

CODE ENFORCEMENT
SPECIAL MAGISTRATE HEARING
260 ORANGE TREE DRIVE
ATLANTIS, FL 33462
DECEMBER 13, 2012
9:30 AM
MINUTES

Special Magistrate B. Douglas Mac Gibbon presided over the hearing, which commenced at 9:31 a.m. In attendance were: City Attorney Abigail Jorandby, City Manager Mo Thornton, Sergeant William Amason, and City Clerk Jude Goudreau.

All parties were sworn in by Special Magistrate Mac Gibbon.

Case No. 12-47 Sergeant William Amason testified to the facts in the case. Attorney, Bryan Vassallo, Esq., was present on behalf of Wells Fargo Bank and family friend of the Respondents, Maggie Sarabbi, was also present. Ms. Sarabbi testified that she was requesting on behalf of the family of the Respondents additional time within which to comply.

Based upon the evidence presented the Special Magistrate finds that the property is in violation of Section 4-61(a)(1)(6)(b)(c)(d) and (e) (Description of violation: property is below minimum property standards, roof and driveway need to be cleaned, grass is dead and front island contains dead vegetation) and Section 4-62 (1)(a)(b)(c)(e)(g) and (h) (Description of violation: garage door is in disrepair, pavers have mildew growing throughout, pool is green and is mosquito infested and rodents on property) of the Code of Ordinances of the City of Atlantis and that such violations represent a serious threat to the health, safety and welfare of the City residents due to the fact the pool is green and mosquito infested and there are rodents on the property.

It is the Order of the Code Enforcement Special Magistrate that the Respondents shall comply Section 4-62 (1)(a)(c)(e)(g) and (h) (Description of violation: pool is green and is mosquito infested and rodents on property) of the Code of Ordinances of the City of Atlantis **on or before the 23rd day of December, 2012**. If the Respondents do not comply with Section 4-62 (1)(a)(c)(e)(g) and (h) (Description of violation: pool is green and is mosquito infested and rodents on property) **on or before the 23rd day of December, 2012**, it is the further order of the Special Magistrate that the City of Atlantis may immediately abate the violations by taking reasonable actions concerning the green and mosquito infested pool and the rodent infestation on the property in order to alleviate the dangerous conditions that such issues may present to surrounding areas pursuant to legislative authority granted to the City by Section 162.09, *Florida Statutes*, and furthermore, such abatement will not create any liability against the City for any damages to the property as a result of such good faith repairs or actions. Additionally, the City may continue to abate the nuisance in the future whenever the conditions again violate City Code as documented in the code enforcement files for the property. The City may also later request a fine assessment hearing on this matter in order to recover the costs of these abatement activities by the City.

It is the further Order of the Code Enforcement Special Magistrate that the Respondents comply with Section 4-61(a)(1)(6)(b)(c)(d) and (e) (Description of violation: property is below minimum property standards, roof and driveway need to be cleaned, grass is dead and front island contains dead vegetation) and Section 4-62 (1)(a)(b) and (e) (Description of violation: garage door is in disrepair and pavers have mildew growing throughout) of the Code of Ordinances of the City of Atlantis **on or before January 2, 2013**. If the Respondents fail to comply with Section 4-61(a)(1)(6)(b)(c)(d) and (e) (Description of violation: property is below minimum property

standards, roof and driveway need to be cleaned, grass is dead and front island contains dead vegetation) and Section 4-62 (1)(a)(b) and (e) (Description of violation: garage door is in disrepair and pavers have mildew growing throughout) of the Code of Ordinances of the City of Atlantis **on or before January 2, 2013** a fine of One Hundred Dollars (\$100.00) per day shall be assessed for each day the violations continue to exist.

The Respondents shall be assessed One Hundred and Fifteen Dollars and Forty-One Cents (\$115.41) for the administrative costs incurred in prosecuting the December 13th, 2012 Hearing.

The hearing adjourned at 9:54 a.m.

Jude M. Goudreau, City Clerk

NOTE: A mechanical recording has been made of the foregoing procedures of which these minutes are a part, and is on file in the office of the City Clerk.