

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

THE CITY OF OCALA

CASE NO: 2019_2613

Petitioner,

vs.

**CONCHIGLIO BETTY JEAN REV TRUST NO 1
CONCHIGLIO BETTY JEAN TR
740 SW 110TH AVE
OCALA, Florida 34481-1464**

Respondent _____ /

**ORDER GRANTING EXTENSION OF TIME
NOTICE OF HEARING ON COMPLIANCE AND IMPOSITION OF FINES**

THIS CAUSE, came for public hearing before the Code Enforcement Special Magistrate on; August 26, 2020 after due notice to the Respondent, and the Code Enforcement Special Magistrate having heard testimony under oath, received evidence, considered stipulations, and heard argument, thereupon issues its Final Administrative Order, Findings of Fact, Conclusion of Law, and Notice of Hearing on Compliance, and Imposition of Fines as follows:

I. PREVIOUS FINDINGS OF FACT: DATED JULY 17, 2020

- A. The Respondent(s), **CONCHIGLIO BETTY JEAN REV TRUST NO 1 AND CONCHIGLIO BETTY JEAN TR**, owner(s) in charge of the property described as: **560 NE 14TH ST | 2637-004-000, OCALA, FL** recorded in the Public Records of Marion County, Florida.
- B. That on and between **July 8, 2019** and **July 21, 2020**, the property, as described above, was in violation of the City of Ocala Code of Ordinances, Sections: 34-91 Definitions, 34-95 Weeds; Accumulations of trash or other unsightly or unsanitary matter, 34-121 Definitions, 34-122 Abandoned or derelict vehicles, 34-146 Vacant commercial structures, 34-151 Screening of storage areas for junked vehicles and equipment, 82-3 Barbed wire, electrified fences, razor wire and fences/walls, 82-181 Definitions, 82-182 Dangerous buildings declared nuisance: abatement requires: time limits, 82-183 Unsafe electrical conditions, authority to discontinue electrical service, 82-184 Standards for ordering repair, vacation or demolition, 122-51 Building Permit Required, 122-219 Conformance with approved plan; changes to approved plan; certification of compliance; maintenance of improvements, 122-1007 Surfacing.
- C.

II. PREVIOUS CONCLUSION OF LAW: DATED JULY 17, 2020

- A. The Respondent(s), **CONCHIGLIO BETTY JEAN REV TRUST NO 1 AND CONCHIGLIO BETTY JEAN TR**, by reason of the foregoing are in violation of the Code of Ordinances of the City of Ocala, **Sections:** 34-91 Definitions, 34-95 Weeds; Accumulations of trash or other unsightly or unsanitary matter, 34-121 Definitions, 34-122 Abandoned or derelict vehicles, 34-146 Vacant commercial structures, 34-151 Screening of storage areas for junked vehicles and equipment, 82-3 Barbed wire, electrified fences, razor wire and fences/walls, 82-181 Definitions, 82-182 Dangerous buildings declared nuisance: abatement requires: time limits, 82-183 Unsafe electrical conditions, authority to discontinue electrical service, 82-184 Standards for ordering repair, vacation or demolition, 122-51 Building Permit Required, 122-219 Conformance with approved plan; changes to approved plan; certification of compliance; maintenance of improvements, 122-1007 Surfacing, in that the Respondent(s) have failed to remedy the violation(s) and is subject to the provisions of the Code of Ordinances of the City of Ocala, Florida, Sections 2-426 and 2-443.

III. PREVIOUS ORDER: JULY 17, 2020

- A. Find the Respondent guilty of violating city code section(s) 34-91, 34-95, 34-121, 34-122, 34-146, 34-151, 82-3, 82-181, 82-182, 82-183, 82-184, 122-51, 122-219 and 122-1007 Order to;

1.) (a) Cut & clean the property grounds fully and properly removing any weeds, undergrowth, junk, and debris by 4:00pm on Thursday, July 23rd, 2020. If the Respondent(s) fail to comply by 7:00 am on Friday, July 24th, 2020, the City shall enter upon the property and take whatever steps are necessary to bring the violation(s) into compliance to include: cutting & cleaning the property grounds, fully and properly removing any weeds, undergrowth, junk and debris. Additionally, there will be a fine of \$250.00 per day thereafter that shall run in addition to any other fines until all violations have been abated.

