

CODE ENFORCEMENT

BOARD



Crossroads of Flagler County

BOARD MEMBERS

**JOY ALLEN
KATHRYN DAVIS
DELORIES HALL
KENNETH GORDON
VICKIE TURNER**

CODE ENFORCEMENT BOARD AGENDA

Wednesday, April 12, 2017 at 7:00 PM

Bunnell City Complex

201 W. Moody Blvd., Chambers Meeting Room, Bunnell, FL 32110

- 1. Call Meeting to Order and Pledge Allegiance to the Flag.**
- 2. Roll Call and determination of Quorum.**
- 3. Disclosure of Ex-Parte communications.**

Annual Board Elections

- 4. Annual Election of the Chair and Vice-Chair.**

Approval of Minutes:

- 5. 2017 02 08 Code Enforcement Board Minutes**
- 6. Swearing in of witnesses.**

Old Business:

- 7. Case Number 16-056 City of Bunnell vs. Todd & Edith McCoy**

103 Deen Rd.

This is a violation of the following City Codes:

Code of Ordinance Sec. 70-1 Removal of certain plants, weeds, trash and litter; duty of owner; service of notice

NTA:3/7/17

New Business:

- 8. Case Number 16-053 City of Bunnell vs. Patricia Harris**

503 S. Cherry St.

This is a violation of the following City Codes:

Code of Ordinance Sec. 26-56. Storing, parking or leaving dismantled or other such motor vehicle or boat prohibited and declared nuisance; exceptions.

NTA:3/10/17

- 9. Case Number 17-008 City of Bunnell vs. Bank of America Corporate**

300 E. Moody Blvd.

This is a violation of the following City Codes:

Code of Ordinance Sec. 58-39. Business tax receipts; dates due and delinquent, notices; penalties.

NTA:3/7/17

10. Case Number 17-027 City of Bunnell vs. Michael and Debra Blackburn

409 Ninth St. #14

This is a violation of the following City Codes:

Code of Ordinance Sec. 58-39. Business tax receipts; dates due and delinquent, notices; penalties.

NTA:3/7/17

11. Case Number 17-030 City of Bunnell vs. Darin and Jill Pond

301 Deen Rd.

This is a violation of the following City Codes:

Code of Ordinance Sec. 26-108 Dangerous buildings

Code of Ordinance Sec. 70-1 Removal of certain plants, weeds, trash and litter; duty of owner; service of notice.

NTA:3/7/17

12. Public Comments

13. Announcements

14. Next Scheduled Meeting: June 14, 2017

15. Adjournment of Code Enforcement Board

This Agenda is subject to change. Please see posted copy on the City of Bunnell website

www.bunnellcity.us

NOTICE: IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE CITY COMMISSION OR ANY OF ITS BOARDS, WITH RESPECT TO ANY MATTER CONSIDERED AT ANY MEETING OF SUCH BOARDS OR COMMISSION, HE OR SHE MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS BASED. 286.0105, FLORIDA STATUTES. ANY PERSON REQUIRING A SPECIAL ACCOMMODATION AT THIS MEETING BECAUSE OF DISABILITY OR PHYSICAL IMPAIRMENT SHOULD CONTACT CITY HALL AT 386.437.7500.



City of Bunnell, Florida

Agenda Item No. 4.

Code Excepts:

Code of Ordinance Sec. 2-131. - Created; organization.

(e) At the first meeting of the enforcement board, the members shall elect a chairperson and a vice-chairperson. The chairperson and vice-chairperson shall serve a one year term, but may be re-elected for additional terms at the discretion of the enforcement board. The chairperson shall preside [at] all meetings and shall direct the business affairs of the enforcement board, subject to the directions of the enforcement board. The vice-chairperson shall act in the absence of the chairperson in the conduct of meetings or otherwise and shall perform such duties as may be delegated to him/her by the chairperson from time to time. In acting in the chairperson's absence, the vice-chairperson shall have all the powers of and be subject to all restrictions upon, the chairperson. The election of the chairperson and vice-chairperson shall occur during the month of the one year anniversary of the enforcement board's first meeting and each subsequent yearly anniversary thereafter.

Background:

The annual election of the Code Enforcement Board Chair and Vice-Chair occurs in April of each calendar year.

The current members of the Code Enforcement Board need to elect members to serve as the Chair and Vice-Chair for the next 12 months. Any current member of the Code Enforcement Board is eligible to serve as the Chair or Vice-Chair.

The current Chair is Joy Allen. The current Vice-Chair is Kathy Davis. Both may serve additional terms.

The Board Members need to nominate a member to serve as the Chair and Vice Chair for the next 12 months and vote on each nomination.

Staff

None.

Recommendation:



City of Bunnell, Florida

Agenda Item No. 5.

ATTACHMENTS:

Description

Proposed Minutes

Type

Minutes

CODE ENFORCEMENT

BOARD



Crossroads of Flagler County

BOARD MEMBERS

JOY ALLEN
KATHRYN DAVIS
DELORIES HALL
KENNETH GORDON
VICKIE TURNER

CODE ENFORCEMENT BOARD MINUTES

Wednesday, February 8, 2017 at 7:00 PM

Bunnell City Complex

201 W. Moody Blvd., Chambers Meeting Room, Bunnell, FL 32110

1. Call Meeting to Order and Pledge Allegiance to the Flag.

Joy Allen, Chair, called the meeting to order and led the Pledge of Allegiance.

