

**TOWN OF HAVERHILL
MINUTES
SPECIAL MAGISTRATE
HEARING
September 6, 2023**

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:

Special Magistrate Doney approved the minutes of August 2, 2023.

III. SWEARING IN OF WITNESSES:

Special Magistrate Doney administered Oath to Code Enforcement Officer Joseph Petrick and Respondent Ho Lung Wang.

CODE ENFORCEMENT REPEAT VIOLATION, FINE ASSESSMENT AND STATUS HEARINGS:

CASE NO. 23-00019

KAREN CONTREAS & HO LUNG WANG

5080 PONDEROSA LANE

HAVERHILL, FL 33415

PCN: 22-42-43-35-24-002-0150

LEGAL DESCRIPTION: WOODLAND TERRACE NO 2 IN

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

Code Enforcement Officer (CEO) Joseph Petrick testified that this case was in reference to a Single-Family lot that was issued a Notice of Violation and Notice of Hearing on June 20, 2023, for vehicles parked on the grass in violation of Town Code Section 38-9. He stated that both notices were sent to the property owner via certified mail, posted on the

Code Enforcement board at Town Hall and the property was posted. The Notice of Violation gave the Respondent one (1) day to comply by ceasing to park on the grass. After the Notice of Violation was posted, CEO Petrick called the Respondent, Mr. Wang (who was present at today's hearing) and informed him of the posting and compliance time. CEO Petrick stated that Mr. Wang was cooperative and said he would (again) advise the tenants not to park on the grass. On June 22, 2023, CEO Petrick reinspected the property and found the property remained in violation. CEO Petrick called Mr. Wang and advised him the property was still in violation. Discussion ensued.

CEO Petrick testified that as of today's hearing, the property was not in compliance and the Town was requesting compliance within 24 hours or a fine of \$25.00 per day be imposed.

Respondent, Mr. Wang testified that he has spoken with his tenants several times about not parking on the grass. He stated he has obtained a driveway permit from the Town and hopes to have the driveway completed soon.

It is the Order of the Special Magistrate that the Respondents shall comply with Section Code 38-9 of the Town's Code of Ordinance by September 7, 2023. In the event the Respondents do not comply by the specified time, a fine in the amount of \$25.00 per day may be imposed for each day the violation continues to exist.

A Fine Assessment Hearing, if necessary, shall be held before the Special Magistrate on November 8, 2023, at 9:00 a.m.

CASE NO. 23-00018

BENEDICO PEDRO M & CORDOVES IVONNE

4950 LUWAL DRIVE

HAVERHILL, FL 33415

PCN: 22-42-43-36-00-000-3064

LEGAL DESCRIPTION: 36-43-42, E 95 FT OF W 310 FT OF N ½ OF NW ¼ OF SW ¼ OF NW ¼ (LESS N 10 FT)

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

Code Enforcement Officer (CEO) Joseph Petrick testified that this case was in reference to a Single-Family lot that was issued a Notice of Hearing on June 14, 2023, via certified mail, posted on the Code Enforcement board at Town Hall and the property was posted. He stated this was a repeat violation of Town Code Section 38-9 for overweight construction vehicles and boats stored on the property, parked and/or stored on the front lawn of the property. He stated that after the Notice of Hearing was issued, the Town was

contacted by the Respondents Attorney, Lisa Reves. At that time, CEO Petrick and Ms. Reves discussed the Notice of Hearing and her request for a continuance of today's hearing due to a scheduling conflict. An Order Granting a Continuance from July 12, 2023, was issued and on July 17, 2023, it was sent via certified mail, posted on the Code Enforcement board at Town Hall, the property was posted, and sent via email to the Respondent and his Attorney, Ms. Reves. After the Order Granting a Continuance was issued, the Respondent requested a waiver to be permitted to park the vehicles, prohibited by Town Ordinance, on the property. The waiver request was presented to the Town Council at the August 24, 2023, Town Council meeting and was approved (see letter of conditions attached) for one (1) commercial vehicle described as a 1993 International Truck, white in color, VIN #1HTSAZPH0PH508506 to be parked at the location depicted in the photo (see attached) behind the fence/gate. Conditions are as follows:

1. The waiver is for one year with an expiration date of August 24, 2024.
2. A concrete driveway sufficient to accommodate a large commercial vehicle will be created from the gate to the road, at the owner's expense.
3. Sod will be replaced around the driveway once the driveway is installed, at the owner's expense.
4. Eight foot (8') high barriers will be provided in the rear, side, and front yards to screen the commercial vehicle from view of the road and any adjacent properties, at the owner's expense. The barrier(s) may be in the form of fences or hedges.

