. Pizzichillo seconded the motion and it passed unanimously.

4. UNLICENSED CONTRACTORS/CITATIONS

None

5. EVIDENTIARY HEARINGS

A) Citation Appeals

1. CASE #16-CE-6375 / 806M

VIOLATOR: Treasure Coast Tax Advisory Group / Jack McEnerney

VIOLATION: Sign violation

VIOLATION ADDRESS: Right-of-way and medians at Indian River Boulevard, Royal Palm Pointe, and 21st Street

Ms. Sanderson reported that the violation has been corrected as of January 31, 2016 and the civil penalty has not been paid. She reported that the violator is present for today's meeting to appeal the citation.

Mr. Coment thanked Mr. McEnerney for the pocket calendars that were placed on the dais, but explained that the Board cannot accept gifts as they serve as a Judge in Court.

Mr. John (Jack) McEnerney said that he has been sworn in. He reported that he has been in business in Vero Beach for 15 years. He reported that his business burned down just after Christmas and he has moved to a new location. He said the signs that were posted were in violation. He said that he was out of town when the signs were delivered to his new office and one of his new employees thought that he would help by posting them. He said that when he returned on Sunday he realized the signs were posted. He said that he got up early Monday morning and retrieved as many signs as he could. He said that he was previously cited for the same violation, which is why he knew not to do it again.

Ms. Sanderson submitted into the record a photograph of the sign (on file in the City Clerk's office).

Mr. McEnerney said that he was not arguing the point that there was a violation. He said that he understands the rules and is just asking for an exception in the amount of penalties. He said his office burned down, he moved his business, and has a penalty of \$1,000 all within the same year. He said that he doesn't want signs placed all over town either. He apologized on behalf of himself, his employee, and his company.

Mr. Pizzichillo asked where he was going to post the signs.

Mr. McEnerney said the signs were for an upcoming event.

Mr. Pizzichillo felt that Mr. McEnerney should be fined as he was in violation, but no where near \$1,000 as he has had some hardship in the fact that his business burned down.

Mr. Coment asked the Code Officer if there were there costs of enforcement.

Ms. Sanderson answered no.

Mr. Noonan made a motion that the Board finds there was a repeat violation, the violation has been corrected, and that the Board issues an order to pay a civil penalty in the amount of \$100.00 (reducing the initial penalty from \$1,000.00 to \$100.00). Mr. Whittall seconded the motion and it passed unanimously.

2. CASE #16-CE-6466 / 1834

VIOLATOR: Milos Kondrat

VIOLATION: Uninsured contractor violation; failure to apply for a building permit

VIOLATION ADDRESS: 1340 Indian Mound Trail, Vero Beach, Florida 32963

Mr. David Checchi, Indian River County Licensing Inspector, reported that on January 5, 2016, the Building Department received a complaint that siding was being put up at 1340 Indian Mound Trail and they didn't have a permit. He went to the site and observed two (2) men working. One man was operating a chop-saw and the other man was near the home and was wearing a tool belt. The men stated that they were working for K & K Trim and received wages by check on a week by week basis. Mr. Checchi reported that he observed about 50 feet of siding being removed, as well as the plywood sheeting. There were several other sections of the house that were scheduled for replacement with some of it started and some not. He reported that he posted a Stop Work Order. He reported that K & K Trim does not have Workman's Compensation and therefore are not permitted to have employees. After dialogue with the Building Department on if the scope of work needed a permit, it was decided that because of the sheeting work, a permit was required. He reported that Mr. Milos Kondrat was cited for uninsured contractor violation and failure to apply for a building permit. He reported that having employees without Workman's Comp was a clear violation, but both he and Mr. Kondrat were unaware that a permit was required for the siding work. Mr. Kondrat is present today to appeal his citation.

Mr. Milos Kondrat said that he was sworn in. He said that he is in the business of building cabinets and his neighbor asked him if he could replace some siding and trim around a window.

Mr. Pizzichillo asked Mr. Kondrat if he was licensed.

Mr. Kondrat answered yes.

Mr. Pizzichillo asked if he knew a permit was needed.

Mr. Kondrat answered no.

Mr. Pizzichillo asked Mr. Kondrat how long he has been in business.

Mr. Kondrat answered 10 years.

Mr. Checchi clarified that K & K Trim has a finished carpentry license. The scope of work under this license entails paneling, trim, cabinetry, doors, windows, and hardware. It does not include anything structural.

Mr. Noonan said then the siding work would be allowed, but not the sheeting.

Mr. Checchi said the siding work is debatable, but the sheeting work is not allowed without a permit.

Mr. Pizzichillo asked Mr. Kondrat if he was familiar with the labor laws of this Country (Mr. Kondrat is from Slovakia).

Mr. Kondrat answered yes.

Mr. Pizzichillo asked Mr. Kondrat if he was going to have Workman's Comp in the future if he employs anyone.

Mr. Kondrat said that he only does small jobs and does not need to have Workman's Comp.

Mr. Pizzichillo said if he is going to have employees then he has to have Workman's Comp.

Mr. Kondrat explained that the people were visiting him and offered to help.

Mr. Checchi said they testified that they were employees of the company.

Mr. Whittall asked Mr. Kondrat how long have they been visiting.

Mr. Kondrat said since September or October.

Mr. Bryant asked are they still here.

Mr. Kondrat answered yes.

Mr. Bryant asked are they still working for you.

Mr. Kondrat answered no.

Mr. McGann said Mr. Kondrat was cited for the violations of uninsured contractor and failure to apply for a building permit. He said it would appear that the building permit issue was questionable because even the Building Official questioned if that was appropriate.

Mr. Whittall said it was interesting that the Building Department didn't know if a building permit was needed.

Mr. Coment reminded the Board that they can find that one violation occurred, both violations occurred, or no violations occurred. But, they cannot reduce the amount charged for a violation they find exists.

Mr. McDonald said there is a gray area as to if a building permit was needed. He recommended that the Board find there was no violation of failure to apply for a building permit. He was unclear if the men were employees or just friends who were helping a friend.

Mr. Kondrat said they were friends who just wanted to help.

Mr. Noonan asked did he pay them.

Mr. Kondrat answered no.

Mr. Bryant asked Mr. Kondrat if the property owner paid him.

Mr. Kondrat answered no.

Mr. Pizzichillo made a motion that the Board finds that there was no violation of failure to apply for a building permit. Mr. McGann seconded the motion.

Mr. Noonan clarified that the motion is that the Board upholds the uninsured contractor violation, but not the violation of failure to apply for a building permit. Mr. Pizzichillo said that is his motion. The motion passed unanimously.

B) Non-Compliance / Compliance Reports

1. Request for Board Order

a. CASE #15-CE-6009 / 742T

VIOLATOR: First Choice Healthcare, LLC; Dr. Neal Abarbanell

VIOLATION: Weeds, grass, and undergrowth in excess of 12 inches; unlicensed/inoperable vehicle

VIOLATION ADDRESS: 1867 20th Avenue, Vero Beach, Florida 32960

Mr. Ramsey reported that this case previously came before the Board and the Board issued an order finding violations and to correct; imposing continuing civil penalties; and to pay

penalties and costs. He said the property is now in compliance and there is \$5,300 in accrued penalties. He reported that Dr. Abarbanell is present today to request a reduction.

Dr. Neal Abarbaell, First Choice Healthcare, said that he was present today to request a dismissal of all civil penalties. He said that he purchased an abandoned piece of property in order to open a neighborhood Family Practice Clinic. He said as soon as he purchased the property he began having issues with code enforcement. He said that he was not trying to make excuses, but he works all over the United States and is not in town that often. He said that when he received the citations in the mail he called the Code Enforcement office. He said despite if he thought he was in the right or not, he has always complied with what was asked. He said that he hired one lawn service, which did not keep up the lawn and so he fired them and hired another lawn service. He was told that he needed to put a tag on his car so he did. He said everything that he was asked to do, he did. He reported that because he is often out of town, he provided the Code Enforcement Officer with his home telephone number, his cellular phone number, his pager number, and his email address and asked that he be contacted right away if there is a code issue. He said that he feels like he is being harassed by someone in the community. He said that his building is not located in the greatest neighborhood in Vero Beach. They can walk through the neighborhood, which he did, and they will see dozens of lawns higher than his, buildings that look awful, etc. He said that he spoke with some of these people and none of them have had code issues. He did not know why someone has singled him out to the point of repeatedly calling Code Enforcement on him. He said that he fixed up the building and he is now open for business. He reported that when he purchased the property there were homeless people hanging out there, people dealing drugs, he has been robbed four times, and he still managed to fix it up. He said that while he was out of town he was served with a Code Enforcement citation, which when he returned there were hundreds of pieces of mail and he didn't see it. He said there was a Notice of Hearing at his business for a lawn violation and an outdated tag on his car. He said that he was furious when he saw this because no one even told him about the violations and then there was a hearing scheduled on them. He said that he spoke with Chief Curry and Lieutenant Cook about this and they came to his property and looked at the lawn and his vehicle. He said that they asked him to get the sticker for the car and that afternoon he went to get the sticker. He said that he attended the Code Enforcement Board meeting and was told that there was no longer an issue and he took that as he was in compliance. He said that he wanted to address the Board and was told that he couldn't because there was no longer an issue. He said the reason that he wanted to address the Board that day was because he felt that his business has been targeted by an individual in the neighborhood who is repeatedly calling Code Enforcement about the most mundane things. He said it is ridiculous. He said that before he became a Doctor he was a Firefighter. He said that he would go into large burning buildings where he couldn't walk down the hallway, electric wires hanging, etc. He said that is where there are code enforcement issues, not a person whose lawn needs to be mowed. In December, he was out of town and when he returned he found out that a Code Enforcement Board hearing was held and the Board fined him for his car having a flat tire. He said that he was not aware that was even an issue. He reported that the tires were low, not flat. He said that he went to see the Mayor about this situation and the Mayor went to his property and asked him to just put air in the tires. Dr. Abarbaell then called AAA who came out and put air in the tires. He emphasized that he has been very cooperative with Code Enforcement on these issues. He felt that he has been subject to more code enforcement

complaints on a business than most people would be. He said that he knows this because he has gone to other businesses and asked if they have had code issues about their grass and was told no. He was told who has been turning him in, but he was not going to mention names. He said it is sad when people use political knowledge and knowledge of the system to hurt other people. He said that he has a new business and he is looking at a \$5,000 fine for having low air in his tires. He asked the Board to dismiss this case. He said that he has had his windows broken, screens stolen, two air-conditioner units stolen, and got into a fist fight with someone who was dealing drugs in his parking lot who came back and dumped paint all over the parking lot. This is what he had to deal with, but he cleaned up the property and now there is a functioning medical office located there.

Mr. McDonald asked does “inoperable” vehicle mean the car has a flat tire or the car doesn’t run.

Dr. Abarbaell said the car does start. He thought “inoperable” was because the tire was low on air.

Mrs. Shell asked is having a tire low on air a violation.

Mr. Ramsey said it wasn’t one tire and they were not low, they were flat. He said the tag issue also makes it an “inoperable” vehicle.

Dr. Abarbaell said that he has pictures of the tires before he put air in them. He said they were not flat, they were low. He said the car had a tag; it was the registration that was an issue. He said the reason the car was there was because after he was robbed the third time he parked the car on the property so thieves would think someone was in the building. The car is in the carport and you cannot see it from the street. The only way you would know the car is there is if you are snooping around the property. He said that when the Code Enforcement Officer told him that he needed a sticker for the car, he went to get one and was told that he needed a license plate, which he could not get until he had the vehicle insured. He said this was his first car and has sentimental value to him. Now he is insuring an old rusted out car just so he can be in compliance with the Code.

Mr. Pizzichillo asked how much did the stolen air-conditioners cost.

Dr. Abarbaell said somewhere around \$10,000. He noted that his insurance did not cover the cost because at the time he was not open for business and didn’t have the right policy. He said that he financed those units and the new units so each month he has to write a check to pay for stolen units and the new units.

Mr. Noonan said that he remembered Dr. Abarbaell coming before the Board to speak and he was advised not to. He felt that Dr. Abarbaell did make an effort to appeal the citation in the time frame allowed.

Mr. Coment noted that the Board previously issued an order finding violations and imposing the continuing penalty. The Code Officer has stated that the violations have been corrected.

Mr. Ramsey said the violations have been corrected. He noted for the record that the tires on the vehicle were flat, not low. He reported that there have been a total of nine (9) previous cases on this property. Most of them had to do with overgrowth and two (2) of them had to do with an inoperable vehicle or expired tag. Last year Dr. Abarbaell was cited, but the citation was rescinded because it was late by the time Dr. Abarbaell received it. Now, it is one year later and they have the same problem again. He agreed that there are a lot of complaints on his property, but commercial properties tend to get more violations called on them than residential properties. He reported that he spoke with Dr. Abarbaell on several occasions and recommended that Dr. Abarbaell set up a scheduled maintenance program for the lawn, which he did. However, every month or two the property falls back out of compliance. He reported that Dr. Abarbaell has complied every time, but not always within the time limit given. He does believe Dr. Abarbaell was doing a good thing, but it has not been without a lot of problems along the way. He agreed that it is overwhelming to receive so many citations. However, if the property was mowed Dr. Abarbaell would never hear from him. He reported that he pulled the Police reports on the property and there were 16 calls for service. He agreed that in some cases having a vehicle on the property could be a deterrent on crime, but having a vehicle with four (4) flat tires might be an attraction. He said there also is a house on the property that is unsecure and needs to be removed.

Mr. Pizzichillo asked is the home occupied.

Dr. Abarbaell answered no. He said that when he purchased the property his first thought was to demolish the house. He said that he hired multiple companies to tear it down. When they finally arrived to take down the home they couldn't because the entire building was infiltrated with asbestos. He then had to spend an astronomical amount of money for a crew to come from Miami to remove the asbestos. He said after spending so much money to have this done he did not want to demolish the building. He is in the process of getting bids to have someone repair it. He noted that when he first purchased the property he contacted the Fire Department to see if they wanted to use the house for training and burn it down. He contacted the Police Department to see if they wanted to use it for SWAT training where they could shoot up the building and take it down. When the neighborhood was declared a Historic District he went to the County to request matching funds to fix the house up as historic and he was denied. He said to tear the building down now would be ridiculous because he spent so much money to get rid of the asbestos.

Mr. Pizzichillo asked how much did it cost to have the asbestos removed.

Dr. Abarbaell said it was about \$10,000.

Mr. Pizzichillo felt that Dr. Abarbaell put a lot of time and money into this property and he has improved the area. He felt the Board should show some leniency, however he agreed with the Code Officer that the violations on the vehicle should be cited.

Mr. McDonald asked Dr. Abarbaell if he was paying someone to cut the grass during the time he was in violation.

Dr. Abarbaell said when he initially purchased the property he didn't know there was a code on the length of the grass. He said that he did hire someone to take care of the lawn and sent him in the mail \$100 per month. It ended up that the person he hired was taking the money, but was not cutting the lawn. He noted that he did hire a new gentleman to cut the lawn who was doing a good job.

Mr. Coment noted that on December 9, 2015, the Board found the violation of weeds, grass, and undergrowth was corrected, the problem with the registration on the vehicle had been corrected, but the flat tires on the vehicle remained. They also found that the civil penalty in the amount of \$50 and enforcement costs in the amount of \$50 had not been paid.

Mr. Pizzichillo said that he does believe there is a violation of an inoperable vehicle. However, considering the improvement to the neighborhood, the amount of money that has been put into it, and the amount of crime he has been subject to, he would have to side with the violator.

Mr. Coment noted that the violator initially waived his right to a hearing.

Mr. Noonan said he did try to appear before the Board, but was denied.

Mr. Coment explained that a violator has 10 days from the time they receive a citation, to request a hearing. If they don't they have waived their right to a hearing and admit the violations. Based on that, the Board issued an order. He said the only question the Board has now is the amount. He noted that the Board does have to impose the \$50 enforcement cost because the City is entitled to recover that.

Dr. Abarbaell said the reason that he didn't turn in a written appeal within 10 days was because when he attended the meeting he was told there was not an issue. He said no matter how unfair he thought a lot of this has been he has complied with everything. He said that if someone had told him when he was at the meeting that he needed to fix the car, it would have been done that afternoon. He didn't start a business to become a community scoundrel and to flagrantly violate the code. He felt that a lot of this was harassment, not by the Code Officer or by the Board, but by individuals in the community.

Mr. Ramsey explained that the reason he pulled Dr. Abarbaell's case from the hearing on the day that Dr. Abarbaell appeared was because the citation was returned unsigned. Therefore, at that point as far as he knew Dr. Abarbaell did not know about it.

Mr. Noonan made a motion that the Board finds there was a violation, the property is now in compliance, and that the Board issue a Board Order for payment of the original \$50 civil penalty and the cost of enforcement in the amount of \$50 (reducing the amount owed from \$5,300 to \$100 in total). Mr. Pizzichillo seconded the motion and it passed unanimously.

- b. CASE #15-CE-6204 / 0818T**
VIOLATOR: Betty Smith
VIOLATION: Reroof and fascia work without a permit

VIOLATION ADDRESS: 1745 41st Avenue, Vero Beach,
Florida 32960

This case was heard under Agenda Additions, Deletions and Adoption.

- c. **CASE #15-CE-6019 / 743M**
VIOLATOR: ARLP Trust – c/o Ocwen Loan Servicing, LLC
VIOLATION: Failure to remove and properly dispose of tree
trimming debris and waste
VIOLATION ADDRESS: 2520 20th Street, Vero Beach,
Florida 32960

Ms. Sanderson reported that the above property was found in compliance on January 29, 2016. She asked the Board to find the property in compliance and to cease the continuing penalties.

An Attorney representing the investor, ARLP Trust, approached the dais. She agreed that the property is in compliance. It was her understanding that there was a significant amount of yard debris left from a previous vendor. She was present today to request a reduction in civil penalties.

Mr. Coment did not think the Board had entered a final order on this property.

Ms. Sherri Philo, Deputy City Clerk, noted that the Board order was recorded so there are costs involved. She noted that included in the backup information was the number of days the property was in non-compliance and the total amount owed through the correction date, not including costs of recording or Attorney fees.

Mr. McGann asked is it \$5,300.

Ms. Philo said the amount owed is \$5,300, not including recording fees or Attorney fees.

Mr. Coment asked was there costs of enforcement.

Ms. Philo said the Board order states that the City was not requesting costs of enforcement.

Mr. Coment reported that the costs owed to the City for recording fees and Attorney fees would be \$97.00.

Mr. McGann asked to see a photograph of the property.

Ms. Sanderson entered into the record photographs of the property (on file in the City Clerk's office).

The Attorney noted that once the fine is taken care of the property would go up for sale.

Mr. McDonald said the photograph is not real clear, but it looks like there were a couple of branches on the property.

The Attorney said it looked like there were a number of Palm fronds that were cut down and left on the property.

Mr. Pizzichillo asked is the home occupied.

The Attorney said the property is vacant and is real estate owned.

Mr. Noonan made a motion that the Board finds there was a violation, the property is now in compliance, and to issue a Board Order for payment of the initial civil penalty in the amount of \$50 and the cost of recording and Attorney fees in the amount of \$97.00 (recording and Attorney fees actually total \$96.15). Mr. Pizzichillo seconded the motion and it passed unanimously.

- d. **CASE #16-CE-6392 / 0906T**
VIOLATOR: 821 Dahlia, LLC – Crystal Pools
VIOLATION: Fill dirt brought onto empty lot without erosion control or permit issuance
VIOLATION ADDRESS: 821 Dahlia Lane, Vero Beach, Florida 32963

This item was pulled from today's agenda.

- e. **CASE #15-CE-6011 / 748M**
VIOLATOR: Bayview Loan Servicing, LLC
VIOLATION: Landscape debris or waste on property
VIOLATION ADDRESS: 2234 18th Avenue, Vero Beach, Florida 32960

Ms. Sanderson reported that the property was brought into compliance as of February 19, 2016.

Mr. Noonan made a motion that the Board finds there was a violation, the violation has been corrected and to issue a Board Order ceasing the continuing penalties as of February 18, 2016 (the day prior to finding the property in compliance) and to pay the initial civil penalty in the amount of \$50 along with the total accrued penalties and costs. Mr. Pizzichillo seconded the motion and it passed unanimously.

- f. **CASE #16-CE-6393 / 813M**
VIOLATOR: Edward J. Fialkowski, Jr.
VIOLATION: Stagnant swimming pool
VIOLATION ADDRESS: 703 Holly Road, Vero Beach, Florida 32963

Ms. Sanderson reported that this is a repeat violation. The property remains in violation and the civil penalty has not been paid. There are no costs of enforcement. She requested that the Board issues an order finding that the violation is continuing.

Mr. Pizzichillo made a motion that the Board finds there is a violation, the violation continues, and that the Board issues an order to pay the initial \$100 civil penalty, continuing penalties of \$100 per day commencing on February 23, 2016, the day after the correction date, and to correct the violation. Mr. Noonan seconded the motion.

Mr. McGann asked is Mr. Edward Fialkowski, Jr., living on this property.

Ms. Sanderson answered yes.

Mr. McGann asked does Mr. Fialkowski have any problems.

Ms. Sanderson said that she has not heard from him.

Mr. Pizzichillo asked is it possible to have a Police Officer check on him and explain the seriousness of this situation.

Mr. McDonald thought it was strange that Mr. Fialkowski lives there and is not responding.

Ms. Sanderson reported that he has been cited for this before and they had the same problem where he would not speak with them.

Mr. Pizzichillo said that he would like someone to go and speak with him.

Mr. Whittall asked has anyone ever seen him.

Ms. Sanderson said that she hasn't. She noted that vehicles are coming and going from the property.

The motion passed unanimously.

- g. CASE #16-CE-6398 / 814M**
VIOLATOR: Edward J. Fialkowski, Jr.
VIOLATION: Weeds, grass, or undergrowth at a height of more than 12 inches
VIOLATION ADDRESS: 703 Holly Road, Vero Beach, Florida 32963

Ms. Sanderson reported that this is the third time the violator has been cited for weeds, grass, or undergrowth at a height of more than 12 inches. The violation has not been corrected and the civil penalty has not been paid.

Mr. Pizzichillo made a motion that the Board finds there is a violation, the violation continues, and that the Board issues an order to pay the initial \$100 civil penalty,

continuing penalties of \$100 per day (commencing on February 23, 2016, the day after the correction date), and to correct the violation. Mr. McGann seconded the motion and it passed unanimously.

- h. CASE #16-CE-6412 / 822M**
VIOLATOR: Matthew Martise
VIOLATION: Demolition done without a permit
VIOLATION ADDRESS: 2020 Delmar Avenue, Vero Beach, Florida 32960

This item was pulled from today's agenda.

- i. CASE #16-CE-6405 / 815M**
VIOLATOR: Jeff's Tractor Service, Inc. – Jeff Falcetta; Michael Schlitt Construction; 546 Indian Lilac, LLC
VIOLATION: Six Sabal Palm Trees removed without a permit
VIOLATION ADDRESS: 546 Indian Lilac Road, Vero Beach, Florida 32963

This item was pulled from today's agenda.

6. OLD BUSINESS

None

7. ADMINISTRATIVE MATTERS

None

8. CLERK'S MATTERS

None

9. ATTORNEY'S MATTERS

None

10. CHAIRMAN'S MATTERS

None

11. MEMBER'S MATTERS

None

12. ADJOURNMENT

Today's meeting adjourned at 3:30 p.m.

/sp



BEFORE THE CODE ENFORCEMENT BOARD
 OF THE CITY OF VERO BEACH, FLORIDA
 1053 20TH PLACE
 VERO BEACH, FLORIDA 32960
 Telephone (772) 978-4550

5-A)

CITY OF VERO BEACH

vs.

CASE No's.: 16-CE-6513

STUDIO 14, LLC / SCOTT REDFIELD
 Violator

Citation No.: 839M

TO: Studio 14, LLC / Scott Redfield
1962 14th Avenue
Vero Beach, Florida 32960

NOTICE OF HEARING

YOU ARE HERBY NOTIFIED that a hearing is scheduled before the Code Enforcement Board of the City of Vero Beach ("Board") regarding the above-styled code enforcement case as follows:

DATE and TIME: April 13th 2 016 at 2:00 P.M.

LOCATION OF HEARING: VERO BEACH CITY HALL, 1053 20th PLACE, VERO BEACH, FL

PURPOSE OF HEARING:

- Appeal of code enforcement citation.
- Failure to Correct Violation(s).
- Failure to Pay Civil Penalty and/or Costs.
- Other (describe): _____

YOUR HEARING RIGHTS: You have the right to be represented at the hearing by an attorney at your own expense if you so choose, however an attorney is not required. You have the right to present witnesses and other evidence on your behalf and to cross-examine witnesses against you. You have the right to testify or not testify on your own behalf.

CITATION APPEALS: Pursuant to COVB Code sec. 2-303, the Board's authority on appeal of a citation is limited to fact-finding only. If your appeal of the citation is to contest the interpretation or application of the Code provision(s) cited as being violated, such appeal must be made in writing to the designated administrative authority of the City as defined in sec. 2-303 or that appeal is waived. If such administrative appeal is taken, it must be finally decided before the Board may hear appeal of the citation.

IF YOU FAIL TO APPEAR: If you do not appear at the hearing in person or by your attorney to defend this matter, you will be deemed to have waived your right to a hearing and the Board may rule against you in your absence and enter an order accordingly. Also take notice that such waiver of your right to a hearing will be deemed your admission of the violation(s) cited if the hearing is for appeal of the citation.

