

Town of Indian Shores

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SPECIAL MAGISTRATE

Minutes – July 14, 2010

THE SPECIAL MAGISTRATE CALLED THE HEARING TO ORDER AT 10:00 a.m. Those present were: Special Magistrate Herbert E. Langford; Lawrence G. Nayman, Building Official; Joyce Ciccarello, Administrative Assistant.

Also present: Vice Mayor Herndon, Councilor Smith, and Councilor Irelan, Councilor Sutch, and R. Carlton Ward.

Lawrence G. Nayman, Joyce Ciccarello, and R. Carlton Ward took the oath administered by the Special Magistrate.

ITEM NO.

AGENDA ITEM

CE 2010 0019

Consideration of action to be taken for failure to respond to a Violation Notice issued to David Leroy Jenkins, 2959 Los Gatos Drive, Belleair Bluffs, FL 33770 for a violation at 20238 Gulf Blvd., Indian Shores, Fl. The violation was issued on April 5, 2010 for violation of Town Code Sections 18-122(a)(2) & (7) Building Code – Adopted, and Section 18-51 Permits Required.

See attached Oder issued by the Special Magistrate.

The Special Magistrate Hearing adjourned at 11:20 a.m.

Submitted by,



Joyce Ciccarello
Administrative Assistant

James J. Lawrence
Mayor

Joan G. Herndon
Vice Mayor

Carole Irelan
Councilor

Steve Sutch
Councilor

William F. Smith
Councilor

E.D. Williams
Town Administrator
Chief of Police

Mary Karayianes
Director of Finance
and Personnel

Marcia Grantham
Town Clerk

James Yacavone
Town Attorney

Lawrence G. Nayman
Building Code
Administrator

LOCAL GOVERNMENT CODE ENFORCEMENT
TOWN OF INDIAN SHORES, FLORIDA
Case No. CE 2010-0019

TOWN OF INDIAN SHORES, FLORIDA,
Petitioner,

v.

DAVID LEROY JENKINS,
2959 Los Gatos Drive
Belleair Bluffs, FL 33770 1704,
Respondent.

**ORDER FINDING VIOLATION, SETTING TIME TO COMPLY
OR SUFFER A FINE**

Chapter 18, Section 18-51 of the Code of Ordinances of the Town of Indian Shores, Florida (Indian Shores Code)

LEGAL DESCRIPTION: Indian Rocks Block 13, Lot 6 & Southerly 16.67 Feet of Lot 5 & Land to Seawall
20238 Gulf Blvd., Indian Shores, FL 33785

PARCEL IDENTIFICATION NUMBER: 13/30/14/42840/013/0060

Special Magistrate, Herbert E. Langford, Jr., has heard testimony and reviewed all evidence received at the Special Magistrate hearing held on July 14, 2010, and based on the evidence, enters the following findings of fact, conclusions of law and order.

FINDINGS OF FACT

1. The Respondent(s), DAVID LEROY JENKINS, ("Respondent") before doing or causing to be done any work, did not first apply for and obtain the necessary permitting to erect, construct, enlarge, alter, repair, move, remove, improve, convert or demolish a permanent or temporary building, construction, or part thereof, or perform any other development of property including, but not limited to grading, filling, excavating, dredging or paving.

2. The Respondent did allow or cause work or development without first having applied for and obtained all necessary permits.
3. The building and structure are unsafe and uninhabitable and constitute life-safety conditions as set forth more particularly in the Notice of Code Violation dated April 5, 2010.
4. The Town incurred costs for the prosecution of this case and expenses for the Special Magistrate to adjudicate it. The Town reserves the right to seek reimbursement for staff time, and additional costs, *e.g.*, certified mail, for this matter, as well the Special Magistrate's expenses.
5. Special Magistrate reasonably spent and will spend time at \$175 per hour to adjudicate this case.

CONCLUSIONS OF LAW

6. The Respondent, DAVID LEROY JENKINS, is in violation of Chapter 18, Section 18-51 of the Indian Shores Code.
7. The Town prevailed in the prosecution of this case and, pursuant to Section 1.c. of Resolution No. 3-2009 and Chapter 2, Section 2-207(e) of the Indian Shores Code, is entitled to recover all costs and expenses incurred.

ORDER

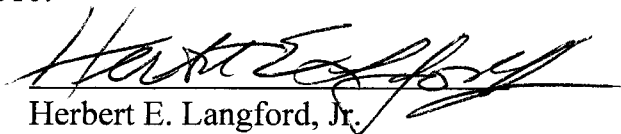
It is ADJUDGED that:

8. The Respondent, DAVID LEROY JENKINS, shall correct the violation(s), come into compliance, apply for and obtain a building or demolition permit, whichever is applicable, on or before 8:00 a.m. on September 14, 2010, or suffer a fine to be later determined.
9. If demolition applies, the Respondent, DAVID LEROY JENKINS, shall correct the violation(s), come into compliance, complete the demolition, and obtain a successful final inspection on or before 8:00 a.m. on November 16, 2010, or suffer a fine to be later determined.
10. If building applies, the Respondent, DAVID LEROY JENKINS, shall correct the violation(s), come into compliance, complete the construction, and obtain a successful

final inspection on or before 8:00 a.m. on January 18, 2011, or suffer a fine to be later determined.

11. Separate and distinct from the amount due or fine, if any, the Special Magistrate reserves jurisdiction to consider the imposition of the Town's costs and expenses of prosecuting this case.
12. Upon complying, the Respondent shall notify Lawrence G. Nayman, the code enforcement officer, at 727.517.3940, who shall inspect the property and notify the Special Magistrate of the compliance.
13. Upon the Respondent's failure to timely comply, the code enforcement officer shall prepare and execute an Affidavit of Non-Compliance.
14. The Affidavit of Non-Compliance shall contain facts addressing the gravity of the violation, any efforts by the violator to correct the violation from the date that the violator was first advised of the violation to the date of the Affidavit of Non-Compliance, and any previous code violations by the violator. The code inspector shall also make a recommendation in the Affidavit of Non-Compliance regarding the amount of the fine that should be imposed against the violator. The code inspector shall also set forth in the Affidavit of Non-Compliance the Town's costs of prosecuting the violation against the violator.
15. The code inspector shall forward any Affidavit of Non-Compliance to the Special Magistrate for further action, requesting the Special Magistrate enter an order against the violator (i) finding that the violator has not complied with Special Magistrate's order finding a violation and requiring compliance and (ii) imposing a fine against the violator which shall include the costs the Town incurred in prosecuting the violation.
16. The Special Magistrate reserves jurisdiction to hear any matter pertaining to the compliance or non-compliance as set forth in this Order.

DONE AND ORDERED on July 26, 2010.


Herbert E. Langford, Jr.
Special Magistrate

Copies furnished to:
David Leroy Jenkins
R. Carlton Ward, Esquire
James L. Yacavone, III, Town Attorney