

Special Magistrate for the City of Haines City

CITY OF HAINES CITY,
Petitioner,

Violation No:36528

vs.

DENIS & OSCAR LLC
Respondent(s),

REPEAT VIOLATION NOTICE AND NOTICE OF HEARING

REPEAT VIOLATION NOTICE

NOTICE IS HEREBY GIVEN of a REPEAT VIOLATION of the Code Ordinance of the City of Haines City, Florida, as follows:

1. The subject property is located at 1704 MARTIN L KING JR WAY, HAINES CITY, FL, 33844 and legally described as KATZ PHILLIP SUB PB 6 PG 41 LOTS 67 & 68 Public Records of Polk County, Florida.
2. The Respondent is in violation of the Ordinances of the City of Haines City, Florida, to-wit: Ordinance No.10-1366 Described in Exhibit B, (attached) and described as: EXTERIOR PROPERTY SANITATION/HCPMC SEC. 302.1
3. This REPEAT VIOLATION may be corrected by complying with previous orders entered herein and to: see exhibit B (attached).
4. Notice is hereby given by the undersigned Code Compliance Officer that said REPEAT VIOLATION NOTICE AND NOTICE OF HEARING has been furnished by Certified Mail the Respondent, DENIS & OSCAR LLC on this 08/22/2024.
(Return Receipt No. 9489009000276582296646)

This is a REPEAT VIOLATION of the above-referenced Ordinance. The Haines City Special Magistrate previously found you to have violated said ordinance in an Order dated, **05/24/2023** a copy of which is attached hereto, in **33170**. If the Haines City Special Magistrate subsequently finds that you have violated the ordinance, which is the subject of the notice herein, you shall be subject to a fine up to **\$500.00** per day from 08/22/2024. You must correct this violation immediately and contact the Code Compliance Division at the City of Haines City in person or by telephone at (863) 421-9937 for a re-inspection of the property in order to stop the accrual of an administrative fine in this matter.

Special Magistrate for the City of Haines City

Violation No.: 36528

NOTICE OF HEARING

The undersigned Code Official hereby requests a Public Hearing before the Haines City Special Magistrate. Pursuant to Chapter 162, Florida Statutes. PLEASE TAKE NOTICE that a Public Hearing will be conducted by the Haines City Special Magistrate in the above-styled cause on Wednesday, **09/25/2024 at 8:45 A.M.** in the City Commission Chambers, 620 E. Main St., Haines City, Florida. The Special Magistrate will receive testimony and evidence at said Public Hearing and shall make such Findings of Fact as are supported by the testimony and evidence pertaining to the matters alleged in this REPEAT VIOLATION NOTICE. This case shall be presented to the Haines City Special Magistrate even if the REPEAT VIOLATION has been corrected prior to the scheduled hearing. Your failure to appear may result in an administrative lien being entered against you.

PLEASE GOVERN YOURSELF ACCORDINGLY.


DATED this 08/22/2024.

CITY OF HAINES CITY, FLORIDA
620 E Main St.
Haines City, Florida 33845

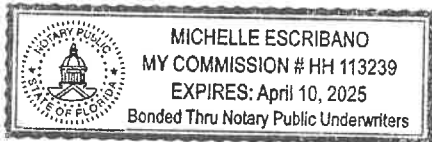
By: 
DONTRELL NORMAN, Code Officer

STATE OF FLORIDA
COUNTY OF POLK

The foregoing instrument was acknowledged before me this 08/22/2024, by DONTRELL NORMAN, who is personally known to me and who did not take an oath.

Signature: 
Printed Name: Michelle Escibano

(SEAL)



IF A PERSON DESIRES TO APPEAL ANY DECISION WITH RESPECT TO ANY MATTER CONSIDERED AT THESE PROCEEDINGS, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS AND THAT, FOR THIS PURPOSE, SUCH PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

Special Magistrate for the City of Haines City

VIOLATION # 36528

CITY OF HAINES CITY,

Petitioner,

vs.