2. Roll Call and determination of Quorum.

Present: Joy Allen, Chair; Kathryn Davis, Co-Chair; Kenneth Gordon; Attorney Charles Cino (non-voting); Ron Bolser (non-voting); Kristen Bates (non-voting); Yvonne Bolton (non-voting)

Excused:

Absent: Delories Hall; Vickie Turner

3. Disclosure of Ex-Parte communications.

None.

Approval of Minutes:

4. 2016 12 14 Code Enforcement Board minutes

Motion: Approve the December 14, 2016 Code Enforcement Board Hearing minutes.

Moved by: Kenneth Gordon

Seconded by: Kathryn Davis

Vote: Motion carried by unanimous vote.

5. Swearing in of witnesses.

Board Attorney, Charlie Cino, swore in the following witnesses:

Ron Bolser, Code Enforcement Officer

Kristen Bates, Acting Community Development Director

Mary Alexander, Case # 16-054

Todd McCoy, Case #16-056

Old Business:

6. Case Number 16-054 City of Bunnell vs. Mary L. Alexander Trustee

This case was presented by Acting Community Development Director Kristen Bates. This case was heard at the December 14, 2016 Code Enforcement Board Hearing. Officer Tulley from the Bunnell Police Department and the respondent provided testimony. The Code Enforcement Board voted to continue to the case to the next scheduled meeting. It is not possible for the owner of the property to come into compliance as the violation is a

special event that had already occurred without any type of permit from the City. Staff recommended finding the property was non-complaint, impose a \$100.00 one-time fine, which is the cost of the time the Bunnell Police Department spent responding to this event, and close the case.

The was discussion by the Board about the information given to the respondent at the December 14th meeting regarding whether to impose a fine or not.

Motion: Find the respondent non-compliant and close the case.

Moved by: Kathryn Davis

Seconded by: Kenneth Gordon

Vote: Motion carried by unanimous vote.

New Business:

7. Case Number 16-056 City of Bunnell vs. Todd & Edith McCoy

This case was introduced by Acting Community Development Director Kristen Bates. This is a repeat violation for this property. Code Enforcement Officer, Ron Bolser, also provided information on the property. There has been improvement on the property since the case was opened, but the property is not in compliance at this time. Respondent, Todd McCoy, provided testimony. He reported some of the workers from his fencing business live at this location. They do work on the weekends and much of the debris is from these other jobs they do. He reported he can take the necessary steps to bring the property into compliance.

The Board asked for information on the prior cases and staff explained the nature of those cases. The Board also explained to the respondent, as the property owner, he is responsible for the actions of his tenant.

Motion: Find the Respondent Non-compliant and continue the case until the next code board meeting in April.

Moved by: Kathryn Davis

Seconded by: Kenneth Gordon

Vote: Motion carried by unanimous vote.

8. Announcements:

None

9. Next Scheduled Meeting: April 12, 2017

10. Adjournment of Code Enforcement Board

Motion: Adjourn the meeting.

Moved by: Kenneth Gordon

Seconded by: Kathryn Davis

Vote: Motion carried by unanimous vote.

Board Chair

Acting Community Development
Director



City of Bunnell, Florida

Agenda Item No. 7.

Document Date: 3/7/2017 Code Enforcement Case Number: 16-056
Department: Community Development
Subject: Case Number 16-056 City of Bunnell vs. Todd & Edith McCoy
Address: 103 Deen Rd.
Zoning: R-1, Single Family District
Agenda Section: Old Business:

ATTACHMENTS:

Description	Type
Affidavit	Exhibit
Pictures Taken 3/31/17	Exhibit

Code Excepts: ***Bunnell Code of Ordinance Sec. 70-1. - Removal of certain plants, weeds, trash and litter; duty of owner; service of notice.***
It shall be the duty of every owner of land lying within the limits of the city to clear and destroy all weeds, palmetto, shrubbery, trash and other litter that may be on such land. If any owner of land within the city shall fail to do so, the city shall give notice personally where possible, or by certified mail return receipt in accordance with F.S. ch. 162 to such owner requiring him to comply with the requirements of this section, or such number of the requirements as may be necessary and appropriate in the particular case, within 30 days from the service of the notice. In the event the requirements of this section are not met within the 30-day period after service of the notice, the case will be referred to the code enforcement board for adjudication.

Background: This case was opened December 20, 2016. This is a repeat violation for this property.

The prior case for the same code violation was Case Number 16-031. This case was never brought before the Code Enforcement Board, but was monitored by the Code Enforcement Officer for 5 months before it was closed for compliance on July 11, 2016. This property also had similar violations for storing junk and debris in Case Number 15-028; however, a different section of the code of ordinance was cited in that case. Case Number 15-028 was brought before the Code Enforcement Board two times. The property was found non-compliant, but no fine was ever imposed. The Code Enforcement Board found the property to be compliant and closed that case on June 10, 2015.

The Notice of Violation (NOV) was sent to the property owner as identified on the Flagler County Property Appraiser website on December 29, 2016.

This case was heard at the February 8, 2017 Code Enforcement Board meeting. At

this meeting, there was discussion about previous code enforcement cases for this property. The respondent testified employees of his fencing company live on this property and occasionally they do fence work on the weekends which is the reason for the debris onsite. He reported the property would be cleaned up. The Code Enforcement Board found the property non-compliant and continued the case to the next meeting.

Staff has visited this property a number of times since the February 8, 2017 Code Board Meeting. There been no improvement on the property and most days it appears more debris is being stored on the property.

