

**BEFORE THE CODE ENFORCEMENT SPECIAL MAGISTRATE  
OCALA, MARION COUNTY, FLORIDA**

**NOTICE OF HEARING AND NOTICE TO APPEAR**

**Date:** November 8, 2016

**Case No:** COM16-1480

**To:** THE DOROTHY A. RITTERHOFF TRUST  
DOROTHY A. RITTERHOFF TR  
910 SE 5TH ST APT 12  
OCALA, FL. 34471-2366

TRUSTEE OF THE DOROTHY A. RITTERHOFF  
REVOCABLE LIVING TRUST DATE DECEMBER 13, 2015  
910 SE 5TH ST APT 12  
OCALA, FL. 34471-2366

Pursuant to the City of Ocala Code of Ordinances, Section 2-441(b), GREG EVERT MCCLELLAN, Code Enforcement Officer for the City of Ocala, under oath, makes claim that the property described as, **SEC 17 TWP 15 RGE 22 PLAT BOOK E PAGE 004 CALDWELLS ADD OCALA COM AT NW COR LOT X TH E 210 FT TH S 320 FT TH W 210 FT TH N 320 FT TO POB**, 910 SE 5TH ST, OCALA, Florida, Parcel number: 2820-026-001, is in violation of the Code of Ordinances, City of Ocala, Florida.

**VIOLATION:**

**Section 34-91 Definitions**

The following words, terms and phrases, when used in this article, shall have the meanings as described to them in this section, except where the context clearly indicates a different meaning:

Sanitary nuisance means the commission of an act by any person or the keeping, maintaining, propagation, existence or permission of anything by any person by which the health or lives of individuals may be threatened or impaired, or by which or through which, directly or indirectly, disease may be caused.

Weeds means vegetative growth including but not limited to kudzu, poison ivy, jimsonweed, burdock, ragweed, thistle, cocklebur, dandelion, plants of obnoxious odors or other similar unsightly vegetative growths. This term shall not include cultivated flowers, fruits, vegetables and gardens.

Yard trimmings means leaves, brush, grass clippings, pruned shrub and tree debris, discarded Christmas trees, nursery and greenhouse vegetative residuals, and vegetative matter resulting from landscaping development and maintenance other than mining, agricultural, and silvicultural operations.

**Section 34-95 Weeds; Accumulations of trash or other unsightly or unsanitary matter**

(A) It shall be unlawful, and a nuisance, for any owner or occupant of property located within the city to allow:

(1) Weeds and undergrowth thereon to reach a height of over 12 inches, if that property is located within 300 feet of an occupied building. The distance is measured from the property line of the violation parcel to the occupied building.

(2) Yard trimmings to be piled on sidewalks, roadways, gutters, water meters or near utility poles/guide wires. Yard trimmings properly left out for pick-up by the city are exempt. However, yard trimmings may not be blown into the streets, sidewalks, or storm water conveyance systems.

(3) Dead trees to exist. A finding by a registered forester or certified arborist shall constitute prima-facie evidence that a tree is in danger of falling upon adjacent lots or public streets due to the death of the tree. Tree stumps greater than 12 inches in height above ground level shall not be permitted or maintained on any premises for more than fourteen days after the tree has been cut.

(4) Unightly or unsanitary items such as furniture, appliances, trash, trash cans or other items principally designed for indoor use to be left outside in yards. Trash cans placed near a building or structure are exempted.

(5) Graffiti to remain on a building or structure for a continuous period of more than 72 hours.

(6) Tree debris or falling tree limbs to remain on the ground on any premises for more than fourteen days.

Exceptions include:

a. Cut wood which is neatly stacked in lengths not to exceed three feet and which is stored in a side or rear yard;

b. Property zoned A-1 (Agriculture); and

c. Composting activities which comply with state law.

(B) The health officer shall notify the persons responsible for the violations in this section and take the necessary action to bring all violations into compliance.

### **Section 118-71 Tree removal permit required; exceptions**

(a) Subject to the exceptions of subsection (b) of this section, it shall be unlawful for any person to cut down, move, transplant, remove or destroy through damaging any tree as defined in this article, or to authorize such acts to be done, without obtaining a tree removal permit.