DENIS & OSCAR LLC

Respondent(s),

STATE OF FLORIDA)

SS:

COUNTY OF POLK)


REPEAT VIOLATION AFFIDAVIT OF NON-COMPLIANCE

BEFORE ME, the undersigned authority, personally appeared DONTRELL NORMAN ,Code Officer for the City of Haines City, Florida, who after being duly sworn, deposes and states:

1. That on 05/24/2023 the Haines City Special Magistrate held a Public Hearing and issued its Order concerning violation number 33170
2. That an inspection was performed on 08/22/2024.
3. That, pursuant to said Order, respondent has re-violated.
4. That the inspection revealed that the respondent(s) is in violation of said order issued by the Special Magistrate.

AFFIRMATION UNDER OATH

Under penalties of perjury, I hereby swear and affirm that I have read this Affidavit and that the facts stated herein are true and correct.


DONTRELL NORMAN
as the Code Officer for Haines City

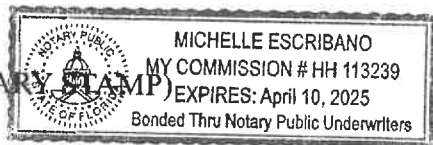
August 22, 2024
Date

STATE OF FLORIDA
COUNTY OF POLK

BEFORE ME the undersigned authority personally appeared DONTRELL NORMAN, who is personally known to me and after being first duly sworn, deposes and says that affiant is the Code Inspector for the City of Haines City, and that the above Affidavit is true and correct to the best of affiant's knowledge and belief.

SWORN TO AND SUBSCRIBED before me, on August 22, 2024

(AFFIX NOTARY STAMP)




Notary Public, State of Florida

Printed/Typed Name: Michelle Escibano

IN AND FOR THE CITY OF HAINES CITY, FLORIDA

VIOLATION NO: 33170

IN RE: 1704 MARTIN L KING JR WAY

27-27-21-753000-000670

KATZ PHILLIP SUB PB 6 PG 41 LOTS 67 & 68



CITY OF HAINES CITY, a Florida municipal corporation,
Petitioner

v.

DENIS & OSCAR LLC
330 N. RAMONA AVE.
LAKE ALFRED, FL 33850-2304

Respondent(s)

FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

THIS CAUSE came on for public hearing before the Special Magistrate after due notice to Respondent(s), and the Special Magistrate, having heard testimony under oath, received evidence and heard argument thereupon, issues this "Findings of Fact, Conclusions of Law and Order" pursuant to §§162.07(4) and 162.08(5), Florida Statutes:

FINDINGS OF FACT

1. On or about 09/14/2022 there existed at on the above described property, the following conditions in violation of the Code of Ordinances of the City of Haines City, such conditions constituting a nuisance and a serious threat to the public health, safety, and welfare within the meaning of §162.06(4), Florida Statutes:

~~EMERGENCY ESCAPE~~

~~OPENINGS/HCPMC SEC. 702.4~~ - *complied by securing property*

EXTERIOR PROPERTY

SANITATION/HCPMC SEC.

302.1

PERMIT REQUIRED FBC SEC.

105.1

PREMISES

IDENTIFICATION/HCPMC

SEC. 304.3

~~ROOFS AND~~

~~DRAINAGE/HCPMC SEC. 304.7~~ - *Complied*

WEEDS/HCPMC SEC. 302.4

2. Captioned real property is located and existing within the corporate limits of the City of Haines City, Florida. Respondent(s), as owners(s) of the captioned real property are responsible for maintaining the same in accordance with the Code of Ordinances of the City of Haines City. All required notices pursuant to §162.12, Florida Statutes.

CONCLUSIONS OF LAW

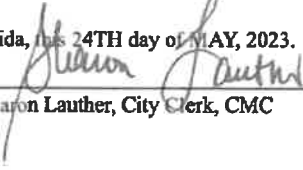
3. This Magistrate has jurisdiction over the Respondent(s) and this matter is otherwise properly before this Magistrate. Further, this Magistrate has subject matter jurisdiction pursuant to §2-35 of the Code of Ordinances of the City of Haines City.
4. The above stated facts constitute a violation of the specific sections(s) of the City Code cited in paragraph 1 herein.
5. The violator did ~~not~~ appear for the hearing. The following individual(s) appeared _____

STATE OF FLORIDA

COUNTY OF POLK

I, the undersigned duly appointed City Clerk of the City of Haines City, Florida, HEREBY CERTIFY that the foregoing is a true and correct copy of Order of Imposing Fine/Administrative Lien for City of Haines City, Petitioner, v. DENIS & OSCAR LLC, as shown in the records of the City on file in the office of the City Clerk.