The Notice to Appear (NTA) for the April 12, 2017 Code Enforcement Board meeting was sent on March 7, 2017.

The property was posted for the April 12, 2017 Code Enforcement Board meeting on March 31, 2017. Within 15 minutes of posting the property, the tenants, employees or owner of the property had removed the posting notice and the stake the notice was attached to.

There are no delinquent property taxes due for this property.

Staff

Recommendation:

As this is a repeat violation for this property, find the property continues to be Non-Compliant and impose a fine of \$500.00 per day until the property is brought into compliance.

INCIDENT #: 2545

ORIG. DATE: 12/29/2016

INCIDENT CODE: CE-TRASH & DEBRIS

PROPERTY: 103 DEEN RD

NOTES

Incident Notes:

16-056
Violation: CoO Sec. 70-1. Removal of certain plants, weeds, trash and
litter; duty of owner; service of notice.

REPEAT VIOLATION: Prior case for same code violation #16-031 Closed

7/11/16

Owner: Todd & Edith E Lynn McCoy

NOV:12/29/2016

NTA:1/10/2017 CB Hearing:2/8/2017 Outcome: Con't

NTA:3/7/17 CB Hearing:4/12/2017 Outcome:

Task #: 4319 - VERIFY COMPLAINT - 12/29/2016

12/29/2016: Site visit showed large piles of litter and debris on the
property. Based on the debris and company trucks parked on the property,
the debris may be from the property owner's fencing company. Violation
exists.

Note: It cannot be determined if a business is operating here. There is
no active BTR at this location, but this is not being cited in this code
case.

Task #: 4320 - 01-NOTICE OF VIOL - 1/10/2017

12/29/2016: The Notice of Violation (NOV) was sent to the owner of the
property as identified on the property appraiser website by certified mail
return receipt #7014 2120 0004 5714 2840.

1/9/2017: The NOV was signed by Edith McCoy and the certified mail return
receipt was returned to the City.

Task #: 4321 - 02-NOTICE TO APPEAR - 1/10/2017

1/10/2017: The Notice to Appear (NTA) for the February 8, 2017 Code
Enforcement Board meeting was sent to the owner of the property as
identified on the property appraiser website by certified mail return
receipt #7013 3020 0001 2839 4362.

Task #: 4337 - REINSPECTION - 1/10/2017

1/10/17: There has been little to no change in the condition of the
property. This is a repeat violation for the same issue. Case will be
placed on the next scheduled Code Enforcement Board meeting (2/8/17).
Violations still exist on the property.

Task #: 4356 - CODE BOARD ACTION - 2/08/2017

2/8/17: The Code Enforcement Board heard this case. Acting Community
Development Director- Kristen Bates, Code Enforcement Officer- Ron Bolser,
and Todd McCoy- respondent, provided testimony. This is a repeat
violation for this property. The last case was closed in July 2016. Some

NOTES

improvement has been made on the property, but it is not in compliance at this time. The Code Board voted to find the property in Non-Compliance and continue the case to the next scheduled meeting date and defer imposing a fine to that date.

2/9/17: A copy of the Order of Non-Compliance issued at the 2/8/17 Code Enforcement Board Meeting was mailed to the respondent via first class mail

Task #: 4373 - ONSITE VISIT - 1/27/2017

1/27/17: Property posted for the February 8, 2017 Code Enforcement Board meeting.

Task #: 4486 - CODE BOARD ACTION - 4/12/2017

Task #: 4535 - 02-NOTICE TO APPEAR - 3/07/2017

3/7/17: Notice to Appear (NTA) for the April 12, 2017 Code Enforcement Board meeting was sent to the property owner as identified on the Flagler County Property Appraiser website via certified mail return receipt #7014 2120 0004 5714 3519.

3/17/17: The certified mail receipt for the NTA was returned to the City signed by Todd McCoy.

Task #: 4582 - ONSITE VISIT - 3/23/2017

3/23/17: Code Enforcement Officer, Ron Bolser, went to the property. There is still a pile of mulch or yard waste on the rear of the property.

The junk/damaged truck also remains on the property. A new pile of fencing supplies or debris is on the back of the property (left side). Pallets or wood are leaning against a tree on the right side of the property. In addition, it appears that un-permitted work is being done on the property. The siding on a portion of the house has been removed & the building, including windows have been covered with black material. Will contact Building Official regarding this work. Property still is not in compliance.

Task #: 4635 - ONSITE VISIT - 3/31/2017

3/31/17: The property was posted for the April 12, 2017 Code Enforcement Board meeting on March 31, 2017. Updated pictures were taken of the property at the same time. Along the back property line are the following items: a pile of mulch (has been present at all other visits); a damaged truck, a pile of white fencing and black fencing. Along the side property line are piles of pallets or wood fencing and other unknown materials.

Within 15 minutes of posting the property, the tenants, employees or owner of the property had removed the posting notice and the stake the notice was attached to.

3/31/2017

Signed: Kristen Bates

Acting Community Development Director





03/31/2017



03/31/2017



City of Bunnell, Florida

Agenda Item No. 8.

