

**TOWN OF HAVERHILL
MINUTES
SPECIAL MAGISTRATE
HEARING
DECEMBER 7, 2022**

Present: Special Magistrate William P. Doney, Code Enforcement Officer Joseph Petrick, Town Attorney John Foster, Town Administrator Tracey Stevens and Deputy Town Clerk Jean Wible

I. CALL TO ORDER:

The meeting was called to order at 9:00 A.M. by Special Magistrate William P. Doney.

II. APPROVAL OF MINUTES:

The April 27, 2022, minutes will be approved at the next Special Magistrate Hearing on February 1, 2023

III. SWEARING IN OF WITNESSES:

Special Magistrate, William P. Doney, administered Oath to Code Enforcement Officer Joseph Petrick, Respondent Dunia Fernandez and Respondent Tim Fisher.

Special Magistrate Doney explained the hearing process, noting the Town will present evidence first, then the Respondent will have the opportunity to see the evidence, ask any questions and then the Respondent will provide testimony and evidence. Once all of the evidence and testimony has been concluded, the Special Magistrate will make a ruling, and the Town and Respondent will receive the written order in the mail within the next few days. This is not meant to be a formal courtroom and formal rules of evidence do not apply.

CODE ENFORCEMENT HEARINGS:

CASE NO. 2022-00026:

DF COASTAL WOOD CONTRACTORS CORP
DUNIA FERNANDEZ
5071 PALOVERDE PLACE
HAVERHILL, FL 33417
PCN: 22-42-43-35-24-002-0080
LEGAL DESCRIPTION: WOODLAND TERRACE
NO 2 LT 8 BLK 2

NATURE OF VIOLATION: Chapter 38 Section 38-9 Parking of vehicles and boats in residential districts.

Code Enforcement Officer Petrick testified the respondent, Dunia Fernandez was issued a Notice of Violation on November 7, 2022, via certified mail and the property was posted for vehicles parking on the grass violating Town code section 38-9. The respondent was given 24 hours to comply. Code Enforcement Officer Petrick reported that as of this morning, there were no vehicles parked on the grass. The Town requests that if this occurs again, it would be considered a repeat offender.

Special Magistrate Doney accepted the Town's code file into evidence.

Respondent, Dunia Fernandez testified she had spoken with her tenants and is trying to find a solution. She will continue to monitor the situation so that it doesn't happen again.

Special Magistrate Doney explained to the respondent that the Town was asking for an order to be entered finding that she was not in violation at the moment but there was a violation issued and if they continue to park on the grass, it would be considered a repeat violation and there could be a fine levied from the date the violation occurred.

Special Magistrate Doney ordered the Respondent shall continue to comply with Section 3 8-9 of the Code of Ordinances of the Town of Haverhill. Should Respondent violate the same Section of the Code again, Respondent may be subject to a fine of up to \$500.00 per day. Additionally, the Code Inspector is not required to give a reasonable time to correct the repeat violation and the case may be presented to the Special Magistrate even if the repeat violation has been corrected prior to the Special Magistrate hearing.

CASE NO. 2022-00018:

FISHER TERESA R EST
4727 CHARLOTTE STREET
HAVERHILL, FL 33417
PCN: 22-42-43-25-01-000-0112
LEGAL DESCRIPTION: BELVEDERE ESTATES
W 100 FT OF S ½ OF LT 11

NATURE OF VIOLATION: Chapter 18 Article III
Section 18-59. Lands to be kept free from trash and filth.
Chapter 58 Article IX Section 58-584. Maintenance and
appearance standards of all real property.
Chapter 38 Section 38-9. Parking of vehicles and boats in
Residential Districts

Code Enforcement Officer Petrick testified the respondent, Tim Fisher, Personal Representative of the Estate of Teresa R. Fisher, was issued a Courtesy Notice on September 22, 2022, for being in violation of code sections 38-9, having commercial and inoperable vehicles on the property, 58-584, exterior of the structure in need of cleaning and painting, fence in disrepair,

18-59 for construction debris, house hold items, lawn equipment, trash, recycling containers, miscellaneous items stored on the property in view from the street, lawn needs to be cut and cleaned. The courtesy notice gave 10 days to contact our office or to achieve compliance.

After no response from the property owner, a Notice of Violation was issued and mailed via certified mail on October 13, 2022, and the property was posted. In addition to the previously mentioned items in violation, Code Officer Petrick testified that he noticed a garage door was in disrepair as well, in violation of code section 58-584.

Code Enforcement Officer Petrick testified that as of today, some progress has been made. The fence has been repaired, the house has been pressure cleaned and it appears the garage door was now repaired. However, the property remains in violation of all code sections cited on the Notice of Violation. Commercial and inoperable vehicles, remain on the property, the exterior of the house needs painting, some of the items stored outside have been removed, but some still remain, and the lawn needs to be cut and clean.

Respondent, Tim Fisher, testified that he has made progress on the property but was currently unemployed and asked for an additional 60 days to comply. Mr. Fisher also requested an exception to park one of the commercial vehicles in question on his property as this was a vehicle he uses to go to work when he does have a job. Special Magistrate Doney stated that would be a matter of changing the Town code and would have to go before Town Council.

Special Magistrate Doney ordered the Respondent to comply with Code Sections 18-59 and 38-9 by **December 17, 2022**, by cleaning the exterior portions of the property by removing of the debris and other items referenced in Paragraph 3 above and by removing the wrecker vehicle from the property, comply with Code Section 58-584 by painting the exterior of the house by **March 7, 2023**. Respondent may continue to store the white truck at the property until **March 7, 2023**, and thereafter such vehicle must be removed from the property and if Respondent does not comply with the Town's Code of Ordinances within the time periods specified above, a fine in the amount of One Hundred (\$100.00) Dollars per day may be imposed for each day the violation(s) continues to exist.

A Fine Assessment/ Status Conference Hearing shall be held before the Special Magistrate on February 1, 2023, at 9:00 a.m. at Town Hall, 4585 Charlotte Street, Haverhill, Florida to determine whether Respondent continues to be in violation of the above-referenced Code sections and to consider the assessment of a fine.

DAVID ABDO & CARMEN S. MORALES-ABDO
791 N. HAVERHILL ROAD
HAVERHILL, FL 33417
PCN: 22-42-43-35-05-035-0000
LEGAL DESCRIPTION: HAVERHILL RIDING ESTATES

NATURE OF VIOLATION: Chapter 58 Article IX
Section 58-584 (4). Maintenance and appearance standards of all real property.

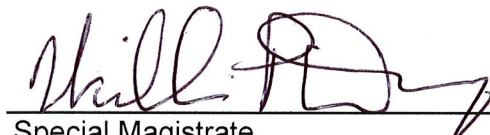
Code Enforcement Officer Petrick testified the respondent, David Abdo and Carmen S. Morales-Abdo have complied to the Notice of Violation

ADJOURNMENT
The hearing was adjourned at 9:36 A.M.

Minutes prepared by Deputy Town Clerk Wible and adopted by Special Magistrate Doney on February 1, 2023



Jean F. Wible, Deputy Town Clerk



Special Magistrate