(b) Upon abatement of any violations of section 34-95 by the City, a \$100.00 service fee shall be applied pursuant to section 34-92(c)(2) of the City of Ocala Code of Ordinances, in addition to any other fines related to item one (1).

2.) (a) Remove all abandoned, untagged, or inoperable vehicles by 4:00pm on Thursday, July 23rd, 2020; or

(b) Have the vehicles properly registered and operational by 4:00pm on Thursday, July 23rd, 2020, and not keep, dump, store, place, or maintain any abandoned or derelict vehicle on the property in violation of the city's code.

If the Respondent(s) fail to comply with either subsection of item two (2) by 7:00am on Friday July 24th, 2020, there shall be a fine of \$250.00 per day thereafter that shall run in addition to any other fines until all violations have been abated. Additionally, the city shall enter upon the property and take whatever steps are necessary to bring the violation(s) into compliance, to include: removal of all abandoned or derelict vehicles in violation of code sections 34-121 and 34-122.

3.) Comply with all sections of the vacant commercial structure code requirements listed in code section 34-146 4:00pm on Thursday, July 23rd, 2020. This includes:

(a) Have all doors and windows and other openings weather-tight and secured against entry by the general public as well as animals. A vacant commercial structure shall be secured using conventional methods used in the original construction. If securing the structure through conventional methods is not feasible or the owner desires to board up the vacant structure, the owner or interested party must obtain a separate boarding-up permit from the building official.

(b) Have roof and roof flashings that are sound and tight such that no rain will penetrate the structure and allow for appropriate drainage so as to prevent deterioration of the interior walls or other interior portions of the structure.

(c) Be maintained in good repair, be structurally sound and free from rubbish, garbage and other debris.

(d) Have supporting members that are capable of bearing both live and dead loads and foundation walls that are capable of supporting an appropriate load.

(e) Be free of loose or rotten materials as well as holes. Any exposed metal, wood or other surface shall be protected from the elements with appropriate weather coating materials (paint or similar treatment).

(f) Have balconies, canopies, signs, metal awnings, stairways, fire escapes or other overhanging extensions that are in good repair and appropriately anchored. Exposed metal and wood surfaces of such overhanging extensions shall be protected from the elements with appropriate weather coating materials (paint or similar treatment).

(g) Have any accessory or appurtenant structures, including but not limited to, garages, sheds or other storage facilities meet the standards set forth in this subsection.

(h) Have a plan for weatherization of the vacant property if necessary.

(i) Have retaining walls, drainage systems, or other structures maintained in good repair and structurally sound. Existing fences shall be maintained in good repair with gates locked at all times.

(j) Failure to comply with any subsection of this item in the times allowed for compliance the City shall enter upon the property and take whatever steps are necessary to bring the violation(s) into compliance, to include: secure the structure or demolition and removal of the structure and all property improvements. Additionally, there shall be a fine of \$250 per day thereafter that shall run in addition to any other fines related to items one until all violations of item two (2) have been abated.

4.) Maintain required screening, vegetative evergreen hedge, solid fence or masonry wall not less than seven feet in height, the effect of which will completely obstruct the view of the area from any adjacent street of storage areas for junked vehicles and equipment in compliance with city code 34-151 by 4:00pm on Thursday, July 23rd, 2020. If the Respondent(s) fail to comply by 7:00am on Friday July 24th, 2020, there shall be a fine of \$250.00 per day thereafter that shall run in addition to any other fines until all violations have been abated.