Document Date: 3/11/2017 Code Enforcement Case Number: 16-053
Department: Community Development
Subject: Case Number 16-053 City of Bunnell vs. Patricia Harris
Address: 503 S. Cherry St.
Zoning: R-2, Multi-Family Residential zoning district
Agenda Section: New Business:

ATTACHMENTS:

Description	Type
Affidavit	Exhibit
3/31/17 Pictures	Exhibit

Code Excepts: ***Code of Ordinance Sec. 26-56. Storing, parking or leaving dismantled or other such motor vehicle or boat prohibited and declared nuisance; exceptions.***
It shall be unlawful for any person to park, store, leave, or permit the parking, storing or leaving, of any motor vehicle or boat of any kind which is abandoned, wrecked, dismantled, inoperative, rusted, junked or partially dismantled, whether attended or not, upon any private property within the city for a period of time in excess of 72 hours. The presence of an abandoned, wrecked, dismantled, inoperative, rusted, junked or partially dismantled vehicle or boat, or parts thereof, on private property is hereby declared a public nuisance which may be abated as such in accordance with the provisions of this division. This section shall not apply to any vehicle or boat stored within a roofed building on private property or to any vehicle or boat held in connection with a business enterprise, lawfully licensed by the city and properly operated in the appropriate business zone, pursuant to the zoning laws of the city, or to any motor vehicle or boat retained by the owner for antique repair and restoration as long as such motor vehicle or boat is covered by a suitable tarpaulin. However, any junked motor vehicle or boat which is located on business property, and Properly zoned and licensed for such business, shall not hold such property where the general public can view the property from any public street within the city.

Background: This case was opened October 19, 2016.

The Notice of Violation (NOV) was sent to the property owner as identified on the Flagler County Property Appraiser website on October 19, 2016.

Since October 19, 2016 a number of site visits have been conducted. There has been no change in the state of the property. As of the writing of this report, there were at least 4 vehicles which meet the City's definition of a junk vehicle being stored on the

property.

The Notice to Appear (NTA) for the April 12, 2017 Code Enforcement Board meeting was sent on March 10, 2017.

The property was posted for the April 12, 2017 Code Board meeting on March 31, 2017. At the visit, several junk vehicles were seen and pictured on the property.

The assessed value of this property is less than the homestead exemption applied to this property. As a result, no property taxes are charged on this property.

Staff

Recommendation:

Find the property Non-Compliant and fine the property \$25.00 per day until it is brought into compliance.

3-1-2017 02:49 PM
INCIDENT #: 2475
INCIDENT CODE: CE-JUNK VEHICLE
PROPERTY: 503 CHERRY ST S

INCIDENT NOTES REPORT

PAGE: 1
ORIG. DATE: 10/19/2016

NOTES

Incident Notes:

16-053
Violations COO Sec 26-51 Definitions junked motor vehicle. AND Sec 26-56
Storing, parking, or leaving dismantled or other such motor vehicle or
boat prohibited and declared nuisance; exceptions.
Owner: Harris Patricia London
NOV: 10/18/2016
NTA: CB Hearing: Outcome:
Closed:

Task #: 4229 - VERIFY COMPLAINT - 10/19/2016

10/18/2016 Onsite visit completed. There were several junk vehicles on
the property.

Task #: 4230 - 01-NOTICE OF VIOL - 10/19/2016

10/19/2016 NOV sent to the property owner as identified on the Flagler
County Property Appraiser website via certified mail return receipt# 7014
2120 0004 5714 2925

Task #: 4313 - REINSPECTION - 3/10/2017

3/10/17: Code Enforcement Officer, Ron Bolser, went to the property.
There are still junk/untagged vehicles stored on the property- 2 trucks, a
dark blue minivan and a gold Nissan. There is an old light blue car
parked on the property, but the back of the vehicle is against the house.
It is not known if that vehicle has a current tag. Case referred to the
Code Board.

Task #: 4549 - CODE BOARD ACTION - 4/10/2017

Task #: 4550 - 02-NOTICE TO APPEAR - 3/10/2017

3/10/17: Notice to Appear (NTA) for the April 12, 2107 Code Enforcement
Board meeting was sent to the property owner as identified on the Property
Appraiser website via certified mail return receipt #7014 2120 0004 5714
3557.

Task #: 4636 - ONSITE VISIT - 3/31/2017

3/31/17: The property was posted for the April 12, 2017 Code Board
meeting. At the visit, several junk vehicles were seen and pictured on
the property.

3/31/17

Signed: Kristen Bates

Acting Community Development Director







City of Bunnell, Florida

Agenda Item No. 9.

Document Date: 3/11/2017 Code Enforcement Case Number: 17-008

Department: Community Development

Subject: Case Number 17-008 City of Bunnell vs. Bank of America Corporate

Address: 300 E. Moody Blvd.

Zoning: B-2, Business zoning district

Agenda Section: New Business:

ATTACHMENTS:

Description	Type
Affidavit	Exhibit
3/31/17 Screen Shot from Tax Collector website	Exhibit

Code Excepts: ***Code of Ordinance Sec. 58-39. Business tax receipts; dates due and delinquent, notices; penalties.***

(a) All business tax receipts for businesses located in the city shall be sold by the city beginning August 1 of each year, are due and payable on or before September 30 of each year, and expire on September 30 of the succeeding year. If September 30 falls on a weekend or holiday, the tax is due and payable on or before the first working day following September 30. The amount of tax levied shall be on an annual basis. Half-year rates shall be in effect between April 1st, and September 30th of each year. Receipts that are not renewed when due and payable are delinquent and subject to a delinquency penalty of ten percent for the month of October, plus an additional five percent penalty for each subsequent month of delinquency until paid. However, the total delinquency penalty may not exceed 25 percent of the business tax for the delinquent establishment. The city shall not be required to send notices to receipt holders with respect to the payment or nonpayment of business taxes and it shall be no defense of nonpayment of any business tax that the receipt holder did not receive any notice or invoice stating the business tax was due. Every receipt issued shall be posted in a conspicuous place in the place of business for which it is issued.