(b) The following exceptions, and no others, shall be permitted in the manner prescribed:

(1) Removal of trees on an individual parcel of record less than three acres in size (130,680 square feet) in an R-1 zoning district in connection with construction of, or subsequent to construction and during use and occupancy of, a one-family dwelling on the parcel, when the owner does not own, directly or indirectly, any adjoining property, another lot in the same subdivision, or another parcel or tract lying within 660 feet of the individual parcel of record, shall be exempt from this article.

(2) All state-licensed, governmental and commercial plant or tree nurseries and botanical gardens shall be exempt from the terms and provisions of this article only in relation to those which are so planted and grown for the purpose of being sold or for other public purposes.

(3) All groves of trees in active commercial operation shall be exempt from the terms and provisions of this article for bona fide agricultural purposes only.

(4) The cutting of traditional Christmas trees to be decorated and placed inside a home, church, office or other building does not require a tree removal permit.

(5) Tree removal permits are not required for the clearing of underbrush and removal of trees less than four inches DBH.

**A VIOLATION OF LOCAL CODES INVOLVING YOU OR YOUR PROPERTY, OR BOTH YOU AND YOUR PROPERTY, WITHIN THE CITY OF OCALA, MARION COUNTY, FLORIDA, HAS BEEN CITED.**

You are hereby notified that on **November 30, 2016, in the City Council Chamber, City Hall, of the City of Ocala, 110 SE Watula Avenue, at 9:00 A.M.**, in accordance with the City of Ocala Code of Ordinances, Section 2-441(b), a hearing will be held before the Code Enforcement Special Magistrate of the City of Ocala, to determine whether you have violated one or more provisions of the City of Ocala Code of Ordinances.

**THE CODE ENFORCEMENT SPECIAL MAGISTRATE HAS THE AUTHORITY TO LEVY FINES UP TO \$250.00 PER DAY FOR A FIRST VIOLATION AND UP TO \$500.00 PER DAY FOR A REPEAT VIOLATION, AND TO LEVY A LIEN ON THE REAL AND PERSONAL PROPERTY OF THE PERSON.**

You are entitled to be represented by counsel, present testimony and evidence, and to testify on your behalf. Subpoenas for witnesses and for records, surveys, plats and other materials may be requested and will be issued by the Code Enforcement Special Magistrate through the office of the City Clerk of the City of Ocala, Florida.

If you should decide to appeal any decision made by the Code Enforcement Special Magistrate with respect to any matter considered at this meeting, you will need a record of the proceedings, and that, for such purpose, you may need to ensure that a verbatim record of the proceedings is made, on which the appeal is to be based.

The burden shall rest upon the owner to request a re-inspection by the Code Officer to determine whether the property has been brought into compliance. Please understand that this hearing will take place as scheduled unless you receive notification from the City of Ocala, stating that voluntary compliance is satisfied and the hearing has been cancelled. If the violation is corrected and then reoccurs, or if the violation is not corrected by the time specified for correction by the Code Officer, the case may be presented to the Code Enforcement Special Magistrate even if the violation has been corrected prior to the hearing. If a repeat violation is found, the Code Officer shall notify the violator, but is not required to give the violator a reasonable time to correct the violation. The case may be presented to the Code Enforcement Special Magistrate even if the repeat violation has been corrected prior to the hearing. PLEASE GOVERN YOURSELF ACCORDINGLY.

IF SPECIAL ACCOMMODATIONS ARE NEEDED FOR YOU TO ATTEND OR PARTICIPATE IN THIS MEETING, PLEASE CALL 48 HOURS IN ADVANCE SO ARRANGEMENTS CAN BE MADE. PLEASE CALL THE SECRETARY OF THE CODE ENFORCEMENT SPECIAL MAGISTRATE (352) 629-8309 TO MAKE SPECIAL ARRANGEMENTS.

Signed this 8<sup>th</sup> day of November 2016



Jeanne M. Winchester, Secretary  
Code Enforcement Special Magistrate