LATE CORRECTION OF VIOLATION OR LATE PAYMENT: This case may be presented to the Board even if all cited violations have been corrected and civil penalties and costs have been paid prior to the hearing.

HEARING RECORD: This hearing involves non-criminal code enforcement matters. You are responsible for insuring, at your own expense, that a verbatim record of the hearing is made by a Florida certified court reporter should you desire to appeal an adverse decision of the Board to the Circuit Court.

POSTPONEMENTS: No request for postponement of the hearing will be considered unless such request is made in writing, stating good reason for the requested postponement, and received by the board clerk at least five (5) days prior to the date set for the hearing at: City Clerk's Office, City Hall, 1053 20th Place, Vero Beach, Florida 32960.

PLEASE GOVERN YOURSELF ACCORDINGLY.

FOR THE CODE ENFORCEMENT BOARD

Date: April 1, 2016

By: 
Board Clerk

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Notice of Hearing was provided to the above-named violator by first class U.S. Mail addressed to the above-specified address this

1st day of April 2016.


Board Clerk

studio 14 LLC



Vero Beach Police Department
Code Enforcement Division
1055 20th Street
Vero Beach FL 32960
Attn: Officer Sanders
Ref: Code Enforcement Citation

March 16th, 2016

Please consider this letter our written request to exercise our right to a hearing or to pay a reduced penalty.

Sincerely,

A handwritten signature in cursive script that reads "Scott Redfield".

Scott Redfield



**VERO BEACH POLICE DEPARTMENT
CODE ENFORCEMENT DIVISION**

1055 20th Street
Vero Beach, FL 32960

CODE ENFORCEMENT CITATION

16-CE-6513
No. 839M / [~~Code::2847~~ ~~16337~~] CE [~~Code::2847~~ ~~8516~~]

STATE OF FLORIDA, COUNTY OF INDIAN RIVER, CITY OF VERO BEACH,

In the name of the City of Vero Beach, Florida: The undersigned officer certifies that he/she has just and reasonable grounds to believe, and does believe that on March 11, 2016 at 6:51 am

Name: **Studio 14 LLC / Scott Redfield**
1962 14th Avenue
of: **Vero Beach, FL 32960**

at (violation address): 1962 14th Avenue in the City of Vero Beach, Florida committed the following civil offense:
Sign Violation - Temporary On-Premise commercial signs only permitted to be placed during hours of business.

Violation of code provision(s): 38.09 (v) (5)

Facts constituting violation: Two Temporary On-Premise commercial signs placed out during non-business hours.

CIVIL PENALTY: \$200.00 PAY BY DATE: 03/21/2016 REPEAT VIOLATION

CORRECTION REQUIRED BY: 03/15/2016. This is a correctable violation and must be corrected by the date specified. Each day that the violation remains uncorrected after the date specified is a separate violation and additional civil penalties and costs may be assessed against you without issuance of additional citations. You must contact the issuing officer and request re-inspection once the violation is corrected or if you need additional time to correct the violation. If you do not correct the violation by the date specified the City may also take action to correct the violation and assess the costs of correction plus administrative fees as a lien against the property on which the violation was corrected in addition to any lien for civil penalties or costs.

Issued by: Sanderson
Department: VBPD/Code Enforcement

Date Issued: 03/11/2016
Telephone: 7729784561

RIGHT TO HEARING OR TO PAY REDUCED PENALTY: You must either file a written request for a hearing to contest this citation OR pay the reduced civil penalty specified above at: **City Clerk's Office, City Hall, 1053 20th Place, Vero Beach, Florida 32960.** **WRITTEN REQUEST FOR A HEARING MUST BE RECEIVED WITHIN TEN (10) DAYS (excluding Saturdays, Sundays, and legal holidays) OR YOUR RIGHT TO A HEARING IS WAIVED AND DEEMED YOUR ADMISSION OF THE VIOLATION.** Make checks payable to "City of Vero Beach." Do not mail cash! If correction of the violation is required above, the timely filing of a request for a hearing will toll the accrual of continuing violation penalties pending outcome of the hearing. Your right to pay the reduced penalty specified above is waived if you elect to contest the citation and, if after the hearing you are found to be responsible for the violation, a civil penalty of up to \$500 (\$1,000 for contracting violations) may be assessed against you for each day of violation, plus administrative and enforcement costs.

Your signature below acknowledges receipt of a copy of this citation and is NOT an admission of the violation. Willful refusal to sign and accept this citation is a misdemeanor criminal offense punishable as provided by law.

Signature of Individual

Date: _____

CLERK COPY - 16-000338

Certified Mail Receipt: 70151730000072948950

ORIGINAL



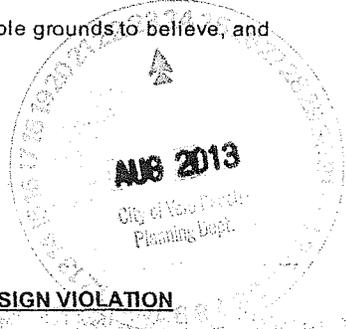
CITY OF VERO BEACH, FLORIDA
Code Enforcement
 1053 20th Place, Vero Beach, FL 32960

CODE ENFORCEMENT CITATION

No. 207M / 13-CE-4044

STATE OF FLORIDA, COUNTY OF INDIAN RIVER, CITY OF VERO BEACH,

In the name of the City of Vero Beach, Florida: The undersigned officer certifies that he/she has just and reasonable grounds to believe, and does believe that on Aug 04, 2013 at 12:59 pm



Name: **Scott and Sandra Redfield**
Studio 14 LLC
 of: **1962 14th Avenue**

Vero Beach, FL 32960

at (violation address): 1962 14th Avenue in the City of Vero Beach, Florida committed the following civil offense: **SIGN VIOLATION**

Violation of code provision(s): 38-09(v)(3)(5)

Facts constituting violation: TEMPORARY ON-PREMISE SIGN DISPLAYED AFTER BUSINESS HOURS. PRIOR WRITTEN WARNING SEPTEMBER 2012 AND COURTESY LETTER APRIL 2013.

CIVIL PENALTY: **\$50.00**

PAY BY DATE: **08/20/2013**

REPEAT VIOLATION

CORRECTION REQUIRED BY: 08/11/2013. This is a correctable violation and must be corrected by the date specified. Each day that the violation remains uncorrected after the date specified is a separate violation and additional civil penalties and costs may be assessed against you without issuance of additional citations. You must contact the issuing officer and request re-inspection once the violation is corrected or if you need additional time to correct the violation. If you do not correct the violation by the date specified the City may also take action to correct the violation and assess the costs of correction plus administrative fees as a lien against the property on which the violation was corrected in addition to any lien for civil penalties or costs.

Issued by: Melody Sanderson
 Department: Code Enforcement

Date Issued: 08/06/2013
 Telephone: 7729784561

RIGHT TO HEARING OR TO PAY REDUCED PENALTY: You must either file a written request for a hearing to contest this citation OR pay the reduced civil penalty specified above at: City Clerk's Office, City Hall, 1053 20th Place, Vero Beach, Florida 32960. **WRITTEN REQUEST FOR A HEARING MUST BE RECEIVED WITHIN TEN (10) DAYS (excluding Saturdays, Sundays, and legal holidays) OR YOUR RIGHT TO A HEARING IS WAIVED AND DEEMED YOUR ADMISSION OF THE VIOLATION.** Make checks payable to "City of Vero Beach." Do not mail cash! If correction of the violation is required above, the timely filing of a request for a hearing will toll the accrual of continuing violation penalties pending outcome of the hearing. Your right to pay the reduced penalty specified above is waived if you elect to contest the citation and, if after the hearing you are found to be responsible for the violation, a civil penalty of up to \$500 (\$1,000 for contracting violations) may be assessed against you for each day of violation, plus administrative and enforcement costs.

Your signature below acknowledges receipt of a copy of this citation and is NOT an admission of the violation. Willful refusal to sign and accept this citation is a misdemeanor criminal offense punishable as provided by law.

Scott Redfield
 Signature of Individual

Date: 8-19-2013

VIOLATOR COPY - 13-000974

Certified Mail Receipt: 7004135000469708336



**VERO BEACH POLICE DEPARTMENT
CODE ENFORCEMENT DIVISION**

**1055 20th Street
Vero Beach, FL 32960**

CODE ENFORCEMENT CITATION

No. 839M / 16-CE-6513

STATE OF FLORIDA, COUNTY OF INDIAN RIVER, CITY OF VERO BEACH,

In the name of the City of Vero Beach, Florida: The undersigned officer certifies that he/she has just and reasonable grounds to believe, and does believe that on **March 11, 2016** at **6:51 am**

Name: **Studio 14 LLC / Scott Redfield**
1962 14th Avenue
of: **Vero Beach, FL 32960**

at (violation address): **1962 14th Avenue** in the City of Vero Beach, Florida committed the following civil offense: **Sign Violation - Temporary On-Premise commercial signs only permitted to be placed during hours of business.**

Violation of code provision(s): 38.09 (v) (5)

Facts constituting violation: Two Temporary On-Premise commercial signs placed out during non-business hours.
CIVIL PENALTY: \$200.00 PAY BY DATE: 03/21/2016 REPEAT VIOLATION

CORRECTION REQUIRED BY: 03/15/2016. This is a correctable violation and must be corrected by the date specified. Each day that the violation remains uncorrected after the date specified is a separate violation and additional civil penalties and costs may be assessed against you without issuance of additional citations. You must contact the issuing officer and request re-inspection once the violation is corrected or if you need additional time to correct the violation. If you do not correct the violation by the date specified the City may also take action to correct the violation and assess the costs of correction plus administrative fees as a lien against the property on which the violation was corrected in addition to any lien for civil penalties or costs.

Issued by: Melody Sanderson
Department: VBPD/Code Enforcement

Date Issued: 03/11/2016
Telephone: 7729784561

RIGHT TO HEARING OR TO PAY REDUCED PENALTY: You must either file a written request for a hearing to contest this citation OR pay the reduced civil penalty specified above at: **City Clerk's Office, City Hall, 1053 20th Place, Vero Beach, Florida 32960.** **WRITTEN REQUEST FOR A HEARING MUST BE RECEIVED WITHIN TEN (10) DAYS (excluding Saturdays, Sundays, and legal holidays) OR YOUR RIGHT TO A HEARING IS WAIVED AND DEEMED YOUR ADMISSION OF THE VIOLATION.** Make checks payable to "City of Vero Beach." Do not mail cash! If correction of the violation is required above, the timely filing of a request for a hearing will toll the accrual of continuing violation penalties pending outcome of the hearing. Your right to pay the reduced penalty specified above is waived if you elect to contest the citation and, if after the hearing you are found to be responsible for the violation, a civil penalty of up to \$500 (\$1,000 for contracting violations) may be assessed against you for each day of violation, plus administrative and enforcement costs.

Your signature below acknowledges receipt of a copy of this citation and is NOT an admission of the violation. Willful refusal to sign and accept this citation is a misdemeanor criminal offense punishable as provided by law.

Signature of Individual

Date: _____

OFFICER COPY - 16-000338

Certified Mail Receipt: 70151730000072948950

772-532-9276
Scott Redfield
 772-532-9277

Studio 14 LLC
 You and zumbaworkswork

ZUMBA
 FITNESS
and so much more!

Tuesday	Wednesday	Thursday	Friday	Saturday
Zumba 9 am	Zumba 9 am	Zumba 9 am	Zumba 9 am	Zumba 9 am
Butts & Guts 10:15 am	Pilates Apparatus 10 am	Butts & Guts 10:15 am	Pilates Apparatus 10 am	Butts & Guts 10 am
				Mat Pilates 11 am
				12 noon - 5 pm
	Zumba 2 pm *		Zumba 2 pm *	SASCOM SYSTEMS
	Upper Room 3 pm			Personal Defense
	Care & Prayer			(offered monthly - call 772-532-9277 for date of next class)
Zumba 5:30 pm	Zumba 5:30 pm	Zumba 5:30 pm	Zumba 5:30 pm	
Butts & Guts 6:30 pm		Butts & Guts 6:30 pm		* Great class for beginners

only fees! No contracts!
 first class is FREE!

Zumba class fees:
 \$8 for a single Zumba class



1962 14th Av
 3/11/16 FRI/6:57 AM



CITY OF VERO BEACH, FLORIDA
Code Enforcement
 1053 20th Place, Vero Beach, FL 32960

CODE ENFORCEMENT CITATION

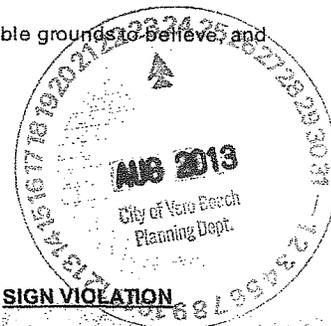
No. 207M / 13-CE-4044

STATE OF FLORIDA, COUNTY OF INDIAN RIVER, CITY OF VERO BEACH,

In the name of the City of Vero Beach, Florida: The undersigned officer certifies that he/she has just and reasonable grounds to believe, and does believe that on Aug 04, 2013 at 12:59 pm

Name: **Scott and Sandra Redfield**
Studio 14 LLC
 of: **1962 14th Avenue**

Vero Beach, FL 32960



at (violation address): 1962 14th Avenue in the City of Vero Beach, Florida committed the following civil offense: **SIGN VIOLATION**

Violation of code provision(s): 38-09(v)(3)(5)

Facts constituting violation: TEMPORARY ON-PREMISE SIGN DISPLAYED AFTER BUSINESS HOURS. PRIOR WRITTEN WARNING SEPTEMBER 2012 AND COURTESY LETTER APRIL 2013.

CIVIL PENALTY: \$50.00

PAY BY DATE: 08/20/2013

REPEAT VIOLATION

CORRECTION REQUIRED BY: 08/11/2013. This is a correctable violation and must be corrected by the date specified. Each day that the violation remains uncorrected after the date specified is a separate violation and additional civil penalties and costs may be assessed against you without issuance of additional citations. You must contact the issuing officer and request re-inspection once the violation is corrected or if you need additional time to correct the violation. If you do not correct the violation by the date specified the City may also take action to correct the violation and assess the costs of correction plus administrative fees as a lien against the property on which the violation was corrected in addition to any lien for civil penalties or costs.

Issued by: Melody Sanderson
 Department: Code Enforcement

Date Issued: 08/06/2013
 Telephone: 7729784561

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Your signature below acknowledges receipt of a copy of this citation and is NOT an admission of the violation. Willful refusal to sign and accept this citation is a misdemeanor or criminal offense punishable as provided by law.

Scott Redfield
 Signature of Individual

Date: 8-19-2013

VIOLATOR COPY - 13-000974

Certified Mail Receipt: 70041350000469708336

REPEAT VIOLATION
 DOCUMENTATION
 REPEAT \$100 X 2 SIGNS
 \$200 CIVIL
 PENALTY



*Vero Beach Police Department
Code Enforcement Division
1055 20th Street
Vero Beach, Florida 32960
(772) 978-4640*

February 29, 2016

Studio 14 LLC
1962 14th Avenue
Vero Beach, FL 32960

This courtesy letter is written to bring to your attention that City Ordinance 38.09 (v) regulates temporary on-premise commercial signs:

Temporary on-premises commercial signs. One temporary on-premises sign per establishment displaying a commercial message on property zoned non-residential:

- (1) Such signs shall be a maximum of four square feet in area and a maximum of three feet in height.
- (2) Such signs may be a v-shaped sign.
- (3) Such signs shall be located under the covered porch, roof or entryway projection, awning, arcade, or covered walkway or entrance of the establishment or a maximum of three feet from the entrance to the establishment in absence of the aforementioned building elements.
- (4) Such signs shall not be located in public rights-of-way and shall not impede normal pedestrian traffic.
- (5) Such signs shall only be displayed the business hours of the establishment and must be removed and stored within an enclosed structure during non-business hours.

Should you have any questions on this matter, please contact me at (772) 978-4561 or at msanderson@VBPD.org.

Thank you,

Melody Sanderson
Code Enforcement Division

ZumbaWorks



[HOME PAGE](#)
[CLASS SCHEDULE](#)
[FAQ'S](#)
[ABOUT US](#)
[CONTACT US](#)
[SASCOM Personal Defense](#)

CLASS SCHEDULE

Today Feb 14 – 20, 2016 Print

	Sun 2/14	Mon 2/15	Tue 2/16	Wed 2/17	Thu 2/18	Fri 2/19	Sat 2/20
9am		9-10 Zumba Fitness	9-10 Zumba Fitness	9-10 Zumba Fitness	9-10 Zumba Fitness	9-10 Zumba Fitness	9-10 Zumba Fitness
10am		10:50-11:30 Treasure Coast Community	10:15-11:15 Butts & Guts		10:35-11:15 Butts & Guts		10-11 Butts & Guts
11am			11-12p Mary Bingham				11-12p Mat Pilates
12pm						11:55-12:55p Iris	
1pm							
2pm		2p-3p Zumba Fitness Beginners		2p-3p Zumba Fitness Beginners		2p-3p Zumba Fitness Beginners	
3pm				3p-4p Upper Room Care & Prayer			
4pm							
5pm	5p-6p						
6pm		6:30p-7:30p Zumba Fitness	6:30p-7:30p Zumba Fitness	6:30p-7:30p Zumba Fitness	6:30p-7:30p Zumba Fitness	6:30p-7:30p Zumba Fitness	
7pm		6:30p-8:30p Central Mat Assembl Pilates	6:30p-7:30p Butts & Guts		6:30p-7:30p Butts & Guts		
8pm							

Events shown in time zone: Eastern Time

Google Calendar

1962 14th Avenue

CASE #	START DATE	VIOLATION	ENFORCEMENT ACTION	CASE OVERVIEW
12-000884	9/24/2012	3 signs out/1 permitted	Warning Citation	Complied 9/28/2012
13-000525	4/25/2013	Sign out during nonbusiness hours	Courtesy letter	Complied 5/1/2013
13-000974	8/6/2013	Sign out during nonbusiness hours	Citation	Civil penalty paid 8/26/2013 - Complied
14-000766	6/8/2014	Secondary sign w/o permit	Courtesy Call	Owner removed secondary sign until permit was issued
16-000275	2/2/2016	Signs out after business hours	Courtesy Letter	Complied 3/7/2016
16-000338	3/11/2016	Signs out after business hours	Citation	Under appeal



BEFORE THE CODE ENFORCEMENT BOARD
 OF THE CITY OF VERO BEACH, FLORIDA
 1053 20TH PLACE
 VERO BEACH, FLORIDA 32960
 Telephone (772) 978-4550

5-B)1a

CITY OF VERO BEACH

vs.

CASE No's.: 15-CE-6314

CHARLES SULLIVAN, SR.
 Violator

Citation No.: 0936T

TO: Charles Sullivan, Sr.
900 9th Place
Vero Beach, Florida 32960

NOTICE OF HEARING

AND 10 Seagull Avenue
Vero Beach, Florida 32960

AND

Louis B. Vocelle, Jr., P.A.
3333 20th Street
Vero Beach, Florida 32960-2469

YOU ARE HERBY NOTIFIED that a hearing is scheduled before the Code Enforcement Board of the City of Vero Beach ("Board") regarding the above-styled code enforcement case as follows:

DATE and TIME: April 13th 2 016 at 2:00 P.M.

LOCATION OF HEARING: VERO BEACH CITY HALL, 1053 20th PLACE, VERO BEACH, FL

PURPOSE OF HEARING:

- Appeal of code enforcement citation.
- Failure to Correct Violation(s).
- Failure to Pay Civil Penalty and/or Costs.
- Other (describe): Request for 90- day continuance

YOUR HEARING RIGHTS: You have the right to be represented at the hearing by an attorney at your own expense if you so choose, however an attorney is not required. You have the right to present witnesses and other evidence on your behalf and to cross-examine witnesses against you. You have the right to testify or not testify on your own behalf.

CITATION APPEALS: Pursuant to COVB Code sec. 2-303, the Board's authority on appeal of a citation is limited to fact-finding only. If your appeal of the citation is to contest the interpretation or application of the Code provision(s) cited as being violated, such appeal must be made in writing to the designated administrative authority of the City as defined in sec. 2-303 or that appeal is waived. If such administrative appeal is taken, it must be finally decided before the Board may hear appeal of the citation.

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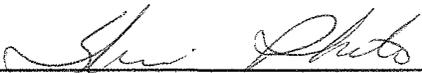
HEARING RECORD: This hearing involves non-criminal code enforcement matters. You are responsible for insuring, at your own expense, that a verbatim record of the hearing is made by a Florida certified court reporter should you desire to appeal an adverse decision of the Board to the Circuit Court.

POSTPONEMENTS: No request for postponement of the hearing will be considered unless such request is made in writing, stating good reason for the requested postponement, and received by the board clerk at least five (5) days prior to the date set for the hearing at: City Clerk's Office, City Hall, 1053 20th Place, Vero Beach, Florida 32960.

PLEASE GOVERN YOURSELF ACCORDINGLY.

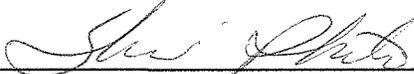
FOR THE CODE ENFORCEMENT BOARD

Date: April 1, 2016

By: 
Board Clerk

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Notice of Hearing was provided to the above-named violator by first class U.S. Mail addressed to the above-specified address this 1st day of April 2016.


Board Clerk



VERO BEACH POLICE DEPARTMENT
CODE ENFORCEMENT DIVISION

1055 20th Street
Vero Beach, FL 32960

CODE ENFORCEMENT CITATION

No. 0936T / 15-CE-6314

STATE OF FLORIDA, COUNTY OF INDIAN RIVER, CITY OF VERO BEACH,

In the name of the City of Vero Beach, Florida: The undersigned officer certifies that he/she has just and reasonable grounds to believe, and does believe that on January 10, 2016 at N/A

Name: **Sullivan, Charles Sr (trs)**
900 9th PI
of: **Vero Beach, FL 32960**

ORIGINAL

at (violation address): 10 Seagull Av in the City of Vero Beach, Florida committed the following civil offense: **(g) Except as provided in (h) below, the renting of docks, dock space, or moorings, or the rental of boats for any purpose whatsoever is prohibited except in marina districts; provided, however, in other nonresidential districts the renting of docks, dock space, or moorings is permitted where rental is limited to a tenant of the building that the dock or mooring is accessory to and such tenant is also the owner of the boat utilizing the rental space.**

(2) Walls, fences, and docks may be constructed prior to the construction of the principal use; provided, however, that any docks constructed shall be limited to two boats being moored at such dock and such boats shall be owned and registered or documented in the name of the owner of record of the property until such time as a principal use is constructed. The occupation of any boat or watercraft as living quarters is prohibited.

Violation of code provision(s): 31.05(g), 61.13(2)

Facts constituting violation: Renting of dock space is a prohibited act in this district and a limit of two boats registered by the property owner is the maximum per dock allowance. Please make necessary corrections on or before 3/11/2016 to avoid possible future code enforcement action.

CIVIL PENALTY: \$50.00

PAY BY DATE: 03/11/2016

REPEAT VIOLATION

CORRECTION REQUIRED BY: 03/11/2016. This is a correctable violation and must be corrected by the date specified. Each day that the violation remains uncorrected after the date specified is a separate violation and additional civil penalties and costs may be assessed against you without issuance of additional citations. You must contact the issuing officer and request re-inspection once the violation is corrected or if you need additional time to correct the violation. If you do not correct the violation by the date specified the City may also take action to correct the violation and assess the costs of correction plus administrative fees as a lien against the property on which the violation was corrected in addition to any lien for civil penalties or costs.

Issued by: Tom Ramsey
Department: VBPD/Code Enforcement

Date Issued: 02/23/2016
Telephone: 772-978-4551

RIGHT TO HEARING OR TO PAY REDUCED PENALTY: You must either file a written request for a hearing to contest this citation OR pay the reduced civil penalty specified above at: City Clerk's Office, City Hall, 1053 20th Place, Vero Beach, Florida 32960. **WRITTEN REQUEST FOR A HEARING MUST BE RECEIVED WITHIN TEN (10) DAYS (excluding Saturdays, Sundays, and legal holidays) OR YOUR RIGHT TO A HEARING IS WAIVED AND DEEMED YOUR ADMISSION OF THE VIOLATION. Make checks payable to "City of Vero Beach." Do not mail cash! If correction of the violation is required above, the timely filing of a request for a hearing will toll the accrual of continuing violation penalties pending outcome of the hearing. Your right to pay the reduced penalty specified above is waived if you elect to contest the citation and, if after the hearing you are found to be responsible for the violation, a civil penalty of up to \$500 (\$1,000 for contracting violations) may be assessed against you for each day of violation, plus administrative and enforcement costs.**

Your signature below acknowledges receipt of a copy of this citation and is NOT an admission of the violation. Willful refusal to sign and accept this citation is a misdemeanor criminal offense punishable as provided by law.