(c) Any person who engages in any business, occupation, or profession covered by this chapter, who does not pay the required business tax within 150 days after the initial notice of tax due, and who does not obtain the required receipt is subject to civil actions and penalties, including court costs, reasonable attorneys' fees, additional administrative costs incurred as a result of collection efforts, and a penalty of up to \$250.00.

Background: This case was opened January 27, 2017. This is a repeat violation for this property/business.

The previous cases for the same violation were Case Number 13-038 and Case Number 15-009. Case Number 13-038 was closed on April 18, 2013 after the Notice of Violation was sent to the respondent and the BTR renewal fees were paid. Case Number 15-009 was closed on February 18, 2015 after the Notice to Appear was sent to the respondent and the BTR renewal fees were paid. Neither case made it before the Code Enforcement Board.

The City partners with the Flagler County Tax Collector Office for all business tax receipt (BTR) renewals. The Flagler County Tax Collector Office sent out renewal reminders in mid-July 2016. Bunnell Code does not require the City to send renewal notices or to continue to make efforts to remind the business of the fees if the fees are not paid by October 1.

From the Bunnell Code of Ordinance:

Sec. 58-39(a)(3) *The city shall not be required to send notices to receipt holders with respect to the payment or nonpayment of business taxes and it shall be no defense of nonpayment of any business tax that the receipt holder did not receive any notice or invoice stating the business tax was due.*

Since October 1, 2016, the Code Enforcement Officer and Acting Community Development Director have made attempts to remind the business of the delinquent BTR through telephone calls and on-site visits.

The Notice of Violation (NOV) was sent to the property owner as identified on the Flagler County Property Appraiser website on January 27, 2017. The certified mail receipt for the NOV was returned to the City on February 7, 2017 and was signed by Matthew Delph.

The Notice to Appear (NTA) for the April 12, 2017 Code Enforcement Board meeting was sent on March 7, 2017.

On March 20, 2017, the local bank manager contacted the City. He asked if the fees were paid would someone from the bank still need to attend the hearing. Staff advised "no, not if the fees were paid." He stated they would be paid within a week.

The property was posted for the April 12, 2017 Code Enforcement Board meeting on March 31, 2017.

There are no delinquent property taxes due for this property.

Staff
Recommendation:

Find the property Non-Compliant and impose a one-time fine of \$290.00. This includes the \$250.00 fine permitted by Code and \$40.00 in administrative costs incurred by the City for this case.

1-2017 03:08 PM
INCIDENT #: 2578
INCIDENT CODE: CE- BTR RENEWAL
PROPERTY: 300 MOODY BLVD E

INCIDENT NOTES REPORT

PAGE: 1
ORIG. DATE: 1/27/2017

NOTES

Incident Notes:

17-008
Violation: CoO Sec. 58-39. - Business tax receipts; dates due and delinquent, notices; penalties.
Owner: Bank of America
NOV: 1/27/17
NTA: CB Hearing: Outcome:

Task #: 4377 - VERIFY COMPLAINT - 1/27/2017

1/27/17: Staff checked Bunnell BTR system records and Flagler County Tax Collector BTR on-line records. The BTR renewal fee for FY 16/17 for City of Bunnell BTR Account 0264 (Flagler County Account 7389) for Bank of America still has not been paid. The Flagler County Tax Collector's office sent out renewal notices in July 2016. The BTR is now delinquent. Code Enforcement case opened.

Task #: 4378 - 01-NOTICE OF VIOL - 1/27/2017

1/27/17: The Notice of Violation (NOV) was sent to the property owner as identified on the Flagler County Property Appraiser website via certified mail return receipt #7014 2120 0004 5714 0471.
2/07/2017: Certified Mail Receipt returned to the City signed by Gregory Matthew Delph.

Task #: 4379 - REINSPECTION - 3/07/2017

3/7/17: Staff checked the Flagler Tax Collector website. The BTR renewal fees still have not been paid. Case will be set on the next Code Board agenda.

Task #: 4536 - REINSPECTION - 3/07/2017

Placed on April 12, 2017 Code Enforcement Board agenda.

Task #: 4537 - 02-NOTICE TO APPEAR - 3/07/2017

3/7/17: Notice to Appear (NTA) sent to the property owner as identified on the Flagler County Property Appraiser website via certified mail return receipt #7014 2120 0004 5714 3526.
3/17/17: The certified mail receipt for the NTA was returned to the City signed by Lavoris Little.

Task #: 4538 - CODE BOARD ACTION - 3/07/2017

Task #: 4629 - NOTES - 3/30/2017

3/30/17: Staff checked the Flagler County Tax Collector webiste. This

INCIDENT #: 2578

ORIG. DATE: 1/27/2017

INCIDENT CODE: CE- BTR RENEWAL

PROPERTY: 300 MOODY BLVD E

NOTES

BTR still has not been renewed.

Task #: 4637 - NOTES - 3/31/2017

3/31/17 1:00 PM: Prior to posting the property, staff checked the Flagler County Tax Collector website. This BTR still has not been renewed. The property was posted for the April 12, 2017 Code Enforcement Board meeting.

The webiste was checked again at 2:59 PM. No change in the BTR status.