5.) The fence shall be maintained in a sound condition and in good repair as per City of Ocala ordinance section 82-3 by 4:00 pm on Thursday, July 23rd, 2020, or remove the fence by 4:00 pm on Thursday July 24th, 2020. If the Respondent fails to comply by 7:00 am on Friday, July 24th, 2020, there shall be a fine of \$250.00 per day thereafter that shall run in addition to any other fines until all violations have been abated. Additionally, the City shall enter upon the property and take whatever steps are necessary to bring the violation(s) into compliance, to include: repair or removal of all fencing

6.) (a) Apply for and obtain any required permits needed to meet the Current Florida Building Code, the 2014 National Electric Code by 4:00pm on Thursday, July 23rd, 2020. Once the permits are obtained, all repairs to the structure shall be completed by a licensed contractor within 180 days after the issuance of the initial permits. If the Respondent(s) fail to comply by 7:00 am on Friday July 24rd, 2020, or if the permits issued expire without a final inspection finding that the work complies with the city codes, subsection (d) shall apply; or

(b) Apply for and obtain a permit to demolish and/or remove the structure(s), improvements and structure contents by 4:00pm on Thursday, July 23rd, 2020. Once the permit is obtained, all demolition, removal and clean-up of the debris shall be completed within 60 days after the issuance of the initial permit. If the Respondent(s) fail to comply by 7:00 am on Friday July 24th, 2020 or if the Respondent(s) obtain a demolition permit and do not complete all demolition, removal and clean-up of the debris by 7:00am of the 61st day after the issuance of the permit, subsection (d) shall apply.

(c) Any work required to meet the current Florida Building Code, the 2014 National Electric Code, or the 1994 Edition of the International Standard Housing Code that does not require permits to complete, the Respondent(s) shall complete said work by 4:00pm on Thursday, July 23rd, 2020. If the Respondent(s) fail to comply by 7:00 am on Friday July 24th, 2020, subsection (d) shall apply.

(d) Failure to comply with any subsection of this item in the times allowed for compliance the City shall enter upon the property and take whatever steps are necessary to bring the violations into compliance, to include: demolition and removal of all improvements including the structure and structure contents. Additionally, there shall be a fine of \$250 per day thereafter that shall run in addition to any other fines until all violations have been abated.

(e) Item six (6) shall also apply to any previously completed unpermitted work.

7.) (a.) Obtain any required permits needed to bring the site and site surfacing into compliance with the original site plan and section 122-219 by 04:00pm on Thursday July 23, 2020. Once the permits are obtained, all surfacing work shall be completed by a licensed contractor within 180 days after the issuance of the initial permits. If the Respondent(s) fail to comply by 07:00 am on Friday July 24, 2020, or if the permits issued expire without a final inspection finding that the work complies with the city codes, subsection (c) shall apply; or

(b.) If no permits are required to conduct the work necessary to meet the site and surfacing requirements, the Respondent(s) shall complete the work necessary by 04:00pm on Thursday July 23, 2020. If the Respondent(s) fail to comply by 07:00 am on Friday July 24, 2020, subsection (c) shall apply.

(c.) Failure to comply with any subsection of item seven (7) in the times allowed for compliance there shall be a fine of \$250 per day thereafter, that shall run in addition to any other fines.

8.) Pay the cost of prosecution of the case of \$360.85 by 4:00 pm on Thursday, July 23rd, 2020.

All costs and fines will be assessed as a Lien against the property. After three (3) months from the filing of any such lien which remains unpaid, refer to the City attorney's office or consideration of foreclosure.

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- B. This Order may be recorded in the Public Records of Marion County, Florida, and shall constitute a lien against the above described property, and upon any other real, or personal property, owned by the Respondent(s), pursuant to Sections 162.08 and 162.09, Florida State Statutes, and Section 2-426 and 2-443, Code of Ordinances City of Ocala, Florida.
- C. The holder of this Order, and the lien arising hereunder, is the City of Ocala, a Florida Municipal Corporation, with the address of: 110 S.E. Watula Avenue, Ocala, Florida 34471.