Signature of Individual

Date: _____

ORIGINAL

ORIGINAL

VOCELLE & BERG, LLP

ATTORNEYS AT LAW

A LIMITED LIABILITY PARTNERSHIP
OF PROFESSIONAL ASSOCIATIONS:

LOUIS B. VOCELLE, JR., P.A.
BOARD CERTIFIED CIVIL TRIAL LAWYER
BOARD CERTIFIED BUSINESS LITIGATION

PAUL R. BERG, P.A.
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HAROLD G. MELVILLE-OF COUNSEL
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ALEXANDRA M. MCGEE
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ST. LUCIE COUNTY OFFICE
2500 RHODE ISLAND AVE., SUITE B
FT. PIERCE, FLORIDA 34947
TELEPHONE: (772) 489-0774

PLEASE REPLY TO VERO BEACH

E-MAIL:
BVocelle@VocelleBerg.com
KGlasyby@VocelleBerg.com (FL Registered Paralegal)
YJure@VocelleBerg.com (FL Registered Paralegal)



March 21, 2016

Sherri Philo
Deputy City Clerk
City of Vero Beach
1053 20th Place
Vero Beach, FL 32960

Re: Sullivan, Vero Beach Family Limited Partnership
Address of alleged violation : 10 Seagull Avenue, Vero Beach, FL
Citation No. : 0936T / 15-CE-6314
Code Provision Referenced : 31.05(g), 61.13(2)
AND
Address of alleged violation : 12 Sea Gull Avenue, Vero Beach, FL
Citation No. : 0937T / 15-CE-6315
Code Provision Referenced : 31.05(g), 61.13(2)

Dear Ms. Philo:

Thank you for your letter of March 3, 2016. Please be advised that I will be out of the Country on May 11, 2016 returning on May 23, 2016. I very much appreciate you treating my letter as a postponement showing good cause. Would you please reschedule the hearing to a time later in May when I am available.

Sincerely,

Louis B. Vocelle, Jr

LBV/yj

VOCELLE & BERG, LLP

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March 1, 2016

RESPONSE TO ALLEGED CODE ENFORCEMENT CITATION AND REQUEST FOR HEARING

Vero Beach Police Department
Code Enforcement Division
1055 20th Street
Vero Beach, FL 32960

Re: Charles Sullivan Sr, trustee and Sullivan of Vero Beach Lmt'd Partnership
Citation No: 0936T/15-CE-6314 and 0937T/15-CE-6315
Address: 10 Segull Avenue, Vero Beach, FL/ 12 Segull Ave, Vero Beach, FL
Issued By: Tom Ramsey
Vero Beach Police Department/ Code Enforcement

To whom it may concern:

I am in receipt of that certain code enforcement citation received in my office on February 26, 2016 assessing a purported fine in the amount of \$50.00. I refer you to my prior letter of January 21, 2016 wherein I ask for a stay of all pending proceedings pending my review of the ordinance, its enactment and its constitutionality. I have now received documents from the City of Vero Beach regarding the ordinance itself. Until such time as we have made a decision as to whether accept the code enforcement boards allegations or challenge the ordinance itself, we would request that the matter be abated as set forth in my prior correspondence, copy attached.

We would request an abatement of 90 days pending our review of the enactment of the ordinance and its purported constitutionality. Alternatively, we request a hearing on this issue.

Please contact me should you have any questions.

Sincerely,

Louis B. Vocelle, Jr.

LBV/yj

cc: *Tammy Vock, City Clerk*
Chief of Police, David E. Currey

VOCELLE & BERG, LLP

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YJure@VocelleBerg.com (FL Registered Paralegal)

January 21, 2016

PUBLIC RECORDS REQUEST

Vero Beach Police Department Code Enforcement Division
1055 20th Street
Vero Beach, FL 32960

Wayne Coment, City Attorney
City of Vero Beach
P. O. Box 1389
Vero Beach, FL 32961-1389

COPY

Re: Sullivan, Vero Beach Family Limited Partnership

Re: Address of alleged violation : 12 Segull Avenue, Vero Beach, FL
Ordinance Referenced : City of Vero Beach Code Provision 31.05(g)

To whom it may concern:

I have the pleasure of representing the Sullivan of Vero Beach Family Limited Partnership concerning that certain alleged code enforcement warning citation dated January 10, 2016. Pursuant to the aforereferenced section of the Vero Beach City Code, Section 31.05(g), please provide the following documents pursuant to this Florida Public Records Request.

1. A copy of all documents in your files relating to the adoption of said ordinance;
2. A copy of all research regarding the constitutionality of said ordinance;
3. A copy of all research regarding the legality of affecting private property rights;
4. A copy of all documents regarding the enactment of said ordinance including minutes of any meetings where said ordinance was discussed, debated or enacted;

5. A copy of all video or audio recordings of all meetings where said ordinance was discussed, debated or enacted;
6. A copy of all other similar ordinances in your files from other municipalities, counties, states or other governmental or municipal entities;
7. A copy of all challenges to said ordinance;
8. A copy of all challenges to similar ordinances in your file;
9. A copy of all decisional materials concerning the legality or constitutionality of said ordinance or of any other similar ordinances;

Please provide these documents to me within the next thirty (30) days. Further, without admitting any of the allegations of the warning, please consider this letter as a formal request to suspend or abate all timelines set forth in said January 10, 2016 warning citation until such time as the constitutionality of said ordinance has been determined.

Sincerely,

Louis B. Vocelle, Jr.

LBV/yj



City of Vero Beach

1053 20th Place – P.O. Box 1389
Vero Beach, Florida 32961-1389

Telephone: (772) 978-4700 / Fax: (772) 978-4790

Office of the
City Clerk

March 3, 2016

Louis B. Vocelle, Jr., Esq.
Vocelle & Berg, LLP
3333 20th Street
Vero Beach, FL 32960-2469

RE: Code Enforcement Case Nos. 15-CE-6314 and 15-CE-6315

Dear Mr. Vocelle:

Your letter of March 1, 2016 addressed to the Vero Beach Police Department has been forwarded to me for processing pursuant to applicable procedural rules.

Please be advised that the City of Vero Beach Code Enforcement Ordinance (“Code”) does not provide for abatement of an enforcement action as requested. Once a citation is issued and served it is filed with the clerk to the Code Enforcement Board (“Board”) and thereafter the procedural rules of the Code apply. Therefore, in order to avoid an inadvertent waiver of your client’s rights under the Code, your letter has been entered as a request for a postponement showing good cause. One continuance for good cause may be granted by the Board clerk with approval of the Board Chairman. Any additional continuances must be granted by the Board after a hearing. In this case, the hearing before the Code Enforcement Board will be scheduled for May 11, 2016 at 2:00 p.m. Please see the enclosed Code sections 2-301 and 2-303 for reference. The entire Code may be referenced on the City website at www.covb.org.

Pursuant to the foregoing Code sections, your client may also file an administrative appeal regarding the interpretation or application of the Code provisions alleged in the citations to have been violated. Such appeal would be filed with the designated administrative authority of the City. In the above-referenced cases that person would be Mr. Tim McGarry, the City Planning and Development Director, since the Code sections alleged to be violated are within the City’s land development regulations. Should such an appeal be filed the hearing on issuance of the citations would be postponed pending resolution of such appeal.

I hope that you find the foregoing information helpful.

Yours truly,

Sherri Philo
As Board Clerk

cc: Tom Ramsey, Code Enforcement
David Currey, Chief of Police
Tim McGarry, Planning & Development Director
Wayne Coment, City Attorney
Tammy K. Vock, City Clerk

VOCELLE & BERG, LLP

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E-MAIL:
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March 1, 2016

RESPONSE TO ALLEGED CODE ENFORCEMENT CITATION AND REQUEST FOR HEARING

Vero Beach Police Department
Code Enforcement Division
1055 20th Street
Vero Beach, FL 32960

Re: Charles Sullivan Sr, trustee and Sullivan of Vero Beach Lmt'd Partnership
Citation No: 0936T/15-CE-6314 and 0937T/15-CE-6315
Address: 10 Segull Avenue, Vero Beach, FL/ 12 Segull Ave, Vero Beach, FL
Issued By: Tom Ramsey
Vero Beach Police Department/ Code Enforcement

To whom it may concern:

I am in receipt of that certain code enforcement citation received in my office on February 26, 2016 assessing a purported fine in the amount of \$50.00. I refer you to my prior letter of January 21, 2016 wherein I ask for a stay of all pending proceedings pending my review of the ordinance, its enactment and its constitutionality. I have now received documents from the City of Vero Beach regarding the ordinance itself. Until such time as we have made a decision as to whether accept the code enforcement boards allegations or challenge the ordinance itself, we would request that the matter be abated as set forth in my prior correspondence, copy attached.

We would request an abatement of 90 days pending our review of the enactment of the ordinance and its purported constitutionality. Alternatively, we request a hearing on this issue.

Please contact me should you have any questions.

Sincerely,

Louis B. Vocelle, Jr.

LBV/yj

cc: *Tammy Vock, City Clerk*
Chief of Police, David E. Currey



BEFORE THE CODE ENFORCEMENT BOARD
 OF THE CITY OF VERO BEACH, FLORIDA
 1053 20TH PLACE
 VERO BEACH, FLORIDA 32960
 Telephone (772) 978-4550

5-B)16

CITY OF VERO BEACH

vs.

CASE No's.: 15-CE-6315

CHARLES SULLIVAN, SR.
 Violator

Citation No.: 0937T

TO: Charles Sullivan, Sr.
900 9th Place
Vero Beach, Florida 32960

NOTICE OF HEARING

AND 12 Seagull Avenue
Vero Beach, Florida 32960

AND

Louis B. Vocelle, Jr., P.A.
3333 20th Street
Vero Beach, Florida 32960-2469

YOU ARE HERBY NOTIFIED that a hearing is scheduled before the Code Enforcement Board of the City of Vero Beach ("Board") regarding the above-styled code enforcement case as follows:

DATE and TIME: April 13th 2 016 at 2:00 P.M.

LOCATION OF HEARING: VERO BEACH CITY HALL, 1053 20th PLACE, VERO BEACH, FL

PURPOSE OF HEARING:

- Appeal of code enforcement citation.
- Failure to Correct Violation(s).
- Failure to Pay Civil Penalty and/or Costs.
- Other (describe): Request for 90- day continuance

YOUR HEARING RIGHTS: You have the right to be represented at the hearing by an attorney at your own expense if you so choose, however an attorney is not required. You have the right to present witnesses and other evidence on your behalf and to cross-examine witnesses against you. You have the right to testify or not testify on your own behalf.

CITATION APPEALS: Pursuant to COVB Code sec. 2-303, the Board's authority on appeal of a citation is limited to fact-finding only. If your appeal of the citation is to contest the interpretation or application of the Code provision(s) cited as being violated, such appeal must be made in writing to the designated administrative authority of the City as defined in sec. 2-303 or that appeal is waived. If such administrative appeal is taken, it must be finally decided before the Board may hear appeal of the citation.

IF YOU FAIL TO APPEAR: If you do not appear at the hearing in person or by your attorney to defend this matter, you will be deemed to have waived your right to a hearing and the Board may rule against you in your absence and enter an order accordingly. Also take notice that such waiver of your right to a hearing will be deemed your admission of the violation(s) cited if the hearing is for appeal of the citation.

LATE CORRECTION OF VIOLATION OR LATE PAYMENT: This case may be presented to the Board even if all cited violations have been corrected and civil penalties and costs have been paid prior to the hearing.

HEARING RECORD: This hearing involves non-criminal code enforcement matters. You are responsible for insuring, at your own expense, that a verbatim record of the hearing is made by a Florida certified court reporter should you desire to appeal an adverse decision of the Board to the Circuit Court.

POSTPONEMENTS: No request for postponement of the hearing will be considered unless such request is made in writing, stating good reason for the requested postponement, and received by the board clerk at least five (5) days prior to the date set for the hearing at: City Clerk's Office, City Hall, 1053 20th Place, Vero Beach, Florida 32960.

PLEASE GOVERN YOURSELF ACCORDINGLY.

FOR THE CODE ENFORCEMENT BOARD

Date: April 1, 2016

By: 
Board Clerk

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Notice of Hearing was provided to the above-named violator by first class U.S. Mail addressed to the above-specified address this 1st day of April 2016.


Board Clerk



VERO BEACH POLICE DEPARTMENT
CODE ENFORCEMENT DIVISION

1055 20th Street
Vero Beach, FL 32960

CODE ENFORCEMENT CITATION

No. 0937T / 15-CE-6315

STATE OF FLORIDA, COUNTY OF INDIAN RIVER, CITY OF VERO BEACH,

In the name of the City of Vero Beach, Florida: The undersigned officer certifies that he/she has just and reasonable grounds to believe, and does believe that on January 10, 2016 at N/A

Name: Sullivan Of Vb Fam Lmted Prtn,
3100 43rd Ave
of: Vero Beach, FL 32960

ORIGINAL

at (violation address): 12 Sea Gull Av in the City of Vero Beach, Florida committed the following civil offense: (g) Except as provided in (h) below, the renting of docks, dock space, or moorings, or the rental of boats for any purpose whatsoever is prohibited except in marina districts; provided, however, in other nonresidential districts the renting of docks, dock space, or moorings is permitted where rental is limited to a tenant of the building that the dock or mooring is accessory to and such tenant is also the owner of the boat utilizing the rental space.

(2) Walls, fences, and docks may be constructed prior to the construction of the principal use; provided, however, that any docks constructed shall be limited to two boats being moored at such dock and such boats shall be owned and registered or documented in the name of the owner of record of the property until such time as a principal use is constructed. The occupation of any boat or watercraft as living quarters is prohibited.

Violation of code provision(s): 31.05(g), 61.13(2)

Facts constituting violation: Renting of dock space is a prohibited act in this district and a limit of two boats registered by the property owner is the maximum per dock allowance. Please make necessary corrections on or before 3/11/2016 to avoid possible future code enforcement action.

CIVIL PENALTY: \$50.00

PAY BY DATE: 03/11/2016

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Issued by: Tom Ramsey
Department: VBPD/Code Enforcement

Date Issued: 02/23/2016
Telephone: 772-978-4551

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Your signature below acknowledges receipt of a copy of this citation and is NOT an admission of the violation. Willful refusal to sign and accept this citation is a misdemeanor criminal offense punishable as provided by law.

Signature of Individual

Date: _____

ORIGINAL

ORIGINAL

Philo, Sherri

To: Louis Vocelle
Cc: Coment, Wayne
Subject: 10 Seagull Avenue; 12 Sea Gull Avenue - Sullivan Code Cases

Mr. Vocelle:

I received your letter requesting postponement of the above Code cases. I spoke with the City Attorney and because, as the Board Clerk, I am only allowed to grant one (1) continuance he instructed me to put the cases on the April 13th Code Enforcement Board agenda as a "request for a continuance." If the Board grants the continuance the cases will be heard on June 8, 2016 at 2:00 p.m.

If you have any questions, please call me at 772-978-4709.

Thank you.

Sincerely,

Sherri Philo, CMC
Deputy City Clerk
City of Vero Beach
1053 20th Place
Vero Beach, Florida 32960

VOCELLE & BERG, LLP

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March 21, 2016

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Re: Sullivan, Vero Beach Family Limited Partnership
Address of alleged violation : 10 Seagull Avenue, Vero Beach, FL
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Citation No. : 0937T / 15-CE-6315
Code Provision Referenced : 31.05(g), 61.13(2)

Dear Ms. Philo:

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Sincerely,

Louis B. Vocelle, Jr

LBV/yj



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Vero Beach, Florida 32961-1389

Telephone: (772) 978-4700 / Fax: (772) 978-4790

Office of the
City Clerk

March 3, 2016

Louis B. Vocelle, Jr., Esq.
Vocelle & Berg, LLP
3333 20th Street
Vero Beach, FL 32960-2469

RE: Code Enforcement Case Nos. 15-CE-6314 and 15-CE-6315

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I hope that you find the foregoing information helpful.

Yours truly,

Sherri Philo
As Board Clerk

cc: Tom Ramsey, Code Enforcement
David Currey, Chief of Police
Tim McGarry, Planning & Development Director
Wayne Coment, City Attorney
Tammy K. Vock, City Clerk

VOCELLE & BERG, LLP

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2500 RHODE ISLAND AVE., SUITE B
FT. PIERCE, FLORIDA 34947
TELEPHONE: (772) 489-0774



PLEASE REPLY TO VERO BEACH

E-MAIL:
BVocelle@VocelleBerg.com
KGlasby@VocelleBerg.com (FL Registered Paralegal)
YJure@VocelleBerg.com (FL Registered Paralegal)

March 1, 2016

RESPONSE TO ALLEGED CODE ENFORCEMENT CITATION AND REQUEST FOR HEARING

Vero Beach Police Department
Code Enforcement Division
1055 20th Street
Vero Beach, FL 32960

Re: Charles Sullivan Sr, trustee and Sullivan of Vero Beach Lmtd Partnership
Citation No: 0936T/15-CE-6314 and 0937T/15-CE-6315
Address: 10 Segull Avenue, Vero Beach, FL/ 12 Segull Ave, Vero Beach, FL
Issued By: Tom Ramsey
Vero Beach Police Department/ Code Enforcement

To whom it may concern:

I am in receipt of that certain code enforcement citation received in my office on February 26, 2016 assessing a purported fine in the amount of \$50.00. I refer you to my prior letter of January 21, 2016 wherein I ask for a stay of all pending proceedings pending my review of the ordinance, its enactment and its constitutionality. I have now received documents from the City of Vero Beach regarding the ordinance itself. Until such time as we have made a decision as to whether accept the code enforcement boards allegations or challenge the ordinance itself, we would request that the matter be abated as set forth in my prior correspondence, copy attached.

We would request an abatement of 90 days pending our review of the enactment of the ordinance and its purported constitutionality. Alternatively, we request a hearing on this issue.

Please contact me should you have any questions.

Sincerely,

Louis B. Vocelle, Jr.

LBV/yj

cc: *Tammy Vock, City Clerk*
Chief of Police, David E. Currey



BEFORE THE CODE ENFORCEMENT BOARD
 OF THE CITY OF VERO BEACH, FLORIDA
 1053 20TH PLACE
 VERO BEACH, FLORIDA 32960
 Telephone (772) 978-4550

5-B)1C

CITY OF VERO BEACH

vs.

CASE No's.: 15-CE-6060

VENETIAN APARTMENTS / KRAIG VANN PYLE
 Violator

Citation No.: 752M

TO: Venetian Apartments / Kraig Vann Pyle
P.O. Box 6747
Vero Beach, Florida 32961

NOTICE OF HEARING

AND 2345 Indian River Boulevard
Vero Beach, Florida 32960

YOU ARE HERBY NOTIFIED that a hearing is scheduled before the Code Enforcement Board of the City of Vero Beach ("Board") regarding the above-styled code enforcement case as follows:

DATE and TIME: April 13th 2 016 at 2:00 P.M.

LOCATION OF HEARING: VERO BEACH CITY HALL, 1053 20th PLACE, VERO BEACH, FL

PURPOSE OF HEARING:

- Appeal of code enforcement citation.
- Failure to Correct Violation(s).
- Failure to Pay Civil Penalty and/or Costs.
- Other (describe): Case continued from February, 2016

YOUR HEARING RIGHTS: You have the right to be represented at the hearing by an attorney at your own expense if you so choose, however an attorney is not required. You have the right to present witnesses and other evidence on your behalf and to cross-examine witnesses against you. You have the right to testify or not testify on your own behalf.

CITATION APPEALS: Pursuant to COVB Code sec. 2-303, the Board's authority on appeal of a citation is limited to fact-finding only. If your appeal of the citation is to contest the interpretation or application of the Code provision(s) cited as being violated, such appeal must be made in writing to the designated administrative authority of the City as defined in sec. 2-303 or that appeal is waived. If such administrative appeal is taken, it must be finally decided before the Board may hear appeal of the citation.

IF YOU FAIL TO APPEAR: If you do not appear at the hearing in person or by your attorney to defend this matter, you will be deemed to have waived your right to a hearing and the Board may rule against you in your absence and enter an order accordingly. Also take notice that such waiver of your right to a hearing will be deemed your admission of the violation(s) cited if the hearing is for appeal of the citation.

LATE CORRECTION OF VIOLATION OR LATE PAYMENT: This case may be presented to the Board even if all cited violations have been corrected and civil penalties and costs have been paid prior to the hearing.

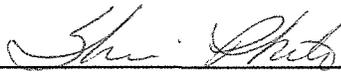
HEARING RECORD: This hearing involves non-criminal code enforcement matters. You are responsible for insuring, at your own expense, that a verbatim record of the hearing is made by a Florida certified court reporter should you desire to appeal an adverse decision of the Board to the Circuit Court.

POSTPONEMENTS: No request for postponement of the hearing will be considered unless such request is made in writing, stating good reason for the requested postponement, and received by the board clerk at least five (5) days prior to the date set for the hearing at: City Clerk's Office, City Hall, 1053 20th Place, Vero Beach, Florida 32960.

PLEASE GOVERN YOURSELF ACCORDINGLY.

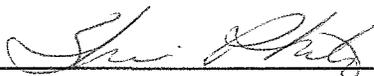
FOR THE CODE ENFORCEMENT BOARD

Date: April 1, 2016

By: 
Board Clerk

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Notice of Hearing was provided to the above-named violator by first class U.S. Mail addressed to the above-specified address this 1st day of April 2016.


Board Clerk



BEFORE THE CODE ENFORCEMENT BOARD
OF THE CITY OF VERO BEACH, FLORIDA
1053 20TH PLACE
VERO BEACH, FLORIDA 32960

CITY OF VERO BEACH

CASE NO. 15-CE-6060

vs.

CITATION NO. 752M

VENETIAN APARTMENTS/KRAIG VANN PYLE

P.O. Box 6747
Vero Beach, FL 32961

AND

2545 Indian River Boulevard
Vero Beach, FL 32960

ORDER GRANTING ADDITIONAL TIME
TO CORRECT VIOLATION AND SCHEDULING HEARING

VIOLATIONS: City of Vero Beach Code sec 22-106(a) ("Code"); construction without permit.
LOCATION: 2545 Indian River Blvd., Vero Beach, Florida 32960

The above-styled case having come before the Board on the 10th day of February, 2016 for report by the Code Enforcement Officer on compliance with the Board's Order to correction violation entered December 29, 2015, and the Board, having heard the testimony of the officer and the violator's representative, Cathy Ergle, on motion made and approved, found that in light of the circumstances regarding the violator's efforts to correct the violation by obtaining after-the-fact code compliance and building permits, it would be appropriate to grant the violator additional time for correction.

IT IS THEREFORE ORDERED AND ADJUDGED BY THE BOARD THAT:

The violator shall correct the violations by obtaining after-the-fact building permits and required inspections by April 8, 2016. This case is continued to Wednesday, April 13, 2016 at 2:00 P.M. for hearing on the violator's compliance with this Order. No additional penalties or costs are assessed at this time.

DONE AND ORDERED at Vero Beach, Indian River County, Florida this 19th day of February 2016.

ATTEST:

Sherri Philo, as Board Clerk

CODE ENFORCEMENT BOARD

Kirk Noonan, Vice Chairman

[Seal]

Approved as to form and legal sufficiency:

Wayne R. Coment, as Board Attorney

IMPORTANT INFORMATION

Correction of Violations: AFTER CORRECTING THE VIOLATIONS YOU MUST NOTIFY THE CODE ENFORCEMENT OFFICER at Telephone #772-978-4551 or 772-978-4561, or in person at the Code Enforcement Office, Vero Beach Police Department, 1055 20th Street, Vero Beach, FL 32960 in order to request re-inspection to avoid imposition of additional civil penalties against you.

Attendance at Hearing: If you do not appear at the hearing in person or by legal representative to defend this matter, the Code Enforcement Board may proceed to hear the case in your absence and rule against you. This case will be presented to the Board even if the violations are corrected prior to the hearing.

Todd N. Smith, P.E.

121 Hinchman Ave.
Sebastian, Fl. 32958
772-5559-3699
tnspe@bellsouth.net

Feb. 9, 2016

Venetian Apartments, Inc.
c/o Cathy Ergle
523 Royal Palm Blvd.
Vero Beach, Fl. 32960

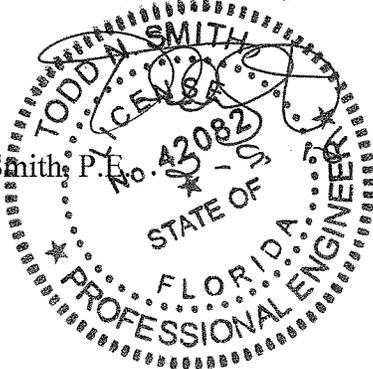
To Whom it May Concern:

This letter shall serve as notice that our firm has been retained by the Venetian Apartments, Inc. to provide structural engineering services to design a retrofit railing to the stair tower at 2545 Indian River Boulevard (Building A) to meet the fifth edition of the Florida Building Code requirements and address the current code enforcement issues. Due to our current work load it will be app. 30 days before we commence with the design. We would appreciate the City of Vero Beach Code Enforcement Board allows us an extension of time to address this matter. In determining allowable time, please consider that there will be additional time for the actual design, the review time by the City of Vero Beach Building Department and the actual construction time to complete any required improvements.

Should you have any questions, please call.

Sincerely,

Todd N. Smith, P.E.





BEFORE THE CODE ENFORCEMENT BOARD
 OF THE CITY OF VERO BEACH, FLORIDA
 1053 20TH PLACE
 VERO BEACH, FLORIDA 32960
 Telephone (772) 978-4550

5-B)1d

CITY OF VERO BEACH

vs.