Code Enforcement Officer Petrick testified that before and after the waiver was approved, and on a regular basis, he has observed other vehicles and boats parked and stored in violation of Town Code Section 38-9 at the property.

Code Enforcement Officer Petrick provided pictures to the Respondent's Attorney.

Town Attorney John Foster stated that for clarification purposes, the matter being brought before the Special Magistrate today did not concern the one (1) vehicle for which the waiver was granted.

Respondent's Attorney Lisa Reves stated that the violation the Respondent was here for today was for violation of Town Code Section 38-9 with no additional information provided. She stated that CEO Petrick is now saying additional vehicles. She testified that the Respondent has one (1) commercial vehicle in excess of one (1) ton for which a waiver was granted by the Town Council. She is not sure what other vehicles CEO Petrick was now referring to. She stated the photographs provided are all different dates. She testified that her client was performing work in the backyard and had some vehicles parked out front however, that was not the condition as of August 28, 2023. CEO Petrick provided

photographs dated September 1, 2023, that showed the other vehicles in question. Discussion ensued.

Special Magistrate Doney asked CEO Petrick if the boats that are seen in the September 1, 2023, photographs were there this morning and CEO Petrick replied, yes. Discussion ensued.

Respondent’s Attorney Lisa Reves asked CEO Petrick if the front loader was there in excess of one (1) hour, as it was her impression that the Town Code allowed for the parking of a construction vehicle for one (1) hour. Discussion ensued.

Code Enforcement Officer Petrick testified that as of today’s hearing, the property was not in compliance and the Town was requesting a \$100.00 per day fine be assessed beginning June 8, 2023, and continuing until compliance is achieved. He also testified that when he drove by the property this morning, he observed two (2) boats parked in front of the house and at least one (1) vehicle parked behind the house.

Special Magistrate Doney found a repeat violation of Town Code Section 38-9 has been ongoing since June 8, 2023. A fine in the amount of Nine Thousand Dollars (\$9,000.00) is hereby assessed for this repeat violation, at the rate of One Hundred Dollars (\$100.00) per day for the violations which existed on the property from June 8, 2023 to September 6, 2023, a period of ninety (90) days and will continue to accrue at the daily rate of One Hundred (\$100.00) Dollars per day until compliance is achieved.

Should Respondents violate the same Section of the Code again, Respondents 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. 23-00024
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 38 Section 38-9 Parking of vehicles and boats in residential districts; Chapter 18 Article III Division I Section 18-59 Lands to be kept free from trash or filth.

Code Enforcement Officer (CEO) Joseph Petrick testified that this case was in reference to a Single-Family lot that on July 27, 2023, was issued a Notice of Hearing as a repeat violation via certified mail, posted on the Code Enforcement board at Town Hall and the property was posted. He testified the violation was for storing an unregistered Blue Sedan in the driveway and was partially parked on the grass in violation of Town Code Section 38-9 and violation of Town Code Section 18-59 for having overgrowth, weeds, dead vegetation, and buckets possibly containing auto fluid on the property. CEO Petrick testified that he first observed the repeat violation on July 25, 2023. He testified that while taking the photographs, he spoke with an occupant of the residence about the violations.

CEO Petrick testified that approximately a week after speaking with the occupant, he observed that the lawn was cut in most places. The dead vegetation, weeds and overgrowth remained in certain areas of the property, the buckets are periodically removed then reappear and the unregistered Blue Sedan remained.

CEO Petrick testified that as of today's hearing, the property was not in compliance. The Town was requesting a \$50.00 per day fine be assessed beginning July 25, 2023, and continuing until compliance is achieved.