IV. ORDER EFFECTIVE: AUGUST 26, 2020

- A. Find the Respondent guilty of violating city code section(s) 34-91, 34-95, 34-146, 34-151, 82-181, 82-182, 82-184, 122-51, 122-219 and 122-1007 Order to:
 - 1.) (a) Cut & clean the property grounds fully and properly removing any weeds, undergrowth, junk, and debris by 4:00pm on Thursday, October 22, 2020. If the Respondent(s) fail to comply by 7:00 am on Friday, October 23, 2020, the City shall enter upon the property and take whatever steps are necessary to bring the violation(s) into compliance to include: cutting & cleaning the property grounds, fully and properly removing any weeds, undergrowth, junk and debris. Additionally, there will be a fine of \$250.00 per day thereafter that shall run in addition to any other fines until all violations have been abated.
 - (b) Upon abatement of any violations of section 34-95 by the City, a \$100.00 service fee shall be applied pursuant to section 34-92(c)(2) of the City of Ocala Code of Ordinances, in addition to any other fines related to item one (1).
- 2.) Comply with all sections of the vacant commercial structure code requirements listed in code section 34-147 4:00pm on Thursday, October 22, 2020. This includes:
 - (a) Have all doors and windows and other openings weather-tight and secured against entry by the general public as well as animals. A vacant commercial structure shall be secured using conventional methods used in the original construction. If securing the structure through conventional methods is not feasible or the owner desires to board up the vacant structure, the owner or interested party must obtain a separate boarding-up permit from the building official.
 - (b) Have roof and roof flashings that are sound and tight such that no rain will penetrate the structure and allow for appropriate drainage so as to prevent deterioration of the interior walls or other interior portions of the structure.
 - (c) Be maintained in good repair, be structurally sound and free from rubbish, garbage and other debris.
 - (d) Have supporting members that are capable of bearing both live and dead loads and foundation walls that are capable of supporting an appropriate load.
 - (e) Be free of loose or rotten materials as well as holes. Any exposed metal, wood or other surface shall be protected from the elements with appropriate weather coating materials (paint or similar treatment).
 - (j) Have balconies, canopies, signs, metal awnings, stairways, fire escapes or other overhanging extensions

that are in good repair and appropriately anchored. Exposed metal and wood surfaces of such overhanging extensions shall be protected from the elements with appropriate weather coating materials (paint or similar treatment).

(k) Have any accessory or appurtenant structures, including but not limited to, garages, sheds or other storage facilities meet the standards set forth in this subsection.

(l) Have a plan for weatherization of the vacant property if necessary.

(m) Have retaining walls, drainage systems, or other structures maintained in good repair and structurally sound. Existing fences shall be maintained in good repair with gates locked at all times.

(j) Failure to comply with any subsection of this item in the times allowed for compliance the City shall enter upon the property and take whatever steps are necessary to bring the violation(s) into compliance, to include: secure the structure or demolition and removal of the structure and all property improvements. Additionally, there shall be a fine of \$250 per day thereafter that shall run in addition to any other fines related to items one until all violations of item two (2) have been abated.

3.) Maintain required screening, vegetative evergreen hedge, solid fence or masonry wall not less than seven feet in height, the effect of which will completely obstruct the view of the area from any adjacent street of storage areas for junked vehicles and equipment in compliance with city code 34-151 by 4:00pm on Thursday, October 22, 2020 If the Respondent(s) fail to comply by 7:00am on Friday October 23, 2020, there shall be a fine of \$250.00 per day thereafter that shall run in addition to any other fines until all violations have been abated.

4.) (a.) Obtain any required permits needed to bring the site and site surfacing into compliance with the original site plan and section 122-219 by 04:00pm on Thursday October 22, 2020. Once the permits are obtained, all surfacing work shall be completed by a licensed contractor within 180 days after the issuance of the initial permits. If the Respondent(s) fail to comply by 07:00 am on Friday October 23, 2020, or if the permits issued expire without a final inspection finding that the work complies with the city codes, subsection (c) shall apply; or

(b.) If no permits are required to conduct the work necessary to meet the site and surfacing requirements, the Respondent(s) shall complete the work necessary by 04:00pm on Thursday October 22, 2020. If the Respondent(s) fail to comply by 07:00 am on Friday October 23, 2020, subsection (c) shall apply.

(c.) Failure to comply with any subsection of item seven (7) in the times allowed for compliance there shall be a fine of \$250 per day thereafter, that shall run in addition to any other fines.

5.) Pay the cost of prosecution of the case of \$0.00.