CASE No's.: 15-CE-6276

TITONE PROPERTIES, LLC / MARK TITONE
 Violator

Citation No.: 0871T

TO: Titone Properties, LLC / Mark Titone
606 Dahlia Lane
Vero Beach, Florida 32963

NOTICE OF HEARING

AND 1926 40th Avenue
Vero Beach, Florida 32960

YOU ARE HERBY NOTIFIED that a hearing is scheduled before the Code Enforcement Board of the City of Vero Beach ("Board") regarding the above-styled code enforcement case as follows:

DATE and TIME: April 13th 2 016 at 2:00 P.M.

LOCATION OF HEARING: VERO BEACH CITY HALL, 1053 20th PLACE, VERO BEACH, FL

PURPOSE OF HEARING:

- Appeal of code enforcement citation.
- Failure to Correct Violation(s).
- Failure to Pay Civil Penalty and/or Costs.
- Other (describe): Request to find property in compliance, to cease continuing penalties and to pay all penalties and costs

YOUR HEARING RIGHTS: You have the right to be represented at the hearing by an attorney at your own expense if you so choose, however an attorney is not required. You have the right to present witnesses and other evidence on your behalf and to cross-examine witnesses against you. You have the right to testify or not testify on your own behalf.

CITATION APPEALS: Pursuant to COVB Code sec. 2-303, the Board's authority on appeal of a citation is limited to fact-finding only. If your appeal of the citation is to contest the interpretation or application of the Code provision(s) cited as being violated, such appeal must be made in writing to the designated administrative authority of the City as defined in sec. 2-303 or that

appeal is waived. If such administrative appeal is taken, it must be finally decided before the Board may hear appeal of the citation.

IF YOU FAIL TO APPEAR: If you do not appear at the hearing in person or by your attorney to defend this matter, you will be deemed to have waived your right to a hearing and the Board may rule against you in your absence and enter an order accordingly. Also take notice that such waiver of your right to a hearing will be deemed your admission of the violation(s) cited if the hearing is for appeal of the citation.

LATE CORRECTION OF VIOLATION OR LATE PAYMENT: This case may be presented to the Board even if all cited violations have been corrected and civil penalties and costs have been paid prior to the hearing.

HEARING RECORD: This hearing involves non-criminal code enforcement matters. You are responsible for insuring, at your own expense, that a verbatim record of the hearing is made by a Florida certified court reporter should you desire to appeal an adverse decision of the Board to the Circuit Court.

POSTPONEMENTS: No request for postponement of the hearing will be considered unless such request is made in writing, stating good reason for the requested postponement, and received by the board clerk at least five (5) days prior to the date set for the hearing at: City Clerk's Office, City Hall, 1053 20th Place, Vero Beach, Florida 32960.

PLEASE GOVERN YOURSELF ACCORDINGLY.

FOR THE CODE ENFORCEMENT BOARD

Date: April 1, 2016

By: 
Board Clerk

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Notice of Hearing was provided to the above-named violator by first class U.S. Mail addressed to the above-specified address this 1st day of April 2016.


Board Clerk



BEFORE THE CODE ENFORCEMENT BOARD
OF THE CITY OF VERO BEACH, FLORIDA
1053 20TH PLACE
VERO BEACH, FLORIDA 32960

CITY OF VERO BEACH

CASE NO. 15-CE-6276

vs.

CITATION NO. 0871T

TITONE PROPERTIES, LLC /
MARK TITONE

608 Dahlia Lane
Vero Beach, Florida 32963

AND

1926 40th Avenue
Vero Beach, Florida 32960

**ORDER TO CORRECT VIOLATION AND IMPOSING
CONTINUING CIVIL PENALTIES AND COSTS**

VIOLATION: City of Vero Beach Code, section 38-31(b)(5), extensive trash and debris accumulated along rear property line and drainage area.

LOCATION: 1926 40th Avenue, Vero Beach, Florida 32960

The above-styled case having come before the Board on the 10th day of February 2016 on request of the code enforcement officer for issuance of a Board order and the Board, having heard testimony of the officer regarding the violations having not been corrected and having reviewed the record in this case, on motion made and approved, found that:

1. The citation and notice of hearing issued in this case were served as provided by law; however the violator has failed to appear in this enforcement action.
2. The violator did not appeal issuance of the citation in this case within the time allowed by law and thereby waived the right to a hearing before the Board to contest the issuance of the citation, which waiver is deemed an admission of the violations as specified in the citation
3. The violations specified in the citation have not been corrected as of this hearing and the initial civil penalty of \$50.00 assessed on the citation has not been paid.
4. The City has incurred enforcement costs of \$62.03 for which costs the City is entitled to recover pursuant to law, together with all costs of recording the Board's orders in the public records and for satisfying and recording releases of the resulting liens upon payment.

IT IS THEREFORE ORDERED AND ADJUDGED BY THE BOARD:

The violator is deemed to have committed the violations as specified above and on the citation, which violations have not been corrected and are continuing in nature. **The violator shall immediately cause correction of the violations** by removal and proper disposal of all accumulated trash and debris, including but not limited to appliances and tires and, within thirty (30) days from the date of this Order, shall pay to the City Clerk the initial civil penalty of

Page 1 of 2

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RECORDED IN THE PUBLIC RECORDS OF
JEFFREY R SMITH, CLERK OF COURT
INDIAN RIVER COUNTY FL
BK: 2920 PG: 1888 Page 1 of 2 3/21/2016 1:21 PM

\$50.00 and a continuing civil penalty of \$50.00 per day hereby imposed for each day the violations remained and continue to remain uncorrected after the date given in the citation for correction (01/28/16), together with enforcement costs of \$62.03 and all costs of recording the Board's orders in the public records and for satisfying and recording release of the resulting liens upon payment. The Board reserves assessment of additional enforcement and hearing costs that may be incurred.

DONE AND ORDERED at Vero Beach, Indian River County, Florida this 19th day of February 2016.

ATTEST:

CODE ENFORCEMENT BOARD



Sherri Philo, as Board Clerk



Kirk Noonan, Board Chairman

[Seal]

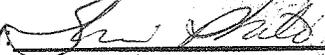
Approved as to form and legal sufficiency:



Wayne R. Coment, as Board Attorney

THIS IS TO CERTIFY THAT THIS IS A
TRUE AND CORRECT COPY OF THE
ORIGINAL ON FILE IN THIS OFFICE.

SHERRI PHILO

BY:  , D.C.

DATE: February 19, 2016

IMPORTANT INFORMATION

Correction of Violations: AFTER CORRECTING THE VIOLATIONS YOU MUST NOTIFY THE CODE ENFORCEMENT OFFICER at Telephone #772-978-4551 or 772-978-4561, or in person at the Code Enforcement Office, Vero Beach Police Department, 1055 20th Street, Vero Beach, FL 32960 in order to request re-inspection to avoid imposition of additional civil penalties against you.

Payment of Civil Penalties and Costs: You must contact the City Clerk's Office at 772-978-4700 for the total amount of civil penalties, enforcement costs, recording, and other costs required to satisfy this order and lien. Civil penalties and costs may be paid in person at the City Clerk's Office located in City Hall, 1053 20th Place, Vero Beach, Florida 32960, Monday through Friday between 8:30 A.M. and 5:00 P.M., or by mailing a check or money order for the verified amount to said address, payable to "City of Vero Beach." Do not mail cash!

Notice of Right to Appeal Board Decision: An aggrieved party may appeal the Board's order to the Circuit Court in Indian River County, Florida. A written notice of appeal, together with a copy of the order appealed, must be filed with the Clerk of the Code Enforcement Board and with the Clerk of the Circuit Court (together with the applicable court filing fees) within thirty (30) days after the date of this order or the right to appeal is waived. An appeal is limited to appellate review of the record of the proceedings created before the Code Enforcement Board. Ref. F.S. 26.012(1); Florida Rules of Appellate Procedure, 9.030(c)(1)(C); 9.110(c).



BEFORE THE CODE ENFORCEMENT BOARD
 OF THE CITY OF VERO BEACH, FLORIDA
 1053 20TH PLACE
 VERO BEACH, FLORIDA 32960
 Telephone (772) 978-4550

5-B)1e

CITY OF VERO BEACH

vs.

CASE No's.: 15-CE-3315

ANDREW F. ZALESKI
 Violator

Citation No.: 0864T

TO: Andrew F. Zaleski
1912 26th Avenue
Vero Beach, Florida 32960

NOTICE OF HEARING

YOU ARE HERBY NOTIFIED that a hearing is scheduled before the Code Enforcement Board of the City of Vero Beach ("Board") regarding the above-styled code enforcement case as follows:

DATE and TIME: April 13th 2016 at 2:00 P.M.

LOCATION OF HEARING: VERO BEACH CITY HALL, 1053 20th PLACE, VERO BEACH, FL

PURPOSE OF HEARING:

- Appeal of code enforcement citation.
- Failure to Correct Violation(s).
- Failure to Pay Civil Penalty and/or Costs.
- Other (describe): Request to find property in compliance and to pay all penalties

and costs

YOUR HEARING RIGHTS: You have the right to be represented at the hearing by an attorney at your own expense if you so choose, however an attorney is not required. You have the right to present witnesses and other evidence on your behalf and to cross-examine witnesses against you. You have the right to testify or not testify on your own behalf.

CITATION APPEALS: Pursuant to COVB Code sec. 2-303, the Board's authority on appeal of a citation is limited to fact-finding only. If your appeal of the citation is to contest the interpretation or application of the Code provision(s) cited as being violated, such appeal must be made in writing to the designated administrative authority of the City as defined in sec. 2-303 or that appeal is waived. If such administrative appeal is taken, it must be finally decided before the Board may hear appeal of the citation.

IF YOU FAIL TO APPEAR: If you do not appear at the hearing in person or by your attorney to defend this matter, you will be deemed to have waived your right to a hearing and the Board may rule against you in your absence and enter an order accordingly. Also take notice that such waiver of your right to a hearing will be deemed your admission of the violation(s) cited if the hearing is for appeal of the citation.

LATE CORRECTION OF VIOLATION OR LATE PAYMENT: This case may be presented to the Board even if all cited violations have been corrected and civil penalties and costs have been paid prior to the hearing.

HEARING RECORD: This hearing involves non-criminal code enforcement matters. You are responsible for insuring, at your own expense, that a verbatim record of the hearing is made by a Florida certified court reporter should you desire to appeal an adverse decision of the Board to the Circuit Court.

POSTPONEMENTS: No request for postponement of the hearing will be considered unless such request is made in writing, stating good reason for the requested postponement, and received by the board clerk at least five (5) days prior to the date set for the hearing at: City Clerk's Office, City Hall, 1053 20th Place, Vero Beach, Florida 32960.

PLEASE GOVERN YOURSELF ACCORDINGLY.

FOR THE CODE ENFORCEMENT BOARD

Date: April 1, 2016

By: 
Board Clerk

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Notice of Hearing was provided to the above-named violator by first class U.S. Mail addressed to the above-specified address this 1st day of April 2016.


Board Clerk



BEFORE THE CODE ENFORCEMENT BOARD
OF THE CITY OF VERO BEACH, FLORIDA
1053 20TH PLACE
VERO BEACH, FLORIDA 32960

CITY OF VERO BEACH

CASE NO. 15-CE-3315

vs.

CITATION NO. 0864T

ANDREW F. ZALESKI
1912 26th Avenue
Vero Beach, Florida 32960

**ORDER TO CORRECT VIOLATION AND
TO PAY INITIAL CIVIL PENALTY AND COSTS**

VIOLATION: City of Vero Beach Code, sections 64.13(b)(3), (7), and 60.62(a)(1); Home occupation without active business tax receipt and parking and signage of vehicle with business name.

LOCATION: 1912 26th Avenue, Vero Beach, Florida 32960

The above-styled case having come before the Board on the 10th day of February 2016 on request of the code enforcement officer for issuance of a Board order and the Board, having heard testimony of the officer regarding the violations not being fully corrected and having reviewed the record in this case, on motion made and approved, found that:

1. The citation and notice of hearing issued in this case were served as provided by law; however the violator has failed to appear in this enforcement action.
2. The violator did not appeal issuance of the citation in this case within the time allowed by law and thereby waived the right to a hearing before the Board to contest the issuance of the citation, which waiver is deemed an admission of the violations as specified in the citation
3. The violations regarding parking of vehicles with business signs has been corrected by the violator removing signs when parking however the violation of operating home occupation without a business tax receipt has not been corrected and is continuing in nature; and the initial civil penalty of \$50.00 assessed on the citation has not been paid.
4. The City did not request continuing penalties or enforcement costs at this time however pursuant to law the City is entitled to assessment of all costs of recording the Board's orders in the public records and for satisfying and recording releases of the resulting liens upon payment.

IT IS THEREFORE ORDERED AND ADJUDGED BY THE BOARD:

The violator is deemed to have committed the violations as specified above and on the citation; the violations related to parking vehicles with business signs are deemed corrected however the violation regarding engaging in a home occupation without business tax receipt has not been corrected and is continuing in nature. **The violator shall immediately cause correction of the violation** by obtaining the required home occupation business tax receipt from the City Planning & Development

Page 1 of 2

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RECORDED IN THE PUBLIC RECORDS OF
JEFFREY R SMITH, CLERK OF COURT
INDIAN RIVER COUNTY FL
BK: 2920 PG: 1884 Page 1 of 2 3/21/2016 1:21 PM

Department and, within thirty (30) days from the date of this Order, shall pay to the City Clerk the initial civil penalty of **\$50.00** together with all costs of recording the Board's orders in the public records and for satisfying and recording release of the resulting liens upon payment. The Board reserves imposition of continuing civil penalties for failure to promptly correct the violation and reserves assessment of enforcement and hearing costs that may be incurred.

DONE AND ORDERED at Vero Beach, Indian River County, Florida this 19th day of February 2016.

ATTEST:



Sherri Philo, as Board Clerk

CODE ENFORCEMENT BOARD



Kirk Noonan, Board Chairman

[Seal]

Approved as to form and legal sufficiency:



Wayne R. Coment, as Board Attorney

THIS IS TO CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

SHERRI PHILO

BY:  D.C.

DATE: February 19, 2016

IMPORTANT INFORMATION

Correction of Violations: AFTER CORRECTING THE VIOLATIONS YOU MUST NOTIFY THE CODE ENFORCEMENT OFFICER at Telephone #772-978-4551 or 772-978-4561, or in person at the Code Enforcement Office, Vero Beach Police Department, 1055 20th Street, Vero Beach, FL 32960 in order to request re-inspection to avoid imposition of additional civil penalties against you.

Payment of Civil Penalties and Costs: You must contact the City Clerk's Office at 772-978-4700 for the total amount of civil penalties, enforcement costs, recording and other costs required to satisfy this order and lien. Civil penalties and costs may be paid in person at the City Clerk's Office located in City Hall, 1053 20th Place, Vero Beach, Florida 32960, Monday through Friday between 8:30 A.M. and 5:00 P.M., or by mailing a check or money order to said address, payable to "City of Vero Beach." Do not mail cash!

Repeat Violation: Repeat violation of the same Code provision by the violator, even if committed at a different location, can result in the issuance of a code enforcement citation and assessment of increased civil penalties for the repeat offense.

Notice of Right to Appeal Board Decision: An aggrieved party may appeal the Board's order to the Circuit Court in Indian River County, Florida. A written notice of appeal, together with a copy of the order appealed, must be filed with the Clerk of the Code Enforcement Board and with the Clerk of the Circuit Court, together with the applicable court filing fees, within thirty (30) days after the date of this order or the right to appeal is waived. An appeal is limited to appellate review of the record of the proceedings created before the Code Enforcement Board. Ref. F.S. 26.012(1); Florida Rules of Appellate Procedure, 9.030(c)(1)(C); 9.110(c).



**VERO BEACH POLICE DEPARTMENT
CODE ENFORCEMENT DIVISION
1055 20th Street
Vero Beach, FL 32960**

CODE ENFORCEMENT CITATION

No. 0864T / 15-CE-3315

STATE OF FLORIDA, COUNTY OF INDIAN RIVER, CITY OF VERO BEACH,

In the name of the City of Vero Beach, Florida: The undersigned officer certifies that he/she has just and reasonable grounds to believe, and does believe that on December 11, 2015 at N/A

ORIGINAL

Name: **Zaleski, Andrew F &
1912 26th Ave**
of: **Vero Beach, FL 32960**

at (violation address): 1912 26th Ave in the City of Vero Beach, Florida committed the following civil offense: **(b)(3) No sign is displayed which would be visible from a street, and no vehicle displaying the business name shall be parked so that the sign is visible from a street or adjacent residential properties.**

(b)(7) No home occupation shall displace or impede the use of parking spaces required for the principal residential use.

a) A business tax for the privilege of engaging in or managing any business, profession or occupation within the city is hereby imposed and levied upon:

(a)(1) Any person who maintains a permanent business location or branch office within the city for the privilege of engaging in or managing any business within its jurisdiction:

Violation of code provision(s): 64.13 (b)(3)(7), 60.62 (a)(1)

Facts constituting violation: Home occupation without active BTR(Business Tax Receipt), parking and signage of vehicles prohibited. Please make all necessary corrections and remit payment on or before 1/20/2016 to avoid possible future code enforcement action.

CIVIL PENALTY: \$50.00

PAY BY DATE: 01/20/2016

REPEAT VIOLATION

CORRECTION REQUIRED BY: 01/20/2016. This is a correctable violation and must be corrected by the date specified. Each day that the violation remains uncorrected after the date specified is a separate violation and additional civil penalties and costs may be assessed against you without issuance of additional citations. You must contact the issuing officer and request re-inspection once the violation is corrected or if you need additional time to correct the violation. If you do not correct the violation by the date specified the City may also take action to correct the violation and assess the costs of correction plus administrative fees as a lien against the property on which the violation was corrected in addition to any lien for civil penalties or costs.

Issued by: Tom Ramsey
Department: VBPD/Code Enforcement

Date Issued: 01/04/2016
Telephone: 772-978-4551

RIGHT TO HEARING OR TO PAY REDUCED PENALTY: You must either file a written request for a hearing to contest this citation OR pay the reduced civil penalty specified above at: **City Clerk's Office, City Hall, 1053 20th Place, Vero Beach, Florida 32960. WRITTEN REQUEST FOR A HEARING MUST BE RECEIVED WITHIN TEN (10) DAYS (excluding Saturdays, Sundays, and legal holidays) OR YOUR RIGHT TO A HEARING IS WAIVED AND DEEMED YOUR ADMISSION OF THE VIOLATION.** Make checks payable to "City of Vero Beach." Do not mail cash! If correction of the violation is required above, the timely filing of a request for a hearing will toll the accrual of continuing violation penalties pending outcome of the hearing. Your right to pay the reduced penalty specified above is waived if you elect to contest the citation and, if after the hearing you are found to be responsible for the violation, a civil penalty of up to \$500 (\$1,000 for contracting violations) may be assessed against you for each day of violation, plus administrative and enforcement costs.

Your signature below acknowledges receipt of a copy of this citation and is NOT an admission of the violation. Willful refusal to sign and accept this citation is a misdemeanor criminal offense punishable as provided by law.

Date: _____

Signature of Individual

CLERK COPY - 15-001695

Certified Mail Receipt: 70140150000165020994

ORIGINAL



BEFORE THE CODE ENFORCEMENT BOARD
 OF THE CITY OF VERO BEACH, FLORIDA
 1053 20TH PLACE
 VERO BEACH, FLORIDA 32960
 Telephone (772) 978-4550

5-B) 1f

CITY OF VERO BEACH

vs.

CASE No's.: 16-CE-2235

LAURA L. MCCLOSKEY
 Violator

Citation No.: 0910T

TO: Laura L. McCloskey
P.O. Box 6052
Vero Beach, Florida 32961

NOTICE OF HEARING

AND 1606 24th Avenue
Vero Beach, Florida 32960

YOU ARE HERBY NOTIFIED that a hearing is scheduled before the Code Enforcement Board of the City of Vero Beach ("Board") regarding the above-styled code enforcement case as follows:

DATE and TIME: April 13th 2016 at 2:00 P.M.

LOCATION OF HEARING: VERO BEACH CITY HALL, 1053 20th PLACE, VERO BEACH, FL

PURPOSE OF HEARING:

- Appeal of code enforcement citation.
- Failure to Correct Violation(s).
- Failure to Pay Civil Penalty and/or Costs.
- Other (describe): _____

YOUR HEARING RIGHTS: You have the right to be represented at the hearing by an attorney at your own expense if you so choose, however an attorney is not required. You have the right to present witnesses and other evidence on your behalf and to cross-examine witnesses against you. You have the right to testify or not testify on your own behalf.

CITATION APPEALS: Pursuant to COVB Code sec. 2-303, the Board's authority on appeal of a citation is limited to fact-finding only. If your appeal of the citation is to contest the interpretation or application of the Code provision(s) cited as being violated, such appeal must be made in writing to the designated administrative authority of the City as defined in sec. 2-303 or that appeal is waived. If such administrative appeal is taken, it must be finally decided before the Board may hear appeal of the citation.

IF YOU FAIL TO APPEAR: If you do not appear at the hearing in person or by your attorney to defend this matter, you will be deemed to have waived your right to a hearing and the Board may rule against you in your absence and enter an order accordingly. Also take notice that such waiver of your right to a hearing will be deemed your admission of the violation(s) cited if the hearing is for appeal of the citation.

LATE CORRECTION OF VIOLATION OR LATE PAYMENT: This case may be presented to the Board even if all cited violations have been corrected and civil penalties and costs have been paid prior to the hearing.

HEARING RECORD: This hearing involves non-criminal code enforcement matters. You are responsible for insuring, at your own expense, that a verbatim record of the hearing is made by a Florida certified court reporter should you desire to appeal an adverse decision of the Board to the Circuit Court.

POSTPONEMENTS: No request for postponement of the hearing will be considered unless such request is made in writing, stating good reason for the requested postponement, and received by the board clerk at least five (5) days prior to the date set for the hearing at: City Clerk's Office, City Hall, 1053 20th Place, Vero Beach, Florida 32960.

PLEASE GOVERN YOURSELF ACCORDINGLY.

FOR THE CODE ENFORCEMENT BOARD

Date: April 1, 2016

By: 
Board Clerk

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Notice of Hearing was provided to the above-named violator by first class U.S. Mail addressed to the above-specified address this 1st day of April 2016.


Board Clerk



**VERO BEACH POLICE DEPARTMENT
CODE ENFORCEMENT DIVISION**

1055 20th Street
Vero Beach, FL 32960

CODE ENFORCEMENT CITATION

No. 0910T / 16-CE-2235

STATE OF FLORIDA, COUNTY OF INDIAN RIVER, CITY OF VERO BEACH,

In the name of the City of Vero Beach, Florida: The undersigned officer certifies that he/she has just and reasonable grounds to believe, and does believe that on February 12, 2016 at N/A

ORIGINAL

Name: **Mccloskey, Laura L ***
PO Box 6052
of: **Vero Beach, FL 32961**

at (violation address): 1606 24th Ave in the City of Vero Beach, Florida committed the following civil offense: Weeds, grass, and overgrowth in excess of 12".

Violation of code provision(s): 38-31(b)(1)

Facts constituting violation: Weeds, grass, and overgrowth in excess of 12". Please arrange to have property placed on a regularly scheduled maintenance program and remit payment for citation on or before 3/1/2016

CIVIL PENALTY: \$50.00

PAY BY DATE: 03/01/2016

REPEAT VIOLATION

CORRECTION REQUIRED BY: 03/01/2016. This is a correctable violation and must be corrected by the date specified. Each day that the violation remains uncorrected after the date specified is a separate violation and additional civil penalties and costs may be assessed against you without issuance of additional citations. You must contact the issuing officer and request re-inspection once the violation is corrected or if you need additional time to correct the violation. If you do not correct the violation by the date specified the City may also take action to correct the violation and assess the costs of correction plus administrative fees as a lien against the property on which the violation was corrected in addition to any lien for civil penalties or costs.

Issued by: Tom Ramsey
Department: VBPD/Code Enforcement

Date Issued: 02/12/2016
Telephone: 772-978-4551

RIGHT TO HEARING OR TO PAY REDUCED PENALTY: You must either file a written request for a hearing to contest this citation OR pay the reduced civil penalty specified above at: City Clerk's Office, City Hall, 1053 20th Place, Vero Beach, Florida 32960. WRITTEN REQUEST FOR A HEARING MUST BE RECEIVED WITHIN TEN (10) DAYS (excluding Saturdays, Sundays, and legal holidays) OR YOUR RIGHT TO A HEARING IS WAIVED AND DEEMED YOUR ADMISSION OF THE VIOLATION. Make checks payable to "City of Vero Beach." Do not mail cash! If correction of the violation is required above, the timely filing of a request for a hearing will toll the accrual of continuing violation penalties pending outcome of the hearing. Your right to pay the reduced penalty specified above is waived if you elect to contest the citation and, if after the hearing you are found to be responsible for the violation, a civil penalty of up to \$500 (\$1,000 for contracting violations) may be assessed against you for each day of violation, plus administrative and enforcement costs.

Your signature below acknowledges receipt of a copy of this citation and is NOT an admission of the violation. Willful refusal to sign and accept this citation is a misdemeanor criminal offense punishable as provided by law.

Signature of Individual

Date: _____

CLERK COPY - 16-000088

Certified Mail Receipt: 70140150000165021106

ORIGINAL



BEFORE THE CODE ENFORCEMENT BOARD
 OF THE CITY OF VERO BEACH, FLORIDA
 1053 20TH PLACE
 VERO BEACH, FLORIDA 32960
 Telephone (772) 978-4550

5-B)1g

CITY OF VERO BEACH

vs.

