

CODE ENFORCEMENT
SPECIAL MAGISTRATE HEARING
HELD IN THE COUNCIL CHAMBERS
260 ORANGE TREE DRIVE
ATLANTIS, FL 33462
MAY 22, 2012
MINUTES

Special Magistrate B. Douglas Mac Gibbon presided over the hearing, which commenced at 9:35 a.m. In attendance were: City Attorney Keith Davis, Mayor Michael Dahlgren, City Manager Mo Thornton, Sergeant Sean Mahoney, and City Clerk Jude Goudreau.

All parties were sworn in by Special Magistrate Mac Gibbon.

Case No. 11-57 Violation of Sections 4-61(a)(1) and 4-62(1)(a) of the Code of Ordinances of the City of Atlantis. The Respondent did not appear at the hearing; however, proper notice was given to the property owner of the hearing. In addition, a Lis Pendens is currently recorded against the property in a suit to foreclose against the Respondent.

The City of Atlantis was previously granted permission to enter the property and abate the health, safety and welfare violations that existed on the property due to the height of the weeds and grass, excessive overgrowth in the planting areas and the possibility of mosquito/insect infestation caused by pool water when left untreated.

The City of Atlantis has, in fact, abated such health, safety and welfare violations and has incurred costs in the amount of Six Hundred Dollars (\$600.00) in doing so.

It is hereby ordered by the Special Magistrate that the City of Atlantis may continue to abate the above described health, safety and welfare violations by taking reasonable actions concerning the height of the weeds and grass and excessive overgrowth in the planting areas in order to alleviate the dangerous conditions that such vegetation issues may present to surrounding areas and the treatment of the pool due to the possibility of mosquito/insect infestation caused by pool water when left untreated in order to alleviate dangerous conditions that such pool 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.

The Respondent shall be assessed Six Hundred Dollars (\$600.00) for the costs of abatement incurred by the City to date, as well as One Hundred Nineteen Dollars and Twenty Eight Cents (\$119.28) in administrative costs incurred in prosecuting the May 22, 2012 Hearing. The City may also later request a fine assessment hearing on this matter in order to recover any additional costs of future abatement activities by the City.

Case No. 12-24 Violation of Sections 4-61(a)(1) and 4-62(1)(a) of the Code of Ordinances of the City of Atlantis. The Respondent was not present at the hearing; however, there was a finding of proper notice. The City Code Inspector, Sean Mahoney, testified to and produced documentation and photographs of the alleged violation. Based on the above-stated facts, Respondent is in violation of Sections 4-61(a)(1) and 4-62(1)(a) of the Code of Ordinances of the City of Atlantis. It is the Order of the Code Enforcement Special Magistrate that Respondent shall comply with Sections 4-61(a)(1) and 4-62(1)(a) of the Code of Ordinances of

the City of Atlantis by the **1st day of June, 2012**. If Respondent does not comply within the time specified, a fine of one hundred dollars (\$100.00) per day shall be assessed for each day the violations continue to exist. Respondent shall be assessed administrative costs in the amount of one hundred nineteen dollars and twenty eight cents (\$119.28) to be paid immediately.

A fine assessment hearing may be noticed separately by the City should the Respondent fail to comply within the time specified, resulting in daily fine accruals pursuant to this Order.

The hearing adjourned at approximately 9:45 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.