Task #: 4638 - NOTES - 3/31/2017

3/20/17: The local bank manager contacted the City. He asked if the fees were paid would someone from the bank still need to attend the hearing. Staff advised "no, not if the fees were paid." Also advised the fees could be paid on-line or in person at a Flagler County Tax Collector office location. He stated the BTR renewal fees would be paid within a week.

3/31/17***Signed: Kristen Bates******Acting Community Development Director***

Suzanne Johnston Flagler County Tax Collector

Business Tax Information

Last Update: 3/31/2017 2:59:11 PM EDT

Business Tax Information

Account Number	New Business Date	License Year														
7389	5/1/1983	2016														
<table><tr><td>Business Address BANK OF AMERICA NA #0001720 303 E MOODY BLVD BUNNELL FL 32110</td><td>Mailing Address BANK OF AMERICA 303 E MOODY BLVD BUNNELL FL 32110</td></tr><tr><td>Units 0</td><td>Status **ACTIVE**</td></tr><tr><td colspan="2">Occupation BANK & FINANCIAL INSTITUTE CITY OF BUNNELL @ \$217.00 CITY OF BUNNELL FIRE INSP @ \$60.00</td></tr><tr><td colspan="2"><table border="1"><tr><td>Business Tax</td><td>\$150.00</td></tr><tr><td>Penalty Fee</td><td>\$37.50</td></tr><tr><td>Other Fee</td><td>\$331.25</td></tr></table></td></tr></table>			Business Address BANK OF AMERICA NA #0001720 303 E MOODY BLVD BUNNELL FL 32110	Mailing Address BANK OF AMERICA 303 E MOODY BLVD BUNNELL FL 32110	Units 0	Status **ACTIVE**	Occupation BANK & FINANCIAL INSTITUTE CITY OF BUNNELL @ \$217.00 CITY OF BUNNELL FIRE INSP @ \$60.00		<table border="1"><tr><td>Business Tax</td><td>\$150.00</td></tr><tr><td>Penalty Fee</td><td>\$37.50</td></tr><tr><td>Other Fee</td><td>\$331.25</td></tr></table>		Business Tax	\$150.00	Penalty Fee	\$37.50	Other Fee	\$331.25
Business Address BANK OF AMERICA NA #0001720 303 E MOODY BLVD BUNNELL FL 32110	Mailing Address BANK OF AMERICA 303 E MOODY BLVD BUNNELL FL 32110															
Units 0	Status **ACTIVE**															
Occupation BANK & FINANCIAL INSTITUTE CITY OF BUNNELL @ \$217.00 CITY OF BUNNELL FIRE INSP @ \$60.00																
<table border="1"><tr><td>Business Tax</td><td>\$150.00</td></tr><tr><td>Penalty Fee</td><td>\$37.50</td></tr><tr><td>Other Fee</td><td>\$331.25</td></tr></table>		Business Tax	\$150.00	Penalty Fee	\$37.50	Other Fee	\$331.25									
Business Tax	\$150.00															
Penalty Fee	\$37.50															
Other Fee	\$331.25															
If Paid By		Amount Due														
3/31/2017		\$518.75														

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City of Bunnell, Florida

Agenda Item No. 10.

Document Date: 3/13/2017 Code Enforcement Case Number: 17-027

Department: Community Development

Subject: Case Number 17-027 City of Bunnell vs. Michael and Debra Blackburn

Address: 409 Ninth St. #14

Zoning: L-1, Light Industrial

Agenda Section: New Business:

ATTACHMENTS:

Description	Type
Affidavit	Exhibit
3/31/17 Screen Shot from Tax Collector website	Exhibit

Code Excepts: ***Code of Ordinances Sec. 58-39. - Business tax receipts; dates due and delinquent, notices; penalties.***

(a) All business tax receipts for businesses located in the city shall be sold by the city beginning August 1 of each year, are due and payable on or before September 30 of each year, and expire on September 30 of the succeeding year. If September 30 falls on a weekend or holiday, the tax is due and payable on or before the first working day following September 30. The amount of tax levied shall be on an annual basis. Half-year rates shall be in effect between April 1st, and September 30th of each year. Receipts that are not renewed when due and payable are delinquent and subject to a delinquency penalty of ten percent for the month of October, plus an additional five percent penalty for each subsequent month of delinquency until paid. However, the total delinquency penalty may not exceed 25 percent of the business tax for the delinquent establishment. The city shall not be required to send notices to receipt holders with respect to the payment or nonpayment of business taxes and it shall be no defense of nonpayment of any business tax that the receipt holder did not receive any notice or invoice stating the business tax was due. Every receipt issued shall be posted in a conspicuous place in the place of business for which it is issued.

(c) Any person who engages in any business, occupation, or profession covered by this chapter, who does not pay the required business tax within 150 days after the initial notice of tax due, and who does not obtain the required receipt is subject to civil actions and penalties, including court costs, reasonable attorneys' fees, additional administrative costs incurred as a result of collection efforts, and a penalty of up to \$250.00.

Background: This case was opened February 2, 2017. This case is for City BTR# 4906 Recycle.

The City partners with the Flagler County Tax Collector Office for all business tax

receipt (BTR) renewals. The Flagler County Tax Collector Office sent out renewal reminders in mid-July 2016. Bunnell Code does not require the City to send renewal notices or to continue to make efforts to remind the business of the fees if the fees are not paid by October 1.