WITNESS my hand and seal of the City of Haines City, Florida, this 24TH day of MAY, 2023.



Sharon Lauther, City Clerk, CMC

ORDER

Based on the foregoing Findings of Fact Conclusions of Law, and upon consideration of (i) the gravity of the violation, (ii) any actions taken by the violator to correct the violation, and (iii) previous violations committed by the violator, it is hereby ORDERED that:


- Summary Disposition. Respondent(s) admit(s) to the violation (s) and request(s) additional time to comply. Respondent(s) has/have waived any defenses to the violation(s). Respondent(s) shall have until _____ to comply or a \$ _____ per day fine may be imposed.
- Respondent(s) shall secure captioned property by _____ or a \$ _____ per day fine shall be imposed.
- Respondent(s) shall have until * see below for a total compliance or a \$ 100 per day fine shall be imposed.
- The City of Haines City is hereby authorized to abate the violation(s) named herein in accordance with §162.09(1), Florida Statutes, but shall not be required to do so. If abatement occurs, the City of Haines City may assess all costs incurred by it against Respondent(s), in addition to any fine or costs imposed herein, if any such fine amount or costs amount is imposed.
- Pursuant to §162.08(5) Florida Statutes, the Code Enforcement Division of the City of Haines City is hereby authorized to initiate the demolition process and assess all costs incurred by it against the Respondent(s), in addition to any fine or costs imposed herein, if any such fine amount or costs amount is imposed.
- The evidence did not support the violation cited. The case is hereby dismissed.
- Violation(s) did exist at the subject property, but have been remedied. No fine in this matter shall be imposed, however future offenses of the same nature as cited in this case will be considered repeat offenses and subject to fines as such.
- Violation(s) as identified herein is/are irreparable or irreversible in nature. A one-time fine of \$ _____ is imposed against the Respondent(s) in addition to any fine or costs imposed herein, if any such fine amount or costs amount imposed.
- Respondent(s) shall be responsible for costs incurred by the City in prosecuting this case totaling \$ 34.72. The costs shall be paid in full within 60 days of this order. If unpaid the costs shall be assessed against the subject property as a lien, and this Order, or subsequent Order Imposing Fine, may be recorded in the Public Records of Polk County as evidence thereof.
- Respondent has been found in violation as a repeat offender. A fine of \$ _____ shall be imposed and a \$ _____ per day fine shall continue until property is brought into compliance.
- Pursuant to §162.09 (3) the Special Magistrate authorize the City of Haines City to begin foreclosure procedures on the above captioned property.
- Other: * July 23, 2023 for permit issue, and June 7, 2023 on all other
- Bank is for notification purpose only. ISSUES.

YOU ARE NOTIFIED THAT IF THIS ORDER IMPOSES A FINE, ABATEMENT COSTS, OR PROSECUTION COSTS AGAINST YOU THAT pursuant to §162.09(3), Florida Statutes, once final this ORDER may be recorded in the public records and thereafter may constitute a lien against the captioned property and upon any other real property and upon any other real or personal property owned by YOU. FURTHER, SUBSEQUENT CERTIFICATIONS OR SUPPLEMENTAL CERTIFICATIONS OF FINES MAY BE RECORDED IN THE PUBLIC RECORDS IF THE VIOLATIONS MENTIONED HEREIN MAY BE REMEDIED AND YOU FAIL TO TIMELY DO SO.

A HEARING IS HEREBY SCHEDULED FOR 8:45 A.M. ON July 26, 2023 AT HAINES CITY, CITY HALL, 620 E. MAIN ST HAINES CITY, FLORIDA 33844, TO CONSIDER THE ENTRY OF AN ORDER IMPOSING FINE AND LIEN.

DONE AND ORDERED this 24TH day of MAY, 2023 at Haines City, Polk County, Florida.

ATTEST:



Michelle Escribano
Specialist to the Special Magistrate



SPECIAL MAGISTRATE
City of Haines City Special Magistrate

This ORDER may be appealed to the Special Magistrate within ten (10) days of the date of its rendition pursuant to City Ordinance 10-1366, by filing in a timely an Application for Appeal with the Code Enforcement Clerk.

Violation No: 33170

Certified Mail Number: 9489009000276434498228