Special Magistrate Doney found Respondent in violation of Town Code Sections 18-59 and 38-9 and said violations were repeat violations. A fine in the amount of Two Thousand Two Hundred (\$2,200.00) is hereby assessed for this repeat violation, at the rate of Fifty Dollars (\$50.00) per day for the violations which existed on the property from July 25, 2023, to September 6, 2023, a period of forty four (44) days and will continue to accrue at the daily rate of Fifty (\$50.00) Dollars per day until compliance is achieved.

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. 23-00010

MORALES TELLEZ CESAR AUGUSTO & RUIZ

BECERRA DOLORES

4681 BELVEDERE ROAD

HAVERHILL, FL 33415

PCN: 22-42-43-25-01-000-0140

LEGAL DESCRIPTION: BELVEDERE ESTATES LT 14

NATURE OF VIOATION: Chapter 58 Division 6 Article IX Section 58-417 Installation, maintenance, irrigation, and replacement; Chapter 58 Division 14 Article IX Section 58-

584 Maintenance and appearance standards for all real property; Chapter 14 Section 14-2 Permit and inspection fees for building electricity and plumbing.

CEO Petrick testified that this case was in reference to a Single-Family lot that was issued a Courtesy Notice on April 20, 2023, for having a broken chain-link fence on the property in violation of Town Code Section 58-584, having large sand and dirt patches in the yard in violation of Town Code Section 58-417 and installing a new chain-link fence without obtaining a permit in violation of Town Code Section 14-2. The newly installed fence was not to replace the existing broken chain-link fence. He testified that he had met with the Respondent Cesar Morales on April 20, 2023, and discussed the violations with him. At that time, the Respondent requested 90 days to achieve compliance.

CEO Petrick testified that on July 25, 2023, he reinspected the property and found it remained in violation.

CEO Petrick testified that on July 27, 2023, he issued a Notice of Violation and Notice of Hearing via certified mail, posted on the Code Enforcement board at Town Hall and the property was posted. The Notice of Violation gave the Respondent 20 days to comply. He testified that he has spoken with the Respondent on a few occasions after the Notice of Violation was issued.

CEO Petrick testified that as of today's hearing, the property was compliant with Town Code Section 58-417 as the lawn has been sodded. However, the property remained non-compliant past the date required on the Notice of Violation. He stated that the property remained not in compliance with Town Code Section 58-584 as the broken fence still remains and Town Code Section 14-2 as a building permit was not obtained for the newly installed chain-link fence.

CEO Petrick stated the Town was requesting a Finding of Fact for Section 58-417 should the property fall out of compliance again (for the lawn), the Respondent could be brought back to Special Magistrate for a repeat violation and 20 days to comply for the broken fence Town Code Section 58-584, 20 days to comply for Town Code Section 14-2 to obtain a building permit for the newly installed fence or a \$50.00 per day fine may be assessed until compliance achieved.

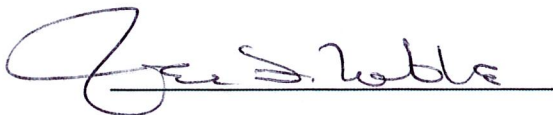
Special Magistrate Doney found that the violation of Section 58-417 was brought into compliance but not within the time allotted in the Notice of Violation. A Finding of Fact will be entered for that Code Section. Regarding Town Code Section 58-584 and 14-2, he found that the violations are ongoing, and the property owners are given until September 27, 2023, to comply, and thereafter, a fine in the amount of Fifty (\$50.00) Dollars per day may be imposed for each day the violation(s) continues to exist.

A Fine Assessment Hearing, if necessary, shall be held before the Special Magistrate on November 8, 2023, at 9:00 a.m.

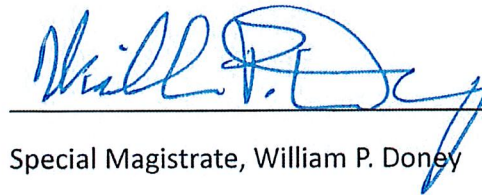
ADJOURNMENT

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

Minutes prepared by Deputy Town Clerk Wible and approved by Special Magistrate Doney on November 8, 2023

A handwritten signature in blue ink, appearing to read "Jean F. Wible", written over a horizontal line.

Jean F. Wible, Deputy Town Clerk

A handwritten signature in blue ink, appearing to read "William P. Doney", written over a horizontal line.

Special Magistrate, William P. Doney