From the Bunnell Code of Ordinance:

Sec. 58-39(a)(3) *The city shall not be required to send notices to receipt holders with respect to the payment or nonpayment of business taxes and it shall be no defense of nonpayment of any business tax that the receipt holder did not receive any notice or invoice stating the business tax was due.*

Since October 1, 2016, the Code Enforcement Officer has made various attempts to remind the business of the delinquent BTR through on-site visits. Additionally, the other BTR owned by the respondent and operating at this same location was renewed on September 23, 2016.

The Notice of Violation (NOV) was sent to the property owner as identified on the Flagler County Property Appraiser website on February 2, 2017. The certified mail receipt was returned to the City on February 13, 2017 signed by Debra Blackburn.

The Notice to Appear (NTA) for the April 12, 2017 Code Enforcement Board meeting was sent on March 7, 2017. The certified mail receipt for the NTA was returned to the City on March 13, 2017.

The property was posted for the April 12, 2017 Code Enforcement Board meeting on March 31, 2017.

There are no delinquent property taxes due for this property.

Staff
Recommendation:

Find the property Non-Compliant and impose a one-time fine of \$290.00. This includes the \$250.00 fine permitted by Code and \$40.00 in administrative costs incurred by the City for this case.

NOTES

Incident Notes:

17-027
Violation: CoO Sec. 58-39. - Business tax receipts; dates due and delinquent, notices; penalties.
Owner: Michael & Debra Blackburn (Recycle #4906 owner Michael Blackburn)
NOV: 2/2/17
NTA: CB Hearing: Outcome:
Closed:

Task #: 4440 - VERIFY COMPLAINT - 2/02/2017

1/28/17: Staff checked Bunnell BTR system records and Flagler County Tax Collector BTR on-line records. The BTR renewal fee for FY 16/17 for City of Bunnell BTR Account #4906 for Recycle still has not been paid. The Flagler County Tax Collector's office sent out renewal notices in July 2016. The BTR is now delinquent. Code Enforcement case opened.

Task #: 4441 - 01-NOTICE OF VIOL - 2/02/2017

2/2/17: The Notice of Violation (NOV) was sent to the property owner as identified on the Flagler County Property Appraiser website via certified mail return receipt #7014 2120 0004 5714 3366. The property owner is also the business owner.
2/13/17: Certified mail receipt was returned to the City signed by Debra Blackburn.

Task #: 4442 - REINSPECTION - 3/07/2017

3/7/17: Staff checked the Flagler County Tax Collector website. The BTR renewal fees have not been paid and the City has not received any contact from the business owner regarding the status of this business. Case referred to the Code Enforcement Board.

Task #: 4539 - CODE BOARD ACTION - 3/07/2017

Task #: 4540 - 02-NOTICE TO APPEAR - 3/07/2017

3/7/17: Notice to Appear (NTA) for the April 12, 2017 Code Enforcement Board meeting was sent to the property owner as identified on the Flagler County Property Appraiser website via certified mail return receipt #7014 2120 0004 5714 3533.
3/13/17: Certified mail receipt for the NTA was returned to the City signed by D. Clutter.

Task #: 4630 - NOTES - 3/30/2017

3/30/17: Staff checked the Flagler County Tax Collector website. This BTR still has not been renewed.

3/31/17:

***Kristen Bates, Acting Community
Development Director***

Suzanne Johnston

Flagler County Tax Collector

Business Tax Information

Last Update: 3/31/2017 4:19:08 PM EDT

Business Tax Information

Account Number	New Business Date	License Year														
10196	8/4/2014	2016														
<table><tr><td>Business Address RECYCLE 409 N 9TH ST UNIT 14 BUNNELL FL 32110</td><td>Mailing Address BLACKBURN MICHAEL 409 N 9TH ST 14 BUNNELL FL 32110</td></tr><tr><td>Units 1</td><td>Status **ACTIVE**</td></tr><tr><td colspan="2">Occupation SECOND HAND DEALER CITY OF BUNNELL @ \$93.00</td></tr><tr><td colspan="2"><table border="1"><tr><td>Business Tax</td><td>\$75.00</td></tr><tr><td>Penalty Fee</td><td>\$18.75</td></tr><tr><td>Other Fee</td><td>\$116.25</td></tr></table></td></tr></table>			Business Address RECYCLE 409 N 9TH ST UNIT 14 BUNNELL FL 32110	Mailing Address BLACKBURN MICHAEL 409 N 9TH ST 14 BUNNELL FL 32110	Units 1	Status **ACTIVE**	Occupation SECOND HAND DEALER CITY OF BUNNELL @ \$93.00		<table border="1"><tr><td>Business Tax</td><td>\$75.00</td></tr><tr><td>Penalty Fee</td><td>\$18.75</td></tr><tr><td>Other Fee</td><td>\$116.25</td></tr></table>		Business Tax	\$75.00	Penalty Fee	\$18.75	Other Fee	\$116.25
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Units 1	Status **ACTIVE**															
Occupation SECOND HAND DEALER CITY OF BUNNELL @ \$93.00																
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Business Tax	\$75.00															
Penalty Fee	\$18.75															
Other Fee	\$116.25															
If Paid By		Amount Due														
3/31/2017		\$210.00														

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By paying this tax I certify that this business/profession is currently in compliance with all licensing and regulatory requirements of Florida, Flagler County and any applicable city.



City of Bunnell, Florida

Agenda Item No. 11.