CASE No's.: 16-CE-6440

COTTONWAYS INC. / JENNIFER DAVIS
 Violator

Citation No.: 818M

TO: Cottonways Inc. / Jennifer Davis
2059 Indian River Boulevard
Vero Beach, Florida 32960

NOTICE OF HEARING

YOU ARE HERBY NOTIFIED that a hearing is scheduled before the Code Enforcement Board of the City of Vero Beach ("Board") regarding the above-styled code enforcement case as follows:

DATE and TIME: April 13th 2 016 at 2:00 P.M.

LOCATION OF HEARING: VERO BEACH CITY HALL, 1053 20th PLACE, VERO BEACH, FL

PURPOSE OF HEARING:

- Appeal of code enforcement citation.
- Failure to Correct Violation(s).
- Failure to Pay Civil Penalty and/or Costs.
- Other (describe): _____

YOUR HEARING RIGHTS: You have the right to be represented at the hearing by an attorney at your own expense if you so choose, however an attorney is not required. You have the right to present witnesses and other evidence on your behalf and to cross-examine witnesses against you. You have the right to testify or not testify on your own behalf.

CITATION APPEALS: Pursuant to COVB Code sec. 2-303, the Board's authority on appeal of a citation is limited to fact-finding only. If your appeal of the citation is to contest the interpretation or application of the Code provision(s) cited as being violated, such appeal must be made in writing to the designated administrative authority of the City as defined in sec. 2-303 or that appeal is waived. If such administrative appeal is taken, it must be finally decided before the Board may hear appeal of the citation.

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LATE CORRECTION OF VIOLATION OR LATE PAYMENT: This case may be presented to the Board even if all cited violations have been corrected and civil penalties and costs have been paid prior to the hearing.

HEARING RECORD: This hearing involves non-criminal code enforcement matters. You are responsible for insuring, at your own expense, that a verbatim record of the hearing is made by a Florida certified court reporter should you desire to appeal an adverse decision of the Board to the Circuit Court.

POSTPONEMENTS: No request for postponement of the hearing will be considered unless such request is made in writing, stating good reason for the requested postponement, and received by the board clerk at least five (5) days prior to the date set for the hearing at: City Clerk's Office, City Hall, 1053 20th Place, Vero Beach, Florida 32960.

PLEASE GOVERN YOURSELF ACCORDINGLY.

FOR THE CODE ENFORCEMENT BOARD

Date: April 1, 2016

By: 
Board Clerk

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Notice of Hearing was provided to the above-named violator by first class U.S. Mail addressed to the above-specified address this 1st day of April 2016.


Board Clerk



**VERO BEACH POLICE DEPARTMENT
CODE ENFORCEMENT DIVISION**

1055 20th Street
Vero Beach, FL 32960

CODE ENFORCEMENT CITATION

No. 818M / 16-CE-6440

STATE OF FLORIDA, COUNTY OF INDIAN RIVER, CITY OF VERO BEACH,

In the name of the City of Vero Beach, Florida: The undersigned officer certifies that he/she has just and reasonable grounds to believe, and does believe that on **February 18, 2016** at **n/a**

Name: **Cottonways, Inc / Jennifer Davis**
2059 Indian River Bv
of: **Vero Beach, FL 32960**

street

at (violation address): **Indian River Bv and 21st** in the City of Vero Beach, Florida committed the following civil offense: **Sign Violation - prohibited signs.**

Violation of code provision(s): **38.17 (a,k)**

Facts constituting violation: **Prohibited signs placed out - business was advised December 2015 verbally and in writing such signs were prohibited.**

CIVIL PENALTY: \$50.00

PAY BY DATE: 03/07/2016

REPEAT VIOLATION

CORRECTION REQUIRED BY: 02/24/2016. This is a correctable violation and must be corrected by the date specified. Each day that the violation remains uncorrected after the date specified is a separate violation and additional civil penalties and costs may be assessed against you without issuance of additional citations. You must contact the issuing officer and request re-inspection once the violation is corrected or if you need additional time to correct the violation. If you do not correct the violation by the date specified the City may also take action to correct the violation and assess the costs of correction plus administrative fees as a lien against the property on which the violation was corrected in addition to any lien for civil penalties or costs.

Issued by: Sanderson
Department: VBPD/Code Enforcement

Date Issued: 02/22/2016
Telephone: 7729784561

RIGHT TO HEARING OR TO PAY REDUCED PENALTY: You must either file a written request for a hearing to contest this citation **OR** pay the reduced civil penalty specified above at: **City Clerk's Office, City Hall, 1053 20th Place, Vero Beach, Florida 32960. WRITTEN REQUEST FOR A HEARING MUST BE RECEIVED WITHIN TEN (10) DAYS (excluding Saturdays, Sundays, and legal holidays) OR YOUR RIGHT TO A HEARING IS WAIVED AND DEEMED YOUR ADMISSION OF THE VIOLATION.** Make checks payable to "City of Vero Beach." Do not mail cash! If correction of the violation is required above, the timely filing of a request for a hearing will toll the accrual of continuing violation penalties pending outcome of the hearing. Your right to pay the reduced penalty specified above is waived if you elect to contest the citation and, if after the hearing you are found to be responsible for the violation, a civil penalty of up to \$500 (\$1,000 for contracting violations) may be assessed against you for each day of violation, plus administrative and enforcement costs.

Your signature below acknowledges receipt of a copy of this citation and is **NOT** an admission of the violation. Willful refusal to sign and accept this citation is a misdemeanor criminal offense punishable as provided by law.

Signature of Individual

Date: _____

CLERK COPY - 16-000230

Certified Mail Receipt: 70151730000072948905

ORIGINAL



**VERO BEACH POLICE DEPARTMENT
CODE ENFORCEMENT DIVISION**

1055 20th Street
Vero Beach, FL 32960

CODE ENFORCEMENT CITATION

No. 818M / 16-CE-6440

STATE OF FLORIDA, COUNTY OF INDIAN RIVER, CITY OF VERO BEACH,

In the name of the City of Vero Beach, Florida: The undersigned officer certifies that he/she has just and reasonable grounds to believe, and does believe that on **February 18, 2016** at **n/a**

Name: **Cottonways, Inc / Jennifer Davis**
2059 Indian River Bv
of: **Vero Beach, FL 32960**

at (violation address): **Indian River Bv and 21st** in the City of Vero Beach, Florida committed the following civil offense: **Sign Violation - prohibited signs.**

Violation of code provision(s): 38.17 (a.k)

Facts constituting violation: Prohibited signs placed out - business was advised December 2015 verbally and in writing such signs were prohibited.

CIVIL PENALTY: \$50.00

PAY BY DATE: 03/07/2016

REPEAT VIOLATION

CORRECTION REQUIRED BY: 02/24/2016. This is a correctable violation and must be corrected by the date specified. Each day that the violation remains uncorrected after the date specified is a separate violation and additional civil penalties and costs may be assessed against you without issuance of additional citations. You must contact the issuing officer and request re-inspection once the violation is corrected or if you need additional time to correct the violation. If you do not correct the violation by the date specified the City may also take action to correct the violation and assess the costs of correction plus administrative fees as a lien against the property on which the violation was corrected in addition to any lien for civil penalties or costs.

Issued by: Melody Sanderson
Department: VBPD/Code Enforcement

Date Issued: 02/22/2016
Telephone: 7729784561

RIGHT TO HEARING OR TO PAY REDUCED PENALTY: You must either file a written request for a hearing to contest this citation OR pay the reduced civil penalty specified above at: **City Clerk's Office, City Hall, 1053 20th Place, Vero Beach, Florida 32960.** **WRITTEN REQUEST FOR A HEARING MUST BE RECEIVED WITHIN TEN (10) DAYS (excluding Saturdays, Sundays, and legal holidays) OR YOUR RIGHT TO A HEARING IS WAIVED AND DEEMED YOUR ADMISSION OF THE VIOLATION.** Make checks payable to "City of Vero Beach." Do not mail cash! If correction of the violation is required above, the timely filing of a request for a hearing will toll the accrual of continuing violation penalties pending outcome of the hearing. Your right to pay the reduced penalty specified above is waived if you elect to contest the citation and, if after the hearing you are found to be responsible for the violation, a civil penalty of up to \$500 (\$1,000 for contracting violations) may be assessed against you for each day of violation, plus administrative and enforcement costs.

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Signature of Individual

Date: _____

OFFICER COPY - 16-000230

Certified Mail Receipt: 70151730000072948905

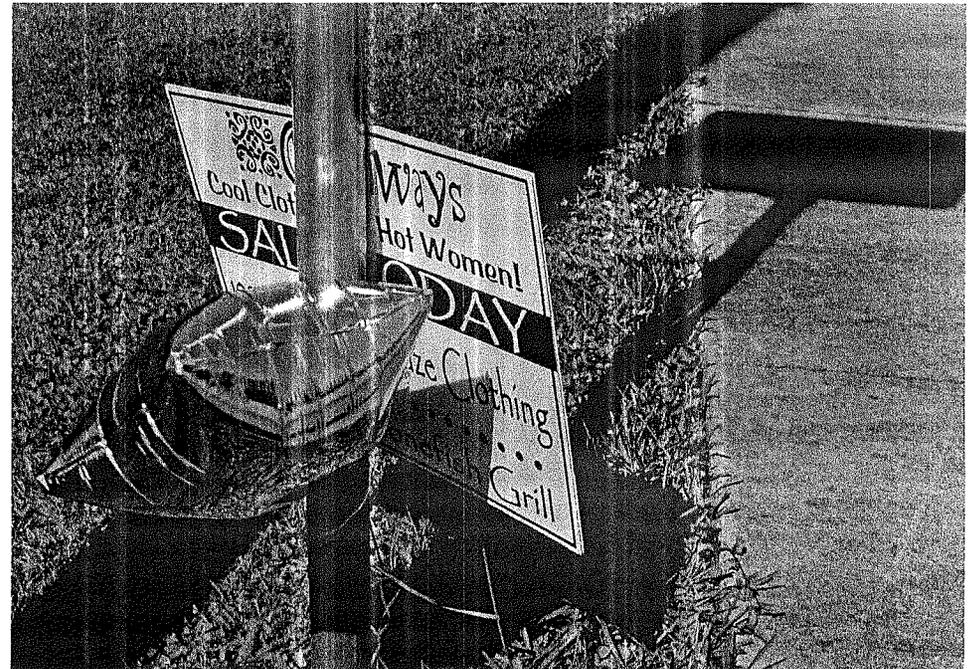
21ST ST (N)



CottonWays / SIGNS
 21ST ST, IRBV
 2/18/16 108 PM



21ST ST (S)



INDIAN RIVER BV

File Summary Report: 15-001631

Feb 22, 2016

Case Information:

Case #: 15-001631

Address:

2059 INDIAN RIVER Boulevard
FL

Property Owner: Cottonways / Jennifer Davis

Parcel Number: 01333900001000000012.0

Sub-Division:

Status: Closed

Disposition:

Neighborhood: Mainland

Approximate Location:

Priority:

Type: Code Enforcement

Open Date: Dec 3, 2015

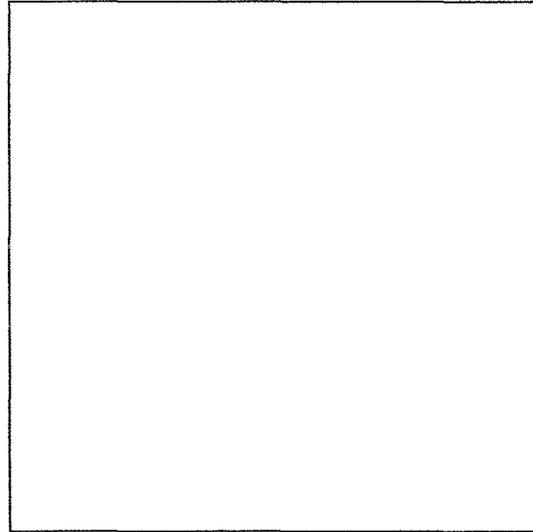
Close Date: Dec 15, 2015

How Received:

Responsible User: Melody Sanderson

Description: sign violation

Legal Description:



Categories:

Citizens:

Name	Home Address	Home Phone	Business Phone	Association
Cottonways / Jennifer Davis	Home Address: 2059 Indian River Bv			Property Owner

Violations:

Violation Code	Open Date	Closed Date	Status	Violation Disposition
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Activities:

Date	Activity	Assigned To/By	Due	Complete	Approval Status
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12/14/2015 Follow Up Melody Sanderson , Melody 12/15/2015 12/15/2015 Complete
Sanderson

Comments: signs removed

12/03/2015 Property Re-inspection Melody Sanderson , Melody 12/08/2015 12/14/2015 Complete
Sanderson

Comments: signs remain - called the store and the gal thought if they were on their
property is was ok - advised the permit, placement - signs will be removed
today

12/03/2015 Courtesy Letter Melody Sanderson , Melody 12/03/2015 12/03/2015 Complete
Sanderson

Comments:



BEFORE THE CODE ENFORCEMENT BOARD
 OF THE CITY OF VERO BEACH, FLORIDA
 1053 20TH PLACE
 VERO BEACH, FLORIDA 32960
 Telephone (772) 978-4550

5-B)1h

CITY OF VERO BEACH

vs.

CASE No's.: 15-CE-5775

BANK OF AMERICA
 Violator

Citation No.: 0667T

TO: Bank of America
Mail Stop: TX2-987-03-03
7105 Corporate Drive
Plano, TX 75024

NOTICE OF HEARING

YOU ARE HERBY NOTIFIED that a hearing is scheduled before the Code Enforcement Board of the City of Vero Beach ("Board") regarding the above-styled code enforcement case as follows:

DATE and TIME: April 13th 2016 at 2:00 P.M.

LOCATION OF HEARING: VERO BEACH CITY HALL, 1053 20th PLACE, VERO BEACH, FL

PURPOSE OF HEARING:

- Appeal of code enforcement citation.
- Failure to Correct Violation(s).
- Failure to Pay Civil Penalty and/or Costs.
- Other (describe): Request to find in compliance, cease continuing penalties
and to pay

YOUR HEARING RIGHTS: You have the right to be represented at the hearing by an attorney at your own expense if you so choose, however an attorney is not required. You have the right to present witnesses and other evidence on your behalf and to cross-examine witnesses against you. You have the right to testify or not testify on your own behalf.

CITATION APPEALS: Pursuant to COVB Code sec. 2-303, the Board's authority on appeal of a citation is limited to fact-finding only. If your appeal of the citation is to contest the interpretation or application of the Code provision(s) cited as being violated, such appeal must be made in

writing to the designated administrative authority of the City as defined in sec. 2-303 or that appeal is waived. If such administrative appeal is taken, it must be finally decided before the Board may hear appeal of the citation.

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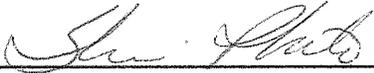
HEARING RECORD: This hearing involves non-criminal code enforcement matters. You are responsible for insuring, at your own expense, that a verbatim record of the hearing is made by a Florida certified court reporter should you desire to appeal an adverse decision of the Board to the Circuit Court.

POSTPONEMENTS: No request for postponement of the hearing will be considered unless such request is made in writing, stating good reason for the requested postponement, and received by the board clerk at least five (5) days prior to the date set for the hearing at: City Clerk's Office, City Hall, 1053 20th Place, Vero Beach, Florida 32960.

PLEASE GOVERN YOURSELF ACCORDINGLY.

FOR THE CODE ENFORCEMENT BOARD

Date: April 1, 2016

By: 
Board Clerk

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Notice of Hearing was provided to the above-named violator by first class U.S. Mail addressed to the above-specified address this 1st day of April 20 16.


Board Clerk



**BEFORE THE CODE ENFORCEMENT BOARD
OF THE CITY OF VERO BEACH, FLORIDA
1053 20TH PLACE
VERO BEACH, FLORIDA 32960**

CITY OF VERO BEACH

CASE NO. 15-CE-5775

vs.

CITATION NO. 0667T

BANK OF AMERICA

Mail Stop: TX2-982-03-03
7105 Corporate Drive
Plano, TX 75024

905 Coquina Lane
Vero Beach, FL 32963

**ORDER TO CORRECT VIOLATIONS, IMPOSING CONTINUING
CIVIL PENALTIES, AND TO PAY PENALTIES AND COSTS**

VIOLATION: City of Vero Beach Code, sections 38-31(b)(1,5); grass, weeds, and undergrowth in excess of 12"; excessive garbage, rubbish, and trash throughout the property

LOCATION: 905 Coquina Lane, Vero Beach, Florida 32963

The above-styled case having come before the Code Enforcement Board of the City of Vero Beach ("Board") on the 12th day of August 2015 on request of the code enforcement officer for a Board order, and the Board, having heard report of the code enforcement officer regarding the violations having not been corrected, and having reviewed the record in this action, on motion made and approved, found that:

1. The citation and notice of hearing issued in this case were served as provided by law, however the violator has failed to appear in this enforcement action.
2. The violator did not appeal issuance of the citation within the time allowed by law and thereby waived the right to a hearing before the Board to contest the issuance of the citation, which waiver is deemed an admission of the violations as specified in the citation.
3. The violations specified on the citation have not been corrected as of this hearing and the initial civil penalty of \$50.00 assessed on the citation has not been paid.
5. The City has incurred and requested enforcement costs of \$60.37, which costs the City is entitled to recover pursuant to law together with all costs of recording the Board's orders in the public records and for satisfying and recording releases of the resulting lien upon payment.

IT IS THEREFORE ORDERED AND ADJUDGED BY THE BOARD THAT:

The violator is deemed to have committed the violations as specified above and on the citation, which violations have not been corrected and are continuing. **The violator shall immediately cause correction of the violations** and, within thirty (30) days from the date of this Order, shall pay to the

City Clerk the initial civil penalty of **\$50.00** assessed on the citation and a continuing civil penalty of **\$50.00 per day** commencing July 27, 2015 (the first day after the date given for correction on the citation) and continuing for each day until the date the violations are corrected, together with enforcement costs of **\$60.37** and all costs of recording the Board's orders in the public records and for satisfying and recording release of the resulting liens upon payment. No hearing costs are assessed at this time.

DONE AND ORDERED at Vero Beach, Indian River County, Florida this 28th day of August 2015.

ATTEST:

CODE ENFORCEMENT BOARD

Tammy K. Vock
Tammy K. Vock, City Clerk

Harry Howle
Harry Howle, Chairman

[Seal]

THIS IS TO CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE.

SHERRI PHILO

BY: Sherril Philo, D.C.

DATE: September 1, 2015

Approved as to form and legal sufficiency:

Wayne R. Coment
Wayne R. Coment
As Board Attorney

IMPORTANT INFORMATION

Payment of Civil Penalties and Costs: You must contact the City Clerk's Office at 772-978-4700 for the total amount of civil penalties, enforcement costs, recording and other costs required to satisfy this order and lien. Payment may be made in person at the City Clerk's Office located in City Hall, 1053 20th Place, Vero Beach, Florida 32960, Monday through Friday between 8:30 A.M. and 5:00 P.M., or by mailing a check or money order for the verified amount to said address, payable to "City of Vero Beach." Do not mail cash!

Notice of Right to Appeal Board Decision: An aggrieved party may appeal the Board's order to the Circuit Court in Indian River County, Florida. A written notice of appeal, together with a copy of the order appealed, must be filed with the Clerk of the Code Enforcement Board **and** with the Clerk of the Circuit Court, together with the applicable court filing fees, within thirty (30) days after the date of this order or the right to appeal is waived. An appeal is limited to appellate review of the record of the proceedings created before the Code Enforcement Board. Ref. F.S. 26.012(1); Florida Rules of Appellate Procedure, 9.030(c)(1)(C); 9.110(c).



BEFORE THE CODE ENFORCEMENT BOARD
 OF THE CITY OF VERO BEACH, FLORIDA
 1053 20TH PLACE
 VERO BEACH, FLORIDA 32960
 Telephone (772) 978-4550

5-B)1i

CITY OF VERO BEACH

vs.

CASE No's.: 16-CE-6407

BANK OF AMERICA

Citation No.: 0909T

Violator

TO: Bank of America
7105 Corporate Drive
Mail Stop: Tx2-982 .03: 03
Plano, Texas 75024

NOTICE OF HEARING

AND 905 Coquina Lane
Vero Beach, Florida 32963

YOU ARE HERBY NOTIFIED that a hearing is scheduled before the Code Enforcement Board of the City of Vero Beach ("Board") regarding the above-styled code enforcement case as follows:

DATE and TIME: April 13th 2016 at 2:00 P.M.

LOCATION OF HEARING: VERO BEACH CITY HALL, 1053 20TH PLACE, VERO BEACH, FL

PURPOSE OF HEARING:

- Appeal of code enforcement citation.
- Failure to Correct Violation(s).
- Failure to Pay Civil Penalty and/or Costs.
- Other (describe): _____

YOUR HEARING RIGHTS: You have the right to be represented at the hearing by an attorney at your own expense if you so choose, however an attorney is not required. You have the right to present witnesses and other evidence on your behalf and to cross-examine witnesses against you. You have the right to testify or not testify on your own behalf.

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HEARING RECORD: This hearing involves non-criminal code enforcement matters. You are responsible for insuring, at your own expense, that a verbatim record of the hearing is made by a Florida certified court reporter should you desire to appeal an adverse decision of the Board to the Circuit Court.

POSTPONEMENTS: No request for postponement of the hearing will be considered unless such request is made in writing, stating good reason for the requested postponement, and received by the board clerk at least five (5) days prior to the date set for the hearing at: City Clerk's Office, City Hall, 1053 20th Place, Vero Beach, Florida 32960.

PLEASE GOVERN YOURSELF ACCORDINGLY.

FOR THE CODE ENFORCEMENT BOARD

Date: April 1, 2016

By: 
Board Clerk

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Notice of Hearing was provided to the above-named violator by first class U.S. Mail addressed to the above-specified address this 1st day of April 2016.


Board Clerk



**VERO BEACH POLICE DEPARTMENT
CODE ENFORCEMENT DIVISION**

1055 20th Street
Vero Beach, FL 32960

CODE ENFORCEMENT CITATION

No. 0909T / 16-CE-6407

STATE OF FLORIDA, COUNTY OF INDIAN RIVER, CITY OF VERO BEACH,

In the name of the City of Vero Beach, Florida: The undersigned officer certifies that he/she has just and reasonable grounds to believe, and does believe that on February 10, 2016 at N/A

Name: **Bank Of America Na,
7105 Corporate Drive**
of: **Mail Stop: Tx2-982-03-03
Plano, TX 75024**

ORIGINAL

at (violation address): 905 Coquina in the City of Vero Beach, Florida committed the following civil offense: **b) It shall be unlawful for any owner of real property within the city to maintain the real property so that any of the following conditions, which shall be considered to be public nuisances, exist on such real property:**

(1) Weeds, grass, or undergrowth at a height of more than 12 inches:

(5) Garbage, rubbish, trash, debris, dead trees, or other unsightly or unsanitary substances or materials, which are not properly enclosed and waiting for normal trash pickup, or which are accumulated in a building or other structure in such a manner that it would provide food or harborage for rats:

Violation of code provision(s): 38-31 (b)(1,5)

Facts constituting violation: Home is unsecure with signs of vagrancy, overgrowth of vegetation and trash and debris strewn about property. Please make all necessary corrections and remit civil penalty by 3/2/2016 to avoid possible additional code enforcement action.

CIVIL PENALTY: \$50.00

PAY BY DATE: 03/02/2016

REPEAT VIOLATION

✓ CORRECTION REQUIRED BY: 03/02/2016. This is a correctable violation and must be corrected by the date specified. Each day that the violation remains uncorrected after the date specified is a separate violation and additional civil penalties and costs may be assessed against you without issuance of additional citations. You must contact the issuing officer and request re-inspection once the violation is corrected or if you need additional time to correct the violation. If you do not correct the violation by the date specified the City may also take action to correct the violation and assess the costs of correction plus administrative fees as a lien against the property on which the violation was corrected in addition to any lien for civil penalties or costs.

Issued by: Tom Ramsey
Department: VBPD/Code Enforcement

Date Issued: 02/10/2016
Telephone: 772-978-4551

RIGHT TO HEARING OR TO PAY REDUCED PENALTY: You must either file a written request for a hearing to contest this citation OR pay the reduced civil penalty specified above at: City Clerk's Office, City Hall, 1053 20th Place, Vero Beach, Florida 32960. WRITTEN REQUEST FOR A HEARING MUST BE RECEIVED WITHIN TEN (10) DAYS (excluding Saturdays, Sundays, and legal holidays) OR YOUR RIGHT TO A HEARING IS WAIVED AND DEEMED YOUR ADMISSION OF THE VIOLATION. Make checks payable to "City of Vero Beach." Do not mail cash! If correction of the violation is required above, the timely filing of a request for a hearing will toll the accrual of continuing violation penalties pending outcome of the hearing. Your right to pay the reduced penalty specified above is waived if you elect to contest the citation and, if after the hearing you are found to be responsible for the violation, a civil penalty of up to \$500 (\$1,000 for contracting violations) may be assessed against you for each day of violation, plus administrative and enforcement costs.

Your signature below acknowledges receipt of a copy of this citation and is NOT an admission of the violation. Willful refusal to sign and accept this citation is a misdemeanor criminal offense punishable as provided by law.