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B. This Order may be recorded in the Public Records of Marion County, Florida, and shall constitute a lien against the above described property, and upon any other real, or personal property, owned by the Respondent(s), pursuant to Sections 162.08 and 162.09, Florida State Statutes, and Section 2-426 and 2-443, Code of Ordinances City of Ocala, Florida.

C. The holder of this Order, and the lien arising hereunder, is the City of Ocala, a Florida Municipal Corporation, with the address of: 110 S.E. Watula Avenue, Ocala, Florida 34471.

DONE AND ORDERED; this ____ day of August 2020.

CODE ENFORCEMENT SPECIAL MAGISTRATE

OCALA, FLORIDA


Thomas J. Dobbins
Code Enforcement Special Magistrate

CERTIFICATE OF SERVICE

I HEREBY CERTIFY; that a true and correct copy of the foregoing document has been furnished to Respondent(s) by mail to: CONCHIGLIO BETTY JEAN RE TRUST NO 1, AND CONCHIGLIO BETTY JEAN TR 740 SW 110TH AVE, OCALA, FL, 34481, this 18 day of August 2020.


Yovanqi Santiago, Magistrate Secretary
Code Enforcement Special Magistrate

IMPORTANT NOTICE:

NOTICE OF HEARING ON COMPLIANCE, AND IMPOSITION OF FINES: NON-COMPLIANCE HEARING - IF YOU, AS THE RESPONDENT, 1.) DO NOT BRING THE PROPERTY INTO COMPLIANCE, 2.) CALL FOR A RE-INSPECTION, AND 3.) RECEIVE AN AFFIDAVIT OF COMPLIANCE; NOTICE IS HEREBY GIVEN THAT A HEARING BEFORE THE CODE ENFORCEMENT SPECIAL MAGISTRATE IS TO BE HELD ON OCTOBER 28, 2020, AT 9:00AM, AT THE: CITY COUNCIL CHAMBER, CITY HALL, 110 S.E. WATULA AVENUE, OCALA, FLORIDA 34471, TO DETERMINE IF THE VIOLATION AS SET FORTH IN THIS ORDER CONTINUED BEYOND THE COMPLIANCE DATE, AND IF SO TO CONSIDER IMPOSITION OF A FINE OR OTHER PENALTIES. YOUR FAILURE TO APPEAR COULD RESULT IN A WAIVER OF YOUR OPPORTUNITY TO BE HEARD IN THIS MATTER AND MAY RESULT IN AN ACTION BY THE CODE ENFORCEMENT SPECIAL MAGISTRATE WHICH COULD BE ADVERSE TO YOUR INTEREST. ADDITIONALLY, PLEASE BE ADVISED THAT PURSUANT TO CHAPTER 162 OF THE FLORIDA STATUTES, YOU MAY HAVE OTHER ADDITIONAL RIGHTS IN REFERENCE TO ANY FINDINGS BY THE CODE ENFORCEMENT SPECIAL MAGISTRATE.

IN THE EVENT OF NON-COMPLIANCE, AN ORDER IMPOSING A FINE SHALL BE RECORDED IN THE PUBLIC RECORDS OF MARION COUNTY, FLORIDA, AND THEREAFTER SHALL CONSTITUTE A LIEN AGAINST THE LAND UPON WHICH THE VIOLATION(S) EXISTS, OR UPON ANY OTHER REAL OR PERSONAL PROPERTY OWNED BY YOU. BE ADVISED THAT YOU HAVE A RIGHT TO APPEAL THIS ORDER WITHIN A PERIOD OF THIRTY (30) DAYS FROM THE DATE OF THE ORDER, IN ACCORDANCE WITH SECTION 2-445, CODE OF ORDINANCES OF THE CITY OF OCALA, TO THE CIRCUIT COURT OF MARION COUNTY.

IF A REPEAT VIOLATION IS FOUND, THE CODE INSPECTOR 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 CODE ENFORCEMENT SPECIAL MAGISTRATE HEARING, AND UPON FINDING THAT A REPEAT VIOLATION HAS BEEN COMMITTED, MAY ORDER THE VIOLATOR TO PAY A FINE NOT TO EXCEED \$500.00 PER DAY.