Document Date: 3/13/2017 Code Enforcement Case Number: 17-030
Department: Community Development
Subject: Case Number 17-030 City of Bunnell vs. Darin and Jill Pond
Address: 301 Deen Rd.
Zoning: R-a, Single Family Residential
Agenda Section: New Business:

ATTACHMENTS:

Description	Type
Affidavit	Exhibit
3/31/17 Pictures	Cover Memo

Code Excepts: ***Code of Ordinance Sec. 26-108. - Dangerous buildings.***
(a) Definition. All structures which have any or all of the following conditions, such that the life, health, property or safety of the occupants or the general public are endangered, are deemed dangerous buildings:

(5) Any exterior appendage or portion of the structure is not securely fastened, attached or anchored such that it is capable of resisting wind, seismic or similar loads as required by the provisions of the building code, standard fire prevention code or other laws and ordinances of the city.

(6) For any reason, the building, structure or portion thereof is manifestly unsafe or unsanitary for the purpose for which it is being used.

Code of Ordinance Sec. 70-1. - Removal of certain plants, weeds, trash and litter; duty of owner; service of notice.

It shall be the duty of every owner of land lying within the limits of the city to clear and destroy all weeds, palmetto, shrubbery, trash and other litter that may be on such land. If any owner of land within the city shall fail to do so, the city shall give notice personally where possible, or by certified mail return receipt in accordance with F.S. ch. 162 to such owner requiring him to comply with the requirements of this section, or such number of the requirements as may be necessary and appropriate in the particular case, within 30 days from the service of the notice.

In the event the requirements of this section are not met within the 30-day period after service of the notice, the case will be referred to the code enforcement board for adjudication.

Background: This case was opened February 3, 2017. The City had received several calls regarding the condition of the property since December.

A site visit on February 2, 2017 showed there were a number of violations on the

property:

1. There was missing siding from the house. Some of the sections of siding were still hanging off the building, creating a wind hazard.
2. There was vegetation growing out of the overhang creating another hazard as the weight of the vegetation could cause the metal to disconnect from the house.
3. The pool water had turned green which creates a health hazard for adjacent properties.

The Notice of Violation (NOV) was sent to the property owner as identified on the Flagler County Property Appraiser website on February 3, 2017. On February 15, 2017, the NOV was returned to the City as "undeliverable."

The Notice to Appear (NTA) for the April 12, 2017 Code Enforcement Board meeting was sent on March 7, 2017.

The property was posted for the April 12, 2017 Code Enforcement Board meeting on March 31, 2017. During the posting of this property, the next door neighbor approached staff to express his concern about the condition of the house and the pool.

There are no delinquent property taxes due for this property. The last property tax payment was made on November 22, 2016. The City has used the same mailing address listed in the Property Appraiser and Tax Collector records.

Staff

Recommendation:

Find the property Non-Compliant and impose a fine of \$50.00 per day until the property is brought into compliance.

1-2017 04:06 PM
INCIDENT #: 2604
INCIDENT CODE: CE-DANGEROUS BLDG
PROPERTY: 301 DEEN RD

INCIDENT NOTES REPORT

PAGE: 1
ORIG. DATE: 2/03/2017

NOTES

Incident Notes:

17-030
Violations: CoO Sec. 26-108. - Dangerous buildings. AND Sec. 70-1. -
Removal of certain plants, weeds, trash and litter; duty of owner; service
of notice.
Owner: Darin & Jill Pond
NOV: 2/3/17
NTA: CB Hearing: Outcome:
Closed:

Task #: 4450 - VERIFY COMPLAINT - 2/02/2017

2/2/17: Code Enforcement Officer, Ron Bolser, went to the property.
Siding is falling off or missing from the house. There is
vegetation/weeds growing from the gutters and hanging over a foot down
from them. The pool water is green/filled with algae and creating a
health hazard for surrounding properties. Code violations exist. Code
case opened.

Task #: 4451 - 01-NOTICE OF VIOL - 2/03/2017

2/3/17: Notice of Violation (NOV) sent to the property owner as
identified on the Flagler County Property Appraiser website via certified
mail return receipt #7014 2120 0004 5714 3397.
2/15/17: The NOV was returned to the City "Return to Sender; Attempted-
Not Known; Unable to Forward." Staff checked the Property Appraiser
website again for address information. No new address information was
listed or available. There are no delinquent taxes on the property. The
last property tax payment was made in November 2016 and the address listed
on the tax bill is the same used for the NOV.

Task #: 4452 - REINSPECTION - 3/07/2017

3/7/17: There has been no improvement in the status of this property.
Case referred to the Code Enforcement Board.

Task #: 4541 - 02-NOTICE TO APPEAR - 3/07/2017

3/7/17: Notice to Appear (NTA) for the April 12, 2107 Code Enforcement
Board meeting sent to the property owner as identified on the Flagler
County Property Appraiser website via certified mail return receipt #7014
2120 0004 5714 3540.
3/21/17: The NTA was returned to the City as "Not deliverable as
addressed, Unable to Forward." The City used the same mailing address for
the property owners as listed on the Flagler County Property Appraiser
website and on their tax notices.

Task #: 4542 - CODE BOARD ACTION - 4/12/2017

INCIDENT #: 2604

ORIG. DATE: 2/03/2017

INCIDENT CODE: CE-DANGEROUS BLDG

PROPERTY: 301 DEEN RD

NOTES

Task #: 4640 - ONSITE VISIT - 3/31/2017

3/31/17: The property was posted for the April 12, 2017 Code Enforcement Board meeting. Pictures