Signature of Individual

Date: _____

ORIGINAL

ORIGINAL



BEFORE THE CODE ENFORCEMENT BOARD
 OF THE CITY OF VERO BEACH, FLORIDA
 1053 20TH PLACE
 VERO BEACH, FLORIDA 32960
 Telephone (772) 978-4550

5-B)15

CITY OF VERO BEACH

vs.

CASE No's.: 16-CE-6421

MAXWELL PROPERTIES, INC. / JAMES R. MAXWELL
 Violator

Citation No.: 0917T

TO: Maxwell Properties, Inc. / James R. Maxwell
920 Truman Street
Sebastian, Florida 32958

NOTICE OF HEARING

AND 1146 21st Street
Vero Beach, Florida 32960

YOU ARE HERBY NOTIFIED that a hearing is scheduled before the Code Enforcement Board of the City of Vero Beach ("Board") regarding the above-styled code enforcement case as follows:

DATE and TIME: April 13th 2 016 at 2:00 P.M.

LOCATION OF HEARING: VERO BEACH CITY HALL, 1053 20th PLACE, VERO BEACH, FL

PURPOSE OF HEARING:

- Appeal of code enforcement citation.
- Failure to Correct Violation(s).
- Failure to Pay Civil Penalty and/or Costs.
- Other (describe): _____

YOUR HEARING RIGHTS: You have the right to be represented at the hearing by an attorney at your own expense if you so choose, however an attorney is not required. You have the right to present witnesses and other evidence on your behalf and to cross-examine witnesses against you. You have the right to testify or not testify on your own behalf.

CITATION APPEALS: Pursuant to COVB Code sec. 2-303, the Board's authority on appeal of a citation is limited to fact-finding only. If your appeal of the citation is to contest the interpretation or application of the Code provision(s) cited as being violated, such appeal must be made in writing to the designated administrative authority of the City as defined in sec. 2-303 or that appeal is waived. If such administrative appeal is taken, it must be finally decided before the Board may hear appeal of the citation.

IF YOU FAIL TO APPEAR: If you do not appear at the hearing in person or by your attorney to defend this matter, you will be deemed to have waived your right to a hearing and the Board may rule against you in your absence and enter an order accordingly. Also take notice that such waiver of your right to a hearing will be deemed your admission of the violation(s) cited if the hearing is for appeal of the citation.

LATE CORRECTION OF VIOLATION OR LATE PAYMENT: This case may be presented to the Board even if all cited violations have been corrected and civil penalties and costs have been paid prior to the hearing.

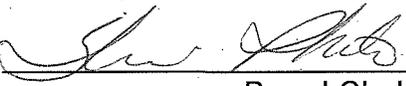
HEARING RECORD: This hearing involves non-criminal code enforcement matters. You are responsible for insuring, at your own expense, that a verbatim record of the hearing is made by a Florida certified court reporter should you desire to appeal an adverse decision of the Board to the Circuit Court.

POSTPONEMENTS: No request for postponement of the hearing will be considered unless such request is made in writing, stating good reason for the requested postponement, and received by the board clerk at least five (5) days prior to the date set for the hearing at: City Clerk's Office, City Hall, 1053 20th Place, Vero Beach, Florida 32960.

PLEASE GOVERN YOURSELF ACCORDINGLY.

FOR THE CODE ENFORCEMENT BOARD

Date: April 1, 2016

By: 
Board Clerk

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Notice of Hearing was provided to the above-named violator by first class U.S. Mail addressed to the above-specified address this 1st day of April 2016.


Board Clerk



**VERO BEACH POLICE DEPARTMENT
CODE ENFORCEMENT DIVISION**

1055 20th Street
Vero Beach, FL 32960

CODE ENFORCEMENT CITATION

No. 824M / 16-CE-6457

STATE OF FLORIDA, COUNTY OF INDIAN RIVER, CITY OF VERO BEACH,

In the name of the City of Vero Beach, Florida: The undersigned officer certifies that he/she has just and reasonable grounds to believe, and does believe that on February 23, 2016 at n/a

Name: **Maxwell Properties Inc, / James R Maxwell**
920 Truman St
of: **Sebastian, FL 32958**

at (violation address): 1146 21st Street in the City of Vero Beach, Florida committed the following civil offense:
Minor site plan approval required for new and/or additions to outdoor storage.

Violation of code provision(s): 64.06 (8) (h)

Facts constituting violation: New and existing businesses on-site require site plan approval for repair, rental and storage of vehicles.

CIVIL PENALTY: \$50.00

PAY BY DATE:

REPEAT VIOLATION

CORRECTION REQUIRED BY: 03/18/2016. This is a correctable violation and must be corrected by the date specified. Each day that the violation remains uncorrected after the date specified is a separate violation and additional civil penalties and costs may be assessed against you without issuance of additional citations. You must contact the issuing officer and request re-inspection once the violation is corrected or if you need additional time to correct the violation. If you do not correct the violation by the date specified the City may also take action to correct the violation and assess the costs of correction plus administrative fees as a lien against the property on which the violation was corrected in addition to any lien for civil penalties or costs.

Issued by: Sanderson
Department: VBPD/Code Enforcement

Date Issued: 03/03/2016
Telephone: 7729784561

RIGHT TO HEARING OR TO PAY REDUCED PENALTY: You must either file a written request for a hearing to contest this citation OR pay the reduced civil penalty specified above at: City Clerk's Office, City Hall, 1053 20th Place, Vero Beach, Florida 32960. WRITTEN REQUEST FOR A HEARING MUST BE RECEIVED WITHIN TEN (10) DAYS (excluding Saturdays, Sundays, and legal holidays) OR YOUR RIGHT TO A HEARING IS WAIVED AND DEEMED YOUR ADMISSION OF THE VIOLATION. Make checks payable to "City of Vero Beach." Do not mail cash! If correction of the violation is required above, the timely filing of a request for a hearing will toll the accrual of continuing violation penalties pending outcome of the hearing. Your right to pay the reduced penalty specified above is waived if you elect to contest the citation and, if after the hearing you are found to be responsible for the violation, a civil penalty of up to \$500 (\$1,000 for contracting violations) may be assessed against you for each day of violation, plus administrative and enforcement costs.

Your signature below acknowledges receipt of a copy of this citation and is NOT an admission of the violation. Willful refusal to sign and accept this citation is a misdemeanor criminal offense punishable as provided by law.

Signature of Individual

Date: _____

CLERK COPY - 16-000250

Certified Mail Receipt: 70151730000072948929

ORIGINAL



BEFORE THE CODE ENFORCEMENT BOARD
 OF THE CITY OF VERO BEACH, FLORIDA
 1053 20TH PLACE
 VERO BEACH, FLORIDA 32960
 Telephone (772) 978-4550

5-B)1K

CITY OF VERO BEACH

vs.

CASE No's.: 16-CE-6432

HIGH TIDE AUTOS
 Violator

Citation No.: 829M

TO: High Tide Autos
2626 US1
Vero Beach, Florida 32960

NOTICE OF HEARING

AND

YOU ARE HERBY NOTIFIED that a hearing is scheduled before the Code Enforcement Board of the City of Vero Beach ("Board") regarding the above-styled code enforcement case as follows:

DATE and TIME: April 13th 2 016 at 2:00 P.M.

LOCATION OF HEARING: VERO BEACH CITY HALL, 1053 20th PLACE, VERO BEACH, FL

PURPOSE OF HEARING:

- Appeal of code enforcement citation.
- Failure to Correct Violation(s).
- Failure to Pay Civil Penalty and/or Costs.
- Other (describe): _____

YOUR HEARING RIGHTS: You have the right to be represented at the hearing by an attorney at your own expense if you so choose, however an attorney is not required. You have the right to present witnesses and other evidence on your behalf and to cross-examine witnesses against you. You have the right to testify or not testify on your own behalf.

CITATION APPEALS: Pursuant to COVB Code sec. 2-303, the Board's authority on appeal of a citation is limited to fact-finding only. If your appeal of the citation is to contest the interpretation or application of the Code provision(s) cited as being violated, such appeal must be made in writing to the designated administrative authority of the City as defined in sec. 2-303 or that appeal is waived. If such administrative appeal is taken, it must be finally decided before the Board may hear appeal of the citation.

IF YOU FAIL TO APPEAR: If you do not appear at the hearing in person or by your attorney to defend this matter, you will be deemed to have waived your right to a hearing and the Board may rule against you in your absence and enter an order accordingly. Also take notice that such waiver of your right to a hearing will be deemed your admission of the violation(s) cited if the hearing is for appeal of the citation.

LATE CORRECTION OF VIOLATION OR LATE PAYMENT: This case may be presented to the Board even if all cited violations have been corrected and civil penalties and costs have been paid prior to the hearing.

HEARING RECORD: This hearing involves non-criminal code enforcement matters. You are responsible for insuring, at your own expense, that a verbatim record of the hearing is made by a Florida certified court reporter should you desire to appeal an adverse decision of the Board to the Circuit Court.

POSTPONEMENTS: No request for postponement of the hearing will be considered unless such request is made in writing, stating good reason for the requested postponement, and received by the board clerk at least five (5) days prior to the date set for the hearing at: City Clerk's Office, City Hall, 1053 20th Place, Vero Beach, Florida 32960.

PLEASE GOVERN YOURSELF ACCORDINGLY.

FOR THE CODE ENFORCEMENT BOARD

Date: April 1, 2016

By: 
Board Clerk

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Notice of Hearing was provided to the above-named violator by first class U.S. Mail addressed to the above-specified address this

1st day of April 2016.


Board Clerk



**VERO BEACH POLICE DEPARTMENT
CODE ENFORCEMENT DIVISION**

**1055 20th Street
Vero Beach, FL 32960**

CODE ENFORCEMENT CITATION

No. 829M / 16-CE-6432

STATE OF FLORIDA, COUNTY OF INDIAN RIVER, CITY OF VERO BEACH,

In the name of the City of Vero Beach, Florida: The undersigned officer certifies that he/she has just and reasonable grounds to believe, and does believe that on **February 22, 2016** at **n/a**

Name: **High Tide Autos**
2626 US Highway 1
of: **Vero Beach, FL 32960**

at (violation address): **2626 US Highway 1** in the City of Vero Beach, Florida committed the following civil offense:
Failure to obtain Business Tax Receipt.

Violation of code provision(s): 70.62 (a) (1,2,3), 64.06 (a)

Facts constituting violation: Repair and sales of vehicles require Business Tax Receipt. Site Plan Approval needed from the Planning Department at City Hall.

CIVIL PENALTY: \$50.00

PAY BY DATE: 03/21/2016

REPEAT VIOLATION

CORRECTION REQUIRED BY: 03/21/2016. This is a correctable violation and must be corrected by the date specified. Each day that the violation remains uncorrected after the date specified is a separate violation and additional civil penalties and costs may be assessed against you without issuance of additional citations. You must contact the issuing officer and request re-inspection once the violation is corrected or if you need additional time to correct the violation. If you do not correct the violation by the date specified the City may also take action to correct the violation and assess the costs of correction plus administrative fees as a lien against the property on which the violation was corrected in addition to any lien for civil penalties or costs.

Issued by: Sanderson
Department: VBPD/Code Enforcement

Date Issued: 03/03/2016
Telephone: 7729784561

RIGHT TO HEARING OR TO PAY REDUCED PENALTY: You must either file a written request for a hearing to contest this citation OR pay the reduced civil penalty specified above at: City Clerk's Office, City Hall, 1053 20th Place, Vero Beach, Florida 32960. **WRITTEN REQUEST FOR A HEARING MUST BE RECEIVED WITHIN TEN (10) DAYS (excluding Saturdays, Sundays, and legal holidays) OR YOUR RIGHT TO A HEARING IS WAIVED AND DEEMED YOUR ADMISSION OF THE VIOLATION.** Make checks payable to "City of Vero Beach." Do not mail cash! If correction of the violation is required above, the timely filing of a request for a hearing will toll the accrual of continuing violation penalties pending outcome of the hearing. Your right to pay the reduced penalty specified above is waived if you elect to contest the citation and, if after the hearing you are found to be responsible for the violation, a civil penalty of up to \$500 (\$1,000 for contracting violations) may be assessed against you for each day of violation, plus administrative and enforcement costs.

Your signature below acknowledges receipt of a copy of this citation and is NOT an admission of the violation. Willful refusal to sign and accept this citation is a misdemeanor criminal offense punishable as provided by law.

Signature of Individual

Date: _____

CLERK COPY - 16-000219

Certified Mail Receipt: 70151730000072948912

ORIGINAL



**VERO BEACH POLICE DEPARTMENT
CODE ENFORCEMENT DIVISION**

1055 20th Street
Vero Beach, FL 32960

CODE ENFORCEMENT CITATION

No. 829M / 16-CE-6432

STATE OF FLORIDA, COUNTY OF INDIAN RIVER, CITY OF VERO BEACH,

In the name of the City of Vero Beach, Florida: The undersigned officer certifies that he/she has just and reasonable grounds to believe, and does believe that on **February 22, 2016** at n/a

Name: **High Tide Autos**
2626 US Highway 1
of: **Vero Beach, FL 32960**

at (violation address): **2626 US Highway 1** in the City of Vero Beach, Florida committed the following civil offense:
Failure to obtain Business Tax Receipt.

Violation of code provision(s): 70.62 (a) (1,2,3), 64.06 (a)

Facts constituting violation: Repair and sales of vehicles require Business Tax Receipt. Site Plan Approval needed from the Planning Department at City Hall.

CIVIL PENALTY: \$50.00

PAY BY DATE: 03/21/2016

REPEAT VIOLATION

CORRECTION REQUIRED BY: 03/21/2016. This is a correctable violation and must be corrected by the date specified. Each day that the violation remains uncorrected after the date specified is a separate violation and additional civil penalties and costs may be assessed against you without issuance of additional citations. You must contact the issuing officer and request re-inspection once the violation is corrected or if you need additional time to correct the violation. If you do not correct the violation by the date specified the City may also take action to correct the violation and assess the costs of correction plus administrative fees as a lien against the property on which the violation was corrected in addition to any lien for civil penalties or costs.

Issued by: Sanderson
Department: VBPD/Code Enforcement

Date Issued: 03/03/2016
Telephone: 7729784561

RIGHT TO HEARING OR TO PAY REDUCED PENALTY: You must either file a written request for a hearing to contest this citation OR pay the reduced civil penalty specified above at: **City Clerk's Office, City Hall, 1053 20th Place, Vero Beach, Florida 32960.** **WRITTEN REQUEST FOR A HEARING MUST BE RECEIVED WITHIN TEN (10) DAYS (excluding Saturdays, Sundays, and legal holidays) OR YOUR RIGHT TO A HEARING IS WAIVED AND DEEMED YOUR ADMISSION OF THE VIOLATION.** Make checks payable to "City of Vero Beach." Do not mail cash! If correction of the violation is required above, the timely filing of a request for a hearing will toll the accrual of continuing violation penalties pending outcome of the hearing. Your right to pay the reduced penalty specified above is waived if you elect to contest the citation and, if after the hearing you are found to be responsible for the violation, a civil penalty of up to \$500 (\$1,000 for contracting violations) may be assessed against you for each day of violation, plus administrative and enforcement costs.

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Signature of Individual

Date: _____

OFFICER COPY - 16-000219

Certified Mail Receipt: 70151730000072948912



February 22, 2016

High Tide Auto
2626 US Highway
Vero Beach, FL 32960

RE: Business Tax Certificate

This letter is to remind you City Ordinance Section 70-62 requires Vero Beach businesses to have a current Business Tax Receipt. Please complete and return the enclosed applications for the repair and sales of motor vehicles to the Planning Department in City Hall and meet with the Planner of the Day regarding Site Plan Approval for your property by February 29, 2016.

Should you have any questions on this matter, feel free to contact the Planning Department at 772-978-4550.

Sincerely,

Melody Sanderson
Code Enforcement Officer
City of Vero Beach Police Department
Code Enforcement Division
772-978-4561
msanderson@vbpd.org



High Tide Auto
2626 US 1
2/16/16 7²⁴am





BEFORE THE CODE ENFORCEMENT BOARD
 OF THE CITY OF VERO BEACH, FLORIDA
 1053 20TH PLACE
 VERO BEACH, FLORIDA 32960
 Telephone (772) 978-4550

5-B)1L

CITY OF VERO BEACH

vs.

CASE No's.: 16-CE6520

JUNGLE CLUB SPORT COMPLEX / JOHN CAIRNS / KATIE SMITH
 Violator

Citation No.: 843M

TO: Jungle Club Sport Complex / John Cairns / Katie Smith
1060 6th Avenue
Vero Beach, Florida 32960

NOTICE OF HEARING

YOU ARE HERBY NOTIFIED that a hearing is scheduled before the Code Enforcement Board of the City of Vero Beach ("Board") regarding the above-styled code enforcement case as follows:

DATE and TIME: April 13th 2 016 at 2:00 P.M.

LOCATION OF HEARING: VERO BEACH CITY HALL, 1053 20th PLACE, VERO BEACH, FL

PURPOSE OF HEARING:

- Appeal of code enforcement citation.
- Failure to Correct Violation(s).
- Failure to Pay Civil Penalty and/or Costs.
- Other (describe): _____

YOUR HEARING RIGHTS: You have the right to be represented at the hearing by an attorney at your own expense if you so choose, however an attorney is not required. You have the right to present witnesses and other evidence on your behalf and to cross-examine witnesses against you. You have the right to testify or not testify on your own behalf.

CITATION APPEALS: Pursuant to COVB Code sec. 2-303, the Board's authority on appeal of a citation is limited to fact-finding only. If your appeal of the citation is to contest the interpretation or application of the Code provision(s) cited as being violated, such appeal must be made in writing to the designated administrative authority of the City as defined in sec. 2-303 or that appeal is waived. If such administrative appeal is taken, it must be finally decided before the Board may hear appeal of the citation.

IF YOU FAIL TO APPEAR: If you do not appear at the hearing in person or by your attorney to defend this matter, you will be deemed to have waived your right to a hearing and the Board may rule against you in your absence and enter an order accordingly. Also take notice that such waiver of your right to a hearing will be deemed your admission of the violation(s) cited if the hearing is for appeal of the citation.

LATE CORRECTION OF VIOLATION OR LATE PAYMENT: This case may be presented to the Board even if all cited violations have been corrected and civil penalties and costs have been paid prior to the hearing.

HEARING RECORD: This hearing involves non-criminal code enforcement matters. You are responsible for insuring, at your own expense, that a verbatim record of the hearing is made by a Florida certified court reporter should you desire to appeal an adverse decision of the Board to the Circuit Court.

POSTPONEMENTS: No request for postponement of the hearing will be considered unless such request is made in writing, stating good reason for the requested postponement, and received by the board clerk at least five (5) days prior to the date set for the hearing at: City Clerk's Office, City Hall, 1053 20th Place, Vero Beach, Florida 32960.

PLEASE GOVERN YOURSELF ACCORDINGLY.

FOR THE CODE ENFORCEMENT BOARD

Date: April 1, 2016

By: 
Board Clerk

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Notice of Hearing was provided to the above-named violator by first class U.S. Mail addressed to the above-specified address this

1st day of April 2016.


Board Clerk



**VERO BEACH POLICE DEPARTMENT
CODE ENFORCEMENT DIVISION**

**1055 20th Street
Vero Beach, FL 32960**

CODE ENFORCEMENT CITATION

No. 843M / 16-CE-6520

STATE OF FLORIDA, COUNTY OF INDIAN RIVER, CITY OF VERO BEACH,

In the name of the City of Vero Beach, Florida: The undersigned officer certifies that he/she has just and reasonable grounds to believe, and does believe that on March 14, 2016 at 8:42 am

Name: **Jungle Club Sport Complex / John Cairns / Katie Smith**
1060 6th Avenue
of: **Vero Beach, FL 32960**

at (violation address): r/o/w 6th Avenue, 21st Street, Indian River Bv in the City of Vero Beach, Florida committed the following civil offense: Prohibited signs placed out on r/o/w of 6th Avenue, 21st Street, and Indian River Bv.

Violation of code provision(s): 38.17 (t)

Facts constituting violation: 8 prohibited signs placed out on r/o/w of 6th Avenue, 21st Street, and Indian River Bv. Business has had prior verbal and written warnings regarding prohibited signs.

CIVIL PENALTY: \$400.00

PAY BY DATE: 03/30/2016

REPEAT VIOLATION

CORRECTION REQUIRED BY: . This is a correctable violation and must be corrected by the date specified. Each day that the violation remains uncorrected after the date specified is a separate violation and additional civil penalties and costs may be assessed against you without issuance of additional citations. You must contact the issuing officer and request re-inspection once the violation is corrected or if you need additional time to correct the violation. If you do not correct the violation by the date specified the City may also take action to correct the violation and assess the costs of correction plus administrative fees as a lien against the property on which the violation was corrected in addition to any lien for civil penalties or costs.

Issued by: Sanderson
Department: VBPD/Code Enforcement

Date Issued: 03/15/2016
Telephone: 7729784561

RIGHT TO HEARING OR TO PAY REDUCED PENALTY: You must either file a written request for a hearing to contest this citation OR pay the reduced civil penalty specified above at: City Clerk's Office, City Hall, 1053 20th Place, Vero Beach, Florida 32960. **WRITTEN REQUEST FOR A HEARING MUST BE RECEIVED WITHIN TEN (10) DAYS (excluding Saturdays, Sundays, and legal holidays) OR YOUR RIGHT TO A HEARING IS WAIVED AND DEEMED YOUR ADMISSION OF THE VIOLATION.** Make checks payable to "City of Vero Beach." Do not mail cash! If correction of the violation is required above, the timely filing of a request for a hearing will toll the accrual of continuing violation penalties pending outcome of the hearing. Your right to pay the reduced penalty specified above is waived if you elect to contest the citation and, if after the hearing you are found to be responsible for the violation, a civil penalty of up to \$500 (\$1,000 for contracting violations) may be assessed against you for each day of violation, plus administrative and enforcement costs.

Your signature below acknowledges receipt of a copy of this citation and is NOT an admission of the violation. Willful refusal to sign and accept this citation is a misdemeanor criminal offense punishable as provided by law.

Signature of Individual

Date: _____

CLERK COPY - 16-000353

Certified Mail Receipt: 70150640000696528263

ORIGINAL



**VERO BEACH POLICE DEPARTMENT
CODE ENFORCEMENT DIVISION**

1055 20th Street
Vero Beach, FL 32960

CODE ENFORCEMENT CITATION

No. 843M / 16-CE-6520

STATE OF FLORIDA, COUNTY OF INDIAN RIVER, CITY OF VERO BEACH,

In the name of the City of Vero Beach, Florida: The undersigned officer certifies that he/she has just and reasonable grounds to believe, and does believe that on March 14, 2016 at 8:42 am

Name: **Jungle Club Sport Complex / John Cairns / Katie Smith**
1060 6th Avenue
of: **Vero Beach, FL 32960**

at (violation address): r/o/w 6th Avenue, 21st Street, Indian River Bv in the City of Vero Beach, Florida committed the following civil offense: Prohibited signs placed out on r/o/w of 6th Avenue, 21st Street, and Indian River Bv.

Violation of code provision(s): 38.17 (t)

Facts constituting violation: 8 prohibited signs placed out on r/o/w of 6th Avenue, 21st Street, and Indian River Bv. Business has had prior verbal and written warnings regarding prohibited signs.

CIVIL PENALTY: \$400.00

PAY BY DATE: 03/30/2016

REPEAT VIOLATION

CORRECTION REQUIRED BY: . **This is a correctable violation and must be corrected by the date specified.** Each day that the violation remains uncorrected after the date specified is a separate violation and additional civil penalties and costs may be assessed against you without issuance of additional citations. You must contact the issuing officer and request re-inspection once the violation is corrected or if you need additional time to correct the violation. If you do not correct the violation by the date specified the City may also take action to correct the violation and assess the costs of correction plus administrative fees as a lien against the property on which the violation was corrected in addition to any lien for civil penalties or costs.

Issued by: Sanderson

Date Issued: 03/15/2016

Department: VBPD/Code Enforcement

Telephone: 7729784561

RIGHT TO HEARING OR TO PAY REDUCED PENALTY: You must either file a written request for a hearing to contest this citation OR pay the reduced civil penalty specified above at: City Clerk's Office, City Hall, 1053 20th Place, Vero Beach, Florida 32960. **WRITTEN REQUEST FOR A HEARING MUST BE RECEIVED WITHIN TEN (10) DAYS (excluding Saturdays, Sundays, and legal holidays) OR YOUR RIGHT TO A HEARING IS WAIVED AND DEEMED YOUR ADMISSION OF THE VIOLATION.** Make checks payable to "City of Vero Beach." Do not mail cash! If correction of the violation is required above, the timely filing of a request for a hearing will toll the accrual of continuing violation penalties pending outcome of the hearing. Your right to pay the reduced penalty specified above is waived if you elect to contest the citation and, if after the hearing you are found to be responsible for the violation, a civil penalty of up to \$500 (\$1,000 for contracting violations) may be assessed against you for each day of violation, plus administrative and enforcement costs.

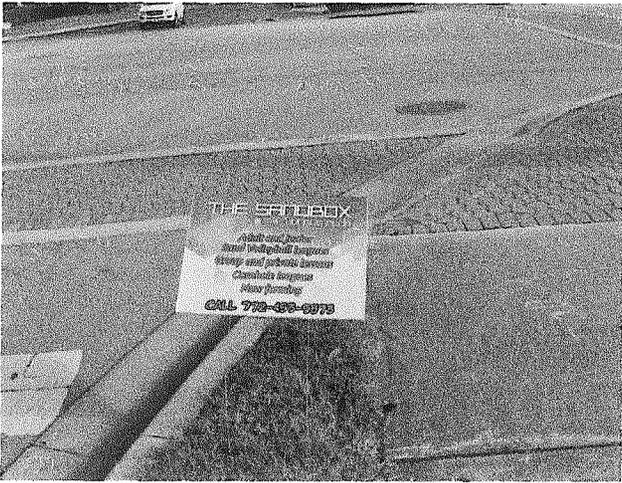
Your signature below acknowledges receipt of a copy of this citation and is NOT an admission of the violation. Willful refusal to sign and accept this citation is a misdemeanor criminal offense punishable as provided by law.

Signature of Individual

Date: _____

OFFICER COPY - 16-000353

Certified Mail Receipt: 70150640000696528263



R/O/W
60th Av, 21st St,
I R B V







**VERO BEACH POLICE
DEPARTMENT**
CODE ENFORCEMENT DIVISION
1055 20th Street
Vero Beach, Florida 32960

**CODE ENFORCEMENT
WARNING CITATION**

No. 831M

STATE OF FLORIDA, COUNTY OF INDIAN RIVER, CITY OF VERO BEACH

In the name of the City of Vero Beach, Florida: The undersigned officer certifies that he/she has just and reasonable grounds to believe, and does believe that on March 02, 2016, at n/a.

Jungle Club Sport Complex
1060 6th Avenue
Vero Beach, FL 32960

at r/o/w A1A, r/o/w Indian River Bv in the City of Vero Beach, Florida, committed the following civil offense: Prohibited signs placed out on r/o/w of Indian River Bv and r/o/w of Highway A1A.

In violation of City Of Vero Beach Code provision(s): 38.17 (t)

Facts Constituting Violation: Prohibited signs placed out on r/o/w of Indian River Bv and r/o/w of Highway A1A.

WARNING.

This warning citation is issued to inform you of your violation of the Code provision(s) specified above and encourage future compliance with said law. No fine or civil penalty is assessed at this time for the violation cited. However, repeat of the same violation, even if the violation occurs at a different location, can result in the issuance of a code enforcement citation assessing civil penalties against you or commencement of other enforcement action.

WARNING.

-CORRECTION REQUIRED BY - This warning citation is issued to inform you of your continuing violation of the Code provision(s) specified above and encourage your compliance with said law. This warning also provides you with an opportunity to correct this continuing violation and avoid further enforcement action against you. No fine or civil penalty is assessed at this time for the violation cited. However, YOU MUST CORRECT THE CONTINUING VIOLATION BY THE DATE SPECIFIED ABOVE. Failure to correct the violation by said date can result in the issuance of a code enforcement citation assessing civil penalties against you for each day the violation continues or commencement of other enforcement action. You must contact the issuing officer named below and request re-inspection once the violation is corrected or if you need additional time to correct the violation.

Issued by: Sanderson

Date Issued: March 04, 2016

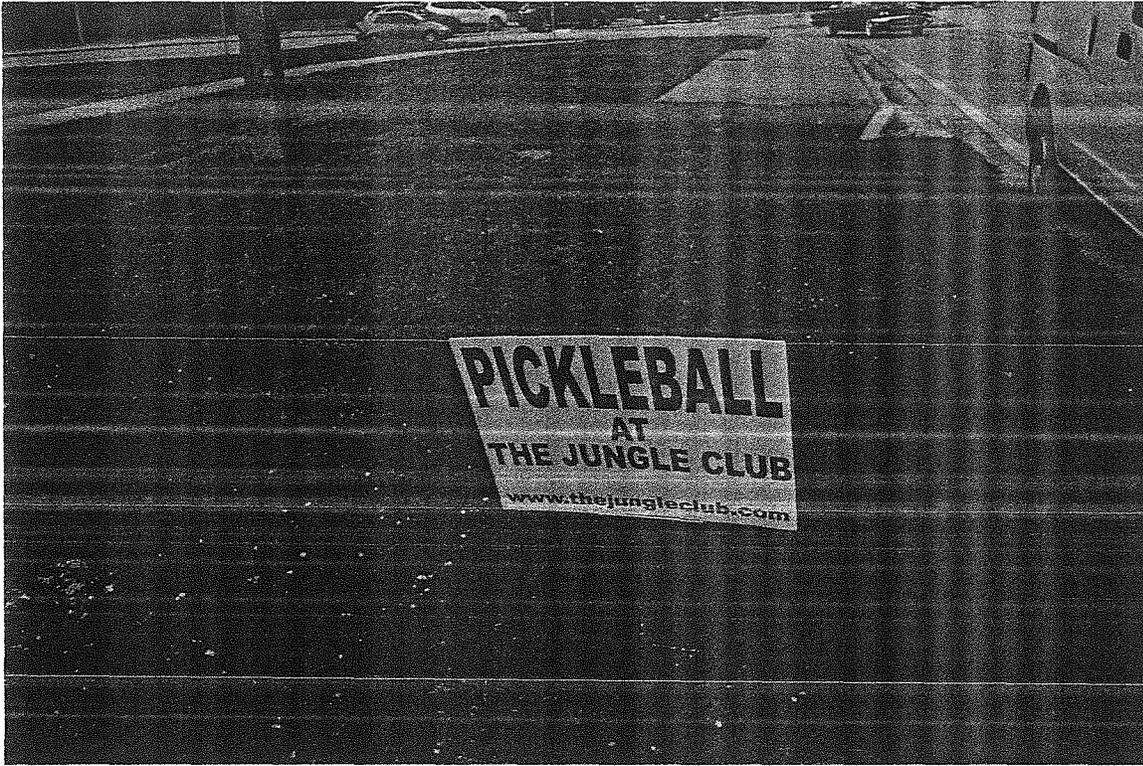
Department: VBPD CODE ENFORCEMENT

Telephone: 7729784561

Your signature below acknowledges receipt of a copy of this citation and is NOT an admission of the violation. This warning citation does not impose any penalty against you and is provided to inform you of the applicable law.

Signature of Individual

Date: _____



R10/W IRBV
A1A



BEFORE THE CODE ENFORCEMENT BOARD
 OF THE CITY OF VERO BEACH, FLORIDA
 1053 20TH PLACE
 VERO BEACH, FLORIDA 32960
 Telephone (772) 978-4550

5-B)lm

CITY OF VERO BEACH

vs.

CASE No's.: 16-CE-6413

MATTHEW MARTISE

Citation No.: 0823M

Violator

TO: Matthew Martise
2020 Delmar Avenue
Vero Beach, Florida 32960

NOTICE OF HEARING

YOU ARE HERBY NOTIFIED that a hearing is scheduled before the Code Enforcement Board of the City of Vero Beach ("Board") regarding the above-styled code enforcement case as follows:

DATE and TIME: April 13th 2 016 at 2:00 P.M.

LOCATION OF HEARING: VERO BEACH CITY HALL, 1053 20th PLACE, VERO BEACH, FL

PURPOSE OF HEARING:

- Appeal of code enforcement citation.
- Failure to Correct Violation(s).
- Failure to Pay Civil Penalty and/or Costs.
- Other (describe): _____

YOUR HEARING RIGHTS: You have the right to be represented at the hearing by an attorney at your own expense if you so choose, however an attorney is not required. You have the right to present witnesses and other evidence on your behalf and to cross-examine witnesses against you. You have the right to testify or not testify on your own behalf.

CITATION APPEALS: Pursuant to COVB Code sec. 2-303, the Board's authority on appeal of a citation is limited to fact-finding only. If your appeal of the citation is to contest the interpretation or application of the Code provision(s) cited as being violated, such appeal must be made in writing to the designated administrative authority of the City as defined in sec. 2-303 or that appeal is waived. If such administrative appeal is taken, it must be finally decided before the Board may hear appeal of the citation.

IF YOU FAIL TO APPEAR: If you do not appear at the hearing in person or by your attorney to defend this matter, you will be deemed to have waived your right to a hearing and the Board may rule against you in your absence and enter an order accordingly. Also take notice that such waiver of your right to a hearing will be deemed your admission of the violation(s) cited if the hearing is for appeal of the citation.

LATE CORRECTION OF VIOLATION OR LATE PAYMENT: This case may be presented to the Board even if all cited violations have been corrected and civil penalties and costs have been paid prior to the hearing.

HEARING RECORD: This hearing involves non-criminal code enforcement matters. You are responsible for insuring, at your own expense, that a verbatim record of the hearing is made by a Florida certified court reporter should you desire to appeal an adverse decision of the Board to the Circuit Court.

POSTPONEMENTS: No request for postponement of the hearing will be considered unless such request is made in writing, stating good reason for the requested postponement, and received by the board clerk at least five (5) days prior to the date set for the hearing at: City Clerk's Office, City Hall, 1053 20th Place, Vero Beach, Florida 32960.

PLEASE GOVERN YOURSELF ACCORDINGLY.

FOR THE CODE ENFORCEMENT BOARD

Date: April 1, 2016

By: 
Board Clerk

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Notice of Hearing was provided to the above-named violator by first class U.S. Mail addressed to the above-specified address this 1st day of April 20 16.


Board Clerk



**VERO BEACH POLICE DEPARTMENT
CODE ENFORCEMENT DIVISION**

1055 20th Street
Vero Beach, FL 32960

CODE ENFORCEMENT CITATION

No. 823M / 16-CE-6413

STATE OF FLORIDA, COUNTY OF INDIAN RIVER, CITY OF VERO BEACH,

In the name of the City of Vero Beach, Florida: The undersigned officer certifies that he/she has just and reasonable grounds to believe, and does believe that on February 11, 2016 at n/a

Name: **Martise, Matthew**
2020 Delmar Ave
of: **Vero Beach, FL 32960**

at (violation address): 2020 Delmar in the City of Vero Beach, Florida committed the following civil offense: Weeds, grass or undergrowth at a height of more than 12 inches.

Violation of code provision(s): 38.31 (b) (1)

Facts constituting violation: Weeds, grass or undergrowth at a height of more than 12 inches.

CIVIL PENALTY: \$50.00 PAY BY DATE: 03/18/2016 REPEAT VIOLATION

CORRECTION REQUIRED BY: 03/18/2016. This is a correctable violation and must be corrected by the date specified. Each day that the violation remains uncorrected after the date specified is a separate violation and additional civil penalties and costs may be assessed against you without issuance of additional citations. You must contact the issuing officer and request re-inspection once the violation is corrected or if you need additional time to correct the violation. If you do not correct the violation by the date specified the City may also take action to correct the violation and assess the costs of correction plus administrative fees as a lien against the property on which the violation was corrected in addition to any lien for civil penalties or costs.

Issued by: Sanderson
Department: VBPD/Code Enforcement

Date Issued: 03/04/2016
Telephone: 7729784561

RIGHT TO HEARING OR TO PAY REDUCED PENALTY: You must either file a written request for a hearing to contest this citation **OR** pay the reduced civil penalty specified above at: **City Clerk's Office, City Hall, 1053 20th Place, Vero Beach, Florida 32960.** **WRITTEN REQUEST FOR A HEARING MUST BE RECEIVED WITHIN TEN (10) DAYS (excluding Saturdays, Sundays, and legal holidays) OR YOUR RIGHT TO A HEARING IS WAIVED AND DEEMED YOUR ADMISSION OF THE VIOLATION.** Make checks payable to "City of Vero Beach." Do not mail cash! If correction of the violation is required above, the timely filing of a request for a hearing will toll the accrual of continuing violation penalties pending outcome of the hearing. Your right to pay the reduced penalty specified above is waived if you elect to contest the citation and, if after the hearing you are found to be responsible for the violation, a civil penalty of up to \$500 (\$1,000 for contracting violations) may be assessed against you for each day of violation, plus administrative and enforcement costs.

Your signature below acknowledges receipt of a copy of this citation and is **NOT** an admission of the violation. Willful refusal to sign and accept this citation is a misdemeanor criminal offense punishable as provided by law.

Signature of Individual

Date: _____

CLERK COPY - 16-000188

Certified Mail Receipt: PROPERTY POSTED

ORIGINAL



BEFORE THE CODE ENFORCEMENT BOARD
 OF THE CITY OF VERO BEACH, FLORIDA
 1053 20TH PLACE
 VERO BEACH, FLORIDA 32960
 Telephone (772) 978-4550

5-B)In

CITY OF VERO BEACH

vs.

CASE No's.: 15-Ce-6246

JUDITH TRAGE

Citation No.: 793M

Violator

TO: Judith Trage

NOTICE OF HEARING

3S255 Cypress Drive

Glen Ellyn, IL 60137-7340

AND

1030 27th Street

Vero Beach, Florida 32960

AND

146 Gale Avenue

River Forrest, IL 60305

YOU ARE HERBY NOTIFIED that a hearing is scheduled before the Code Enforcement Board of the City of Vero Beach ("Board") regarding the above-styled code enforcement case as follows:

DATE and TIME: April 13th 2 016 at 2:00 P.M.

LOCATION OF HEARING: VERO BEACH CITY HALL, 1053 20th PLACE, VERO BEACH, FL

PURPOSE OF HEARING:

- Appeal of code enforcement citation.
- Failure to Correct Violation(s).
- Failure to Pay Civil Penalty and/or Costs.
- Other (describe): Request for Board Order to pay accrued penalties and costs

YOUR HEARING RIGHTS: You have the right to be represented at the hearing by an attorney at your own expense if you so choose, however an attorney is not required. You have the right to present witnesses and other evidence on your behalf and to cross-examine witnesses against you. You have the right to testify or not testify on your own behalf.

CITATION APPEALS: Pursuant to COVB Code sec. 2-303, the Board's authority on appeal of a citation is limited to fact-finding only. If your appeal of the citation is to contest the interpretation or application of the Code provision(s) cited as being violated, such appeal must be made in writing to the designated administrative authority of the City as defined in sec. 2-303 or that appeal is waived. If such administrative appeal is taken, it must be finally decided before the Board may hear appeal of the citation.

IF YOU FAIL TO APPEAR: If you do not appear at the hearing in person or by your attorney to defend this matter, you will be deemed to have waived your right to a hearing and the Board may rule against you in your absence and enter an order accordingly. Also take notice that such waiver of your right to a hearing will be deemed your admission of the violation(s) cited if the hearing is for appeal of the citation.

LATE CORRECTION OF VIOLATION OR LATE PAYMENT: This case may be presented to the Board even if all cited violations have been corrected and civil penalties and costs have been paid prior to the hearing.

HEARING RECORD: This hearing involves non-criminal code enforcement matters. You are responsible for insuring, at your own expense, that a verbatim record of the hearing is made by a Florida certified court reporter should you desire to appeal an adverse decision of the Board to the Circuit Court.

POSTPONEMENTS: No request for postponement of the hearing will be considered unless such request is made in writing, stating good reason for the requested postponement, and received by the board clerk at least five (5) days prior to the date set for the hearing at: City Clerk's Office, City Hall, 1053 20th Place, Vero Beach, Florida 32960.

PLEASE GOVERN YOURSELF ACCORDINGLY.

FOR THE CODE ENFORCEMENT BOARD

Date: April 1, 2016

By: 
Board Clerk

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing Notice of Hearing was provided to the above-named violator by first class U.S. Mail addressed to the above-specified address this 1st day of April 2016.


Board Clerk



BEFORE THE CODE ENFORCEMENT BOARD
OF THE CITY OF VERO BEACH, FLORIDA
1053 20TH PLACE
VERO BEACH, FLORIDA 32960

CITY OF VERO BEACH

CASE NO. 15-CE-6246

vs.

CITATION NO. 793M

JUDITH TRAGE

3S255 Cypress Drive
Glen Ellyn, IL 60137-7340

AND

1030 27th Street
Vero Beach, Florida 32960

**ORDER TO CORRECT VIOLATION AND
IMPOSING CONTINUING CIVIL PENALTIES**

VIOLATION: City of Vero Beach Code sections 38-31(a),(b)(1),(4),(5); and 38:32(a)(1); public nuisance - weeds, grass, or undergrowth at a height of more than 12 inches; dead tree on property; garbage and trash in yard; and non-operable motor vehicle in the front yard.

LOCATION: 1030 27th Street, Vero Beach, Florida 32960

The above-styled case having come before the Board on the 10th day of February 2016 on request of the code enforcement officer for issuance of a Board order and the Board, having heard testimony of the code enforcement officer regarding the violations and having reviewed the record in this case, on motion made and approved, found that:

1. The citation and notice of hearing issued in this case were served as provided by law; however the violator has failed to appear in this enforcement action.
2. The violator did not appeal issuance of the citation in this case within the time allowed by law and thereby waived the right to a hearing before the Board to contest the issuance of the citation, which waiver is deemed an admission of the violations as specified in the citation
3. The violations specified in the citation have been corrected as of this hearing except the violation regarding the dead tree on the property remains uncorrected and in violation of the Code, and the civil penalty of \$50.00 assessed on the citation has not been paid.
4. The City has not requested costs of enforcement at this time however the City is entitled to recover all costs of recording the Board's orders in the public records and for satisfying and recording releases of the resulting liens upon payment.

IT IS THEREFORE ORDERED AND ADJUDGED BY THE BOARD THAT:

The violator is deemed to have committed the violations as specified above and on the citation, which violations have now been corrected except the violation of the dead tree on the property remains and is continuing in nature. **The violator shall immediately cause correction of the violation** by proper removal and disposal of the hazardous dead tree (including

obtaining tree removal permit) and, within thirty (30) days from the date of this Order, shall pay to the City Clerk the initial civil penalty of **\$50.00** and a continuing civil penalty of **\$50.00 per day** hereby imposed for each day said violation remains and continues to remain uncorrected after the date given in the citation for correction (12/29/15), together with all costs of recording the Board's orders in the public records and for satisfying and recording release of the resulting liens upon payment. The Board reserves assessment of enforcement and hearing costs incurred.

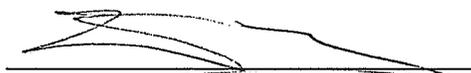
DONE AND ORDERED at Vero Beach, Indian River County, Florida this 19th day of February 2016.

ATTEST:

CODE ENFORCEMENT BOARD



Sherri Philo, as Board Clerk



Kirk Noonan, Board Chairman

[Seal]

THIS IS TO CERTIFY THAT THIS IS A
TRUE AND CORRECT COPY OF THE
ORIGINAL ON FILE IN THIS OFFICE.

Approved as to form and legal sufficiency:

SHERRI PHILO



Wayne R. Coment, as Board Attorney

BY:  , D.C.

DATE: February 19, 2016

IMPORTANT INFORMATION

Correction of Violations: AFTER CORRECTING THE VIOLATIONS YOU MUST NOTIFY THE CODE ENFORCEMENT OFFICER at Telephone #772-978-4551 or 772-978-4561, or in person at the Code Enforcement Office, Vero Beach Police Department, 1055 20th Street, Vero Beach, FL 32960 in order to request re-inspection to avoid imposition of additional civil penalties against you.

Payment of Civil Penalties and Costs: You must contact the City Clerk's Office at 772-978-4700 for the total amount of civil penalties, enforcement costs, recording, and other costs required to satisfy this order and lien. Civil penalties and costs may be paid in person at the City Clerk's Office located in City Hall, 1053 20th Place, Vero Beach, Florida 32960, Monday through Friday between 8:30 A.M. and 5:00 P.M., or by mailing a check or money order for the verified amount to said address, payable to "City of Vero Beach." Do not mail cash!

Notice of Right to Appeal Board Decision: An aggrieved party may appeal the Board's order to the Circuit Court in Indian River County, Florida. A written notice of appeal, together with a copy of the order appealed, must be filed with the Clerk of the Code Enforcement Board **and** with the Clerk of the Circuit Court (together with the applicable court filing fees) within thirty (30) days after the date of this order or the right to appeal is waived. An appeal is limited to appellate review of the record of the proceedings created before the Code Enforcement Board. Ref. F.S. 26.012(1); Florida Rules of Appellate Procedure, 9.030(c)(1)(C); 9.110(c).



VERO BEACH POLICE DEPARTMENT
CODE ENFORCEMENT DIVISION

1055 20th Street
Vero Beach, FL 32960

CODE ENFORCEMENT CITATION

No. **793M / 15-CE-6246**

STATE OF FLORIDA, COUNTY OF INDIAN RIVER, CITY OF VERO BEACH,

In the name of the City of Vero Beach, Florida: The undersigned officer certifies that he/she has just and reasonable grounds to believe, and does believe that on **December 08, 2015** at **n/a**

ORIGINAL

Name: **Trage, Judith ***
35255 Cypress Dr
of: **Glen Ellyn, IL 60137-7340**

at (violation address): **1030 27th Street** in the City of Vero Beach, Florida committed the following civil offense:
PUBLIC NUISANCE: Weeds, grass or undergrowth at a height of more than 12 inches and dead tree in the back yard, garbage and trash in the back and front yards and non-operable vehicle in the front yard.

Violation of code provision(s): **38.31 (a) (b) (1) (4) (5), 38.32 (a) (1)**

Facts constituting violation: **PUBLIC NUISANCE: Weeds, grass or undergrowth at a height of more than 12 inches and dead tree in the back yard, garbage and trash in the back and front yards and non-operable vehicle in the front yard. A TREE REMOVAL PERMIT MUST BE OBTAINED FROM THE PLANNING DEPARTMENT PRIOR TO TREE BEING REMOVED.**

CIVIL PENALTY: \$50.00

PAY BY DATE: 12/28/2015

REPEAT VIOLATION

CORRECTION REQUIRED BY: 12/28/2015. This is a correctable violation and must be corrected by the date specified. Each day that the violation remains uncorrected after the date specified is a separate violation and additional civil penalties and costs may be assessed against you without issuance of additional citations. You must contact the issuing officer and request re-inspection once the violation is corrected or if you need additional time to correct the violation. If you do not correct the violation by the date specified the City may also take action to correct the violation and assess the costs of correction plus administrative fees as a lien against the property on which the violation was corrected in addition to any lien for civil penalties or costs.

Issued by: Melody Sanderson
Department: VBPD/Code Enforcement

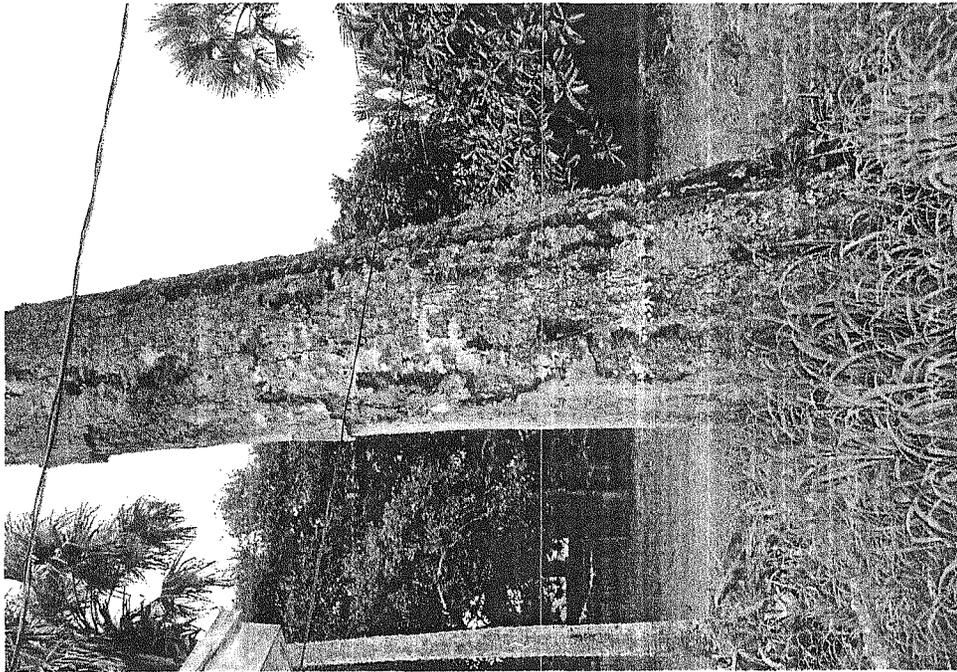
Date Issued: 12/11/2015
Telephone: 7729784561

RIGHT TO HEARING OR TO PAY REDUCED PENALTY: You must either file a written request for a hearing to contest this citation **OR** pay the reduced civil penalty specified above at: **City Clerk's Office, City Hall, 1053 20th Place, Vero Beach, Florida 32960.** **WRITTEN REQUEST FOR A HEARING MUST BE RECEIVED WITHIN TEN (10) DAYS (excluding Saturdays, Sundays, and legal holidays) OR YOUR RIGHT TO A HEARING IS WAIVED AND DEEMED YOUR ADMISSION OF THE VIOLATION.** Make checks payable to "City of Vero Beach." Do not mail cash! If correction of the violation is required above, the timely filing of a request for a hearing will toll the accrual of continuing violation penalties pending outcome of the hearing. Your right to pay the reduced penalty specified above is waived if you elect to contest the citation and, if after the hearing you are found to be responsible for the violation, a civil penalty of up to \$500 (\$1,000 for contracting violations) may be assessed against you for each day of violation, plus administrative and enforcement costs.

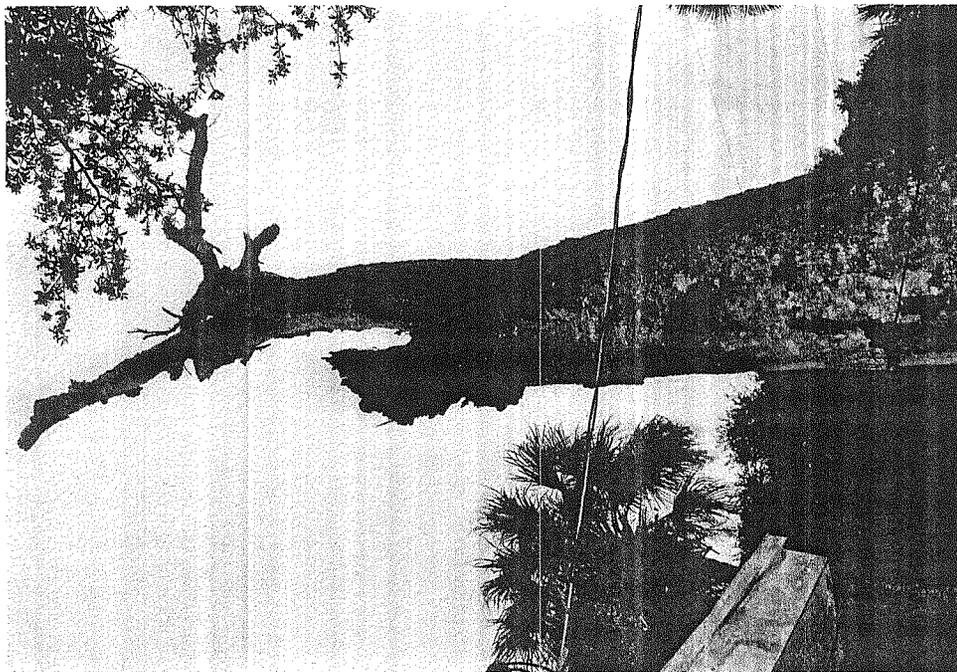
Your signature below acknowledges receipt of a copy of this citation and is **NOT** an admission of the violation. Willful refusal to sign and accept this citation is a misdemeanor criminal offense punishable as provided by law.

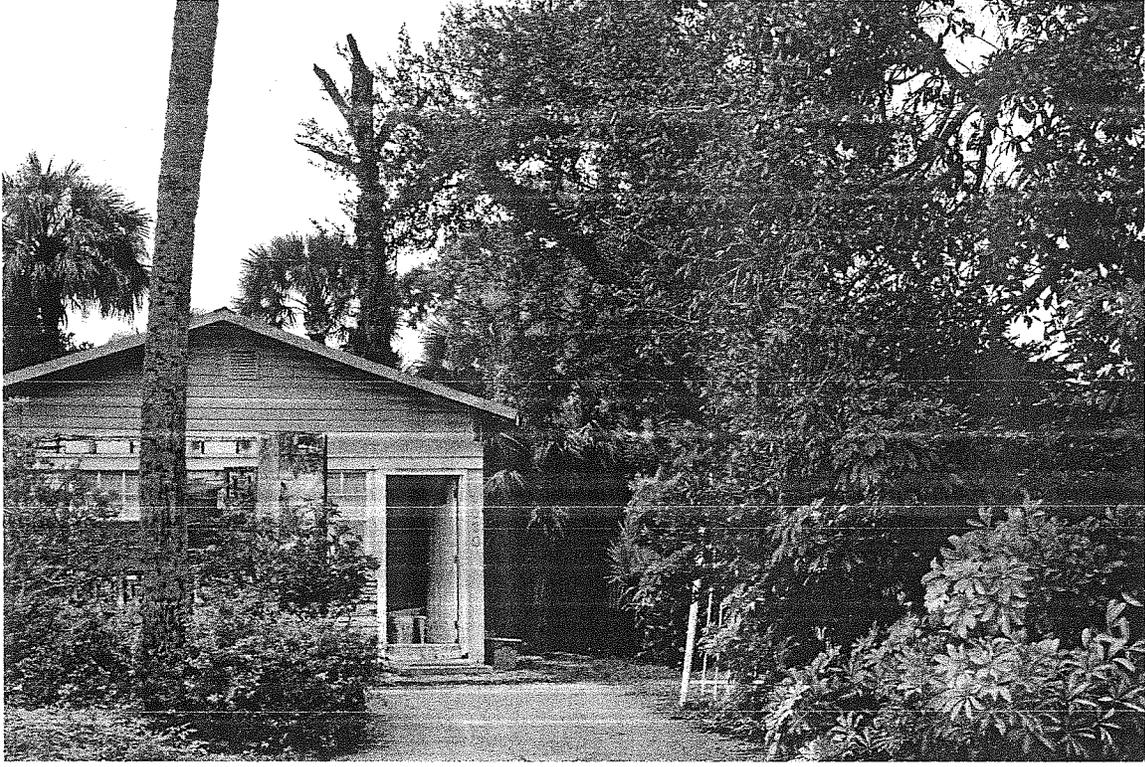
Signature of Individual

Date: _____

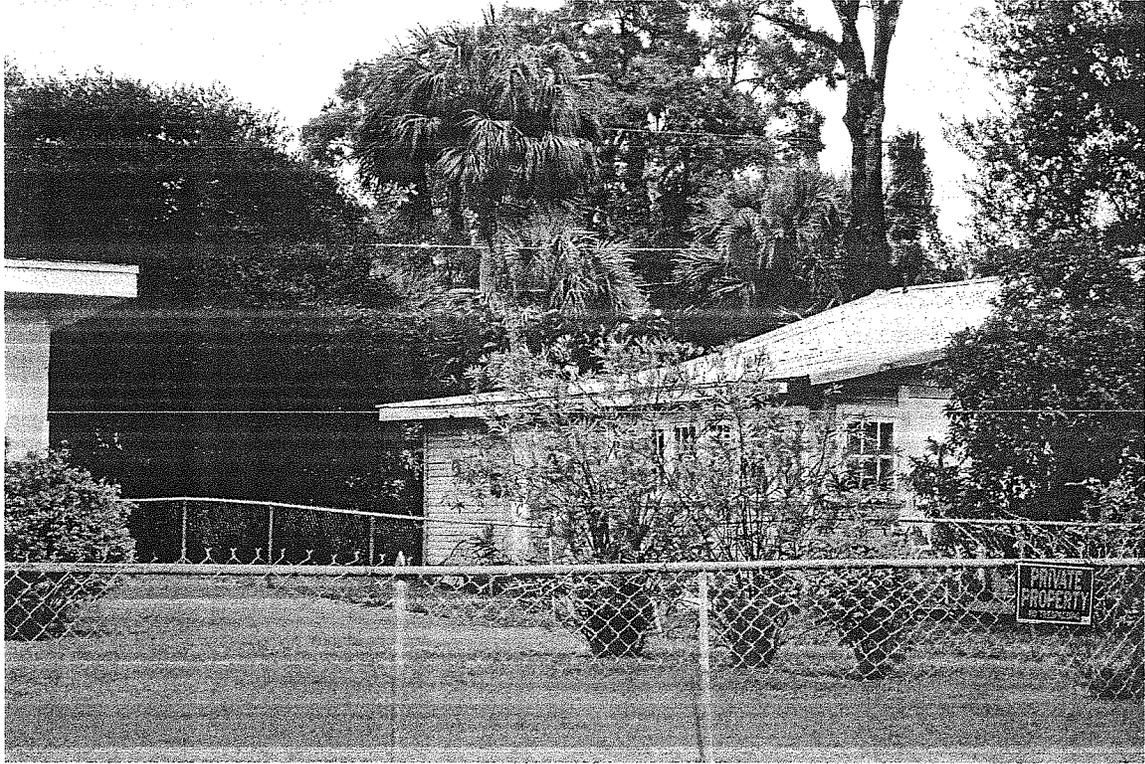


1030 27th ST
12/11/16





DEMOLITION | 1/27/16



GRASS CUT/COMPACTED
1/27/16

Philo, Sherri

9-A)

From: Coment, Wayne
Sent: Monday, March 14, 2016 11:15 AM
To: Philo, Sherri
Subject: next CEB agenda
Attachments: Order Denying Plts Motion for Summary Judgment.(2).pdf

Sherri,

Please see attached for next CEB agenda. You can put under attorney matters. Thanks!

WAYNE R. COMENT
CITY ATTORNEY
CITY OF VERO BEACH
P.O. Box 1389
1053 20TH PLACE
VERO BEACH, FL 32961-1389
TELEPHONE: 772-978-4730
FACSIMILE: 772-978-4733
WCOMENT@COVB.ORG



IN THE CIRCUIT COURT OF THE NINETEENTH JUDICIAL CIRCUIT
IN AND FOR INDIAN RIVER COUNTY, FLORIDA

CHARLES FITZ,

Plaintiff,

v.

CASE NO. 312015CA00266

Judge Paul B. Kanarek

CITY OF VERO BEACH, FLORIDA,

Defendant.

**ORDER DENYING PLAINTIFF CHARLES FITZ'S MOTION FOR FINAL
SUMMARY JUDGMENT**

This matter came on to be heard on February 29, 2016 on the plaintiff's Motion for Final Summary Judgment and the court having reviewed the pleadings and evidence in the file and having heard argument of counsel finds and decides as follows:

1. Plaintiff filed a four-count complaint seeking 1) a declaratory judgment that the City of Vero Beach's Ordinance 2015-02 is preempted by section 509.032, Florida Statutes; 2) a declaratory judgment that the Ordinance places an impermissible restriction of speech and expression; 3) a declaratory judgment that the Ordinance is unconstitutionally vague; and 4) a declaratory judgment that the Ordinance unconstitutionally delegates legislative authority to the City's planning director.

2. There are no material facts in dispute.

3. Charles Fitz (Fitz) is the owner of three dwellings located in a single-family residential zoning district (R-1A) within the City of Vero Beach. Fitz purchased these homes on various dated between 2003 and 2014 and uses the homes as short term rentals with leases ranging from a few days to over a month. In order to attract potential tenants he advertises these rentals on various web sites.

4. On or about February 6, 2015, he received a Code Enforcement Warning from the City concerning his property located at 766 Fiddlewood Road, Vero Beach. The warning advised him that he was operating a “guest house and transient quarters” for periods of less than 30 days in a residential zone. On April 29, 2015, he received a Code Enforcement Citation for violating Vero Beach City Code provisions 60.11 and 61.02 for “operating a guest house and transient quarters in a residential zone.” This citation has a civil penalty of \$500.00. In response, Fitz filed this action.

5. Title VI of Part III, Land Development Regulations, of the Code of Ordinances is the City’s zoning ordinance. Section 60.11 of the Code requires property owners within the City to act in conformity with zoning regulations and provides for a fine for violators. Section 61.02 of the Code lists the permitted uses within a single-family residential zoning district. Fitz candidly admits in his motion that pursuant to section 61.02, “guest houses and transient quarters” as defined in Chapter 60 is not a permitted use within a single-family residential zoning district.

6. On January 6, 2015, the City enacted Ordinance 2015-02, amending Chapter 60. The definition of “guest house and transient quarters” was amended from the 1986 definition in the Code but is substantively identical to the prior version with only minor stylistic and punctuation changes and provides:

Guest house and transient quarters: Any structure including converted dwellings in which less than ten (10) bedrooms, with or without meals, is ~~are~~ rented or otherwise provided for compensation to transients for their temporary care and lodging.

The Ordinance also added a number of new definitions including:

Guest: Any patron, customer, tenant, lodger, or occupant of a guest house, transient quarters, hotel, motel, or similar establishment or accommodation.

Transient: A guest in transient occupancy.

Transient occupancy: Any occupancy for which it is the intention of the parties that the guests' occupancy will be temporary. There is a rebuttable presumption that the occupancy is transient when the structure, building, dwelling, accommodation, or portion thereof, is rented to guests for periods of less than 30 days or one calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests for periods of less than 30 days or one calendar month, whichever is less.

7. Effective June 2, 2011, the Florida Legislature amended section 509.032, Florida Statutes, adding subsection (7)(b) which was later amended such that is presently provides;

(b) A local law, ordinance, or regulation may not prohibit vacation rentals or regulate the duration or frequency of rental of vacation rental. This paragraph does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011.

**WHETHER ORDINANCE 2015-02 IS PREEMPTED BY SECTION 509.032(7)(b),
FLORIDA STATUTES**

8. Fitz contends in Count I of his Second Amended Complaint that when section 509.032(7)(b), became effective on June 2, 2011, there was nothing in the City's Code that regulated the duration or vacation rentals; therefore, the statute precluded the City in 2015 from enacting the Ordinance 2015-02 which Fitz claims regulates the duration of vacation rentals by amending the definition of "guest house and transient quarters" and adding the definition of "transient" and "transient occupancy."

9. The City responds that there is nothing in the Code which prohibits or regulates the duration of vacation rentals. Instead, the challenged provision of the Code, as amended by the Ordinance, regulates the land use "guest house and transient quarters." The City contends that it has consistently regulated the land use "guest house and transient quarters" since at least 1977, well before the Legislature amended section 509.032.

10. In Ordinance 1977-1334, this use was not a permitted land use in any zoning district but was merely a conditional use in the Transient Residential District (R-3), the Restricted Commercial District (R-3A), the Tourist Commercial District (C-1A), the Highway Oriented Commercial District (C-1), and the Central Business District (C-24). The 1977 Ordinance definition of “Guest Houses and Transient Quarters” set forth in the ordinance was:

Any structure, including converted dwellings in which less than ten room, with or without meals are rented or otherwise provided for compensation to transients for their temporary care and lodging.

Under that ordinance this land use was not a permitted or conditional land use in the R-1A zoning district in which Fitz’s properties are located.

11. In 1986, the City adopted Ordinance 1986-43 which repealed the zoning ordinances existing under the 1977 version of the Code and adopted Title IV of the Code. Chapter 60, the definitions section of Title IV, specifically defined the land use “guest house transient quarters” as;

Guest house transient quarters: Any structure including converted dwellings in which less than ten (10) rooms, with or without meals, are rented or otherwise provided for compensation to transients for their temporary care and lodging.

12. The City also adopted two more ordinances amending Title IV, Ordinance 1987-29 and 1991-06. The 1991 Ordinance eliminated the land use “guest house and transient quarters” as a permitted or conditional land use in any residential zoning district. This prohibition and regulation has remained in place through the present date and was in effect at the time Fitz purchased his properties.

13. Fitz’s houses constitute a “guest house and transient quarters” under the plain reading of the Code. As such they are not permitted or conditional uses in the R-1A zoning district and have not been permitted since at least 1977. The 2015 addition of the definitions of

“transient” and “transient occupancy” to chapter 60 of the Code does not substantively change the definition of “guest house and transient quarters.”

14. In addition, the court finds no merit to Fitz’s contention that the addition of the rebuttable presumption in the definition of “transient occupancy” is a regulation on the duration or frequency of vacation rentals. This rebuttable presumption regulates nothing; rather it is an evidentiary tool by which “an inference [is] drawn from certain facts that establish a prima facie case, which may be overcome by the introduction of contrary evidence. *Black’s Law Dictionary* (8th ed. 2004); see *Universal Ins. Co. v Warfel*, 82 So. 3d 47, 51 (Fla. 2012).

15. Fitz’s reliance on the appellate case of *City of Vero Beach v. John and Tracey Carroll*, Case Number 312013AP000016 (Code Enforcement Case Number 13-CE-3954) is misplaced. In *Carroll*, the Appellate Division of the Circuit Court reviewed the administrative action of the Code Enforcement Board and issued a per curiam affirmance of the Code Enforcement Board’s decision [that “[t]he City Code is vague on this issue and therefore there was no violation of sections 60.11 and 60.02 – operating a guest house and transient quarters in a residential zone].” The per curiam opinion has no precedential value. See *St. Fort v. Post Buckley, Schuh & Jernigan*, 902 Sp.2d 244, 248 (Fla 4th DCA 2005); *State Comm’n on Ethics v. Sullivan*, 430 So. 2d 928, 032 (Fla. 1st DCA 1983).

16. The court concludes that the City’s regulation of Fitz’s property as a “guest house and transient quarters” and the prohibition of such land use in the residential zoning districts was well settled and existed in the Vero Beach Code at the time section 509.032(7)(b), Florida Statutes, became effective. Further, Ordinance 2015-02 did not make any substantive changes to the definition of “guest house and transient quarters.” Therefore, Ordinance 2015-02 was not preempted by the statute.

17. The plaintiff's request for summary judgment is therefore denied as to Count I. Although there is no dispute concerning the facts, the Plaintiff's argument is not supported by the law.

**WHETHER ORDINANCE 2015-02 PLACES AN UNCONSTITUTIONAL
RESTRICTION ON PLAINTIFF'S RIGHT TO FREE SPEECH
AND FREEDOM OF EXPRESSION**

18. In Count II, Fitz alleges that by adding the definition of "transient occupancy" to the definition section of Chapter 60 that the City is "attempting to regulate or place a restriction on Plaintiff's right to free speech and expression." More particularly, Fitz argues the rebuttable presumption created by this definition – that the "occupancy is transient when the structure, building, dwelling, accommodation, or portion thereof, is rented to guests for period of less than 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests for periods of less than 30 days or 1 calendar month, whichever is less" – restricts his right to advertise or hold out to the public that his properties are regularly rented for periods of less than 30 days or 1 calendar month.

19. Fitz's argument is without merit. This Ordinance regulates conduct, specifically, in what zoning district an individual can provide guest houses and transient quarters. The definition of "transient occupancy" in no way restricts his speech or rights of expression. It does not restrict or forbid his ability to advertise his property for rent for periods of less than 30 days. The definition merely creates a rebuttable presumption that if he chooses to so advertise that this may be offered to prove that he is operating a "guest house and transient quarters" which is not permitted in the R-1A zoning district. In fact Fitz continues to advertise his properties.

20. The plaintiff's request for summary judgment is therefore denied as to Count II. Although there is no dispute concerning the facts, the Plaintiff's argument is not supported by the law.

WHETHER ORDINANCE 2015-02 IS UNCONSTITUTIONALLY VAGUE

21. In Count III of his Second Amended Complaint, Fitz specifically argues that the word "temporary" as used in the definition of the term "transient occupancy" is not itself defined by the code, thus making the Ordinance 2015-02 unconstitutionally vague because "persons of ordinary intelligence could not read the Code and determine what conduct is permitted and what conduct is prohibited." *State v Catalano*, 104 So.3d 1069, 1075 (Fla. 2012) (citation omitted). In his Motion for Final Summary Judgment, Fitz argues for the first time that certain other provisions of the Code are also unconstitutionally vague. Because these other allegations were not raised in this Second Amended Complaint for which he now seeks summary judgment, he is legally precluded from raising these new allegations.

22. In *State v Catalano*, the Florida Supreme Court discussed the standard to be applied when it is alleged that a statute is unconstitutionally vague and stated:

There is a strong presumption that a statute is constitutionally valid, and all reasonable doubts about the statute's validity must be resolved in favor of constitutionality. *See DuFresne v. State*, 826 So.2d 272, 274 (Fla. 2002). "This Court has noted, however, that in a vagueness challenge, any doubt as to the statute's validity should be resolved in favor of the citizen and against the State." *Id.* (citing *State v. Brake*, 796 So.2d 522, 527 (Fla. 2001)). Accordingly, in order to withstand such a challenge, a statute must provide persons of common intelligence and understanding adequate notice of the proscribed conduct. *Id.* at 527.

Catalano at 1075. "To withstand constitutional scrutiny, however, statutes do not have to set determinate standards or provide mathematical certainty." *Id.* at 1076. In considering the constitutionality of Ordinance 2015-02 pursuant to the vagueness standard, the court must first

look at the language of the ordinance itself. *Catalano* at 1075 (citing *State v. Dugan*, 685 So.2d 1210, 1212 (Fla. 1996)). When a term of an ordinance is not defined, courts look to its plain and ordinary meaning, which can be discerned from a dictionary. *Sosa v. Safeway Premium Fin. Co.*, 73 So. 3d 91, 104 (Fla. 2011); *Gyongyosi v. Miller*, 80 So. 3d 1070, 1075 (Fla. 4th DCA 2012).

23. Courts in other state have determined that the term “temporary” within a statute is not unconstitutionally vague. In *Dunn v. State*, 286 Ga. 238, 686 S.E. 2d. 772 (2009) an individual challenged the statutory term “temporary residence” as being unconstitutionally vague. The Supreme Court of Georgia, applying the common understanding standard, held that the statutory term was not unconstitutionally vague because the term “temporary” means “lasting for a time only; existing or continuing for a limited (usu. short) time; transitory.” *Dunn* at 775 (quoting Black’s Law Dictionary (7th ed. 1999)); *see also State v Sommerfield*, 2006 WL 758747 (holding that the undefined statutory term “temporary domicile” did not render a statute unconstitutionally vague and stating that since the legislature chose not to provide a specific definition, the term is construed with its ordinary meaning).

24 In his Motion for Final Summary Judgment, Fitz cites to the Merriam-Webster Dictionary for the definition of the word “temporary” as “continuing for a limited amount of time; not permanent. “Transient.”

25. In this case, the word “temporary” is not a term-of-art requiring some special definition. “Temporary” as used in Ordinance 2015-02 does not need an independent definition in order for an individual of common intelligence and understanding to recognize the conduct that is proscribed.

26. The plaintiff's request for summary judgment is therefore denied as to Count III. Although there is no dispute concerning the facts, the Plaintiff's argument is not supported by the law.

**WHETHER ORDINANCE 2015-02 UNCONSTITUTIONALLY DELEGATES
LEGISLATIVE AUTHORITY**

27. In Count IV, the plaintiff alleges that Section 60.06 of the Code constitutes an unlawful delegation of legislative power to the planning director to determine the law. Fitz claims that because the planning director can give a written determination as to whether a land use that is not listed in the zoning ordinance can be reasonable be interpreted to fit into a category of allowable uses that the planning director can determine the law.

28. Ordinance 2015-02 also added Section 60.06 to the Code which provides;

Sec. 60.06. Only Specified Uses Allowed: Interpretation

(a) No use shall be allowed in a zoning district unless it is specifically listed as permitted, conditional, or special permit use in that zoning district. Accessory uses and structures are allowed in all zoning districts. Notwithstanding any provision to the contrary, uses that are specifically required to be allowed in any zoning district by applicable state law shall be allowed in accordance with such state law, whether or not the use is listed as a specified allowable use. However, it is the city's express intent that such pre-emption apply only to the extent clearly required by state law, and that such use must otherwise fully conform with the city's land development regulation.

(b) The planning director shall determine in writing if a use that is not specifically listed can be reasonably interpreted to fit into a category of all allowable uses in the subject zoning district where similar uses are described, using as a guide the latest edition of the Land-Based Classification Standards of the American Planning Association of North America industry Classification System Manual. Nothing shall preclude the planning director from first obtaining guidance from planning and zoning board or city council prior to making such determination.

29. Under the Code in order for a use to be allowed in a zoning district it must be specifically listed as a permitted, conditional, or special permit use in the zoning district. The

Code authorizes the planning director to determine, in circumstances where a use is not specifically listed, whether the use can be “reasonably be interpreted to fit into a category of all allowable uses in the subject zoning district where similar uses are described, using as a guide the latest edition of the Land-Based Classification Standards of the American Planning Association or the North American Industry Classification System Manual.”

30. Legislative delegation of power to legislative or executive agency which permits an agency to determine what the law is violates Florida’s separation of powers doctrine; however, the legislature is not prohibited from delegating authority to carry out legislative policy when such delegation is accompanied by proper standards and guidelines. *Florida Gas Transmission Company v Public Service Commission*, 635 So.2d 941, 944 (Fla. 1994).

31. In *Southern Alliance For Clean Energy v. Graham*, 113 So.3d 742 (Fla. 2103) the Florida Supreme Court discussed the separation of powers clause in the Florida Constitution and what was required of statutes granting power to an administrative agency and stated:

Under this separation of powers clause, non-delegation doctrine requires that “fundamental and primary policy decision ... be made by members of the legislature who are elected to perform those tasks, and [that the] administration of legislative programs must be pursuant to some minimal standards and guidelines ascertainable by reference to the enactment establishing the program.” *Askew v Cross Key Waterways*, 372 So. 2d 913, 925 (Fla. 1978). In other words, statutes granting power to an administrative agency “must clearly announce adequate standards to guide ... in the execution of the powers delegated. The statute must so clearly define the power delegated that the administrative agency is precluded from acting through whim, showing favoritism, or exercising unbridled discretion.” *Lewis v. Bank of Pasco Cnty.*, 346 So.2d 53, 55-56 (Fla. 1976).

In this case, the delegation contained within Ordinance 2015-02 provides sufficient standards and guidelines for the planning director. The planning director is required to determine whether the use can reasonably be interpreted to fit into a category of allowable uses in accordance with

the Land-Based Classification Standards of the American Planning Association or the North American Industry Classification System Manual.

32. The plaintiff's request for summary judgment is therefore denied as to Count IV. Although there is no dispute concerning the facts, the Plaintiff's position is not supported by the law.

Therefore, it is ORDERED AND ADJUDGED that plaintiff Charles Fitz's Motion for Final Summary Judgment is DENIED.

Done and Ordered at Vero Beach, Indian River County, Florida, this 11th day of March, 2016.



PAUL B. KANAREK
Circuit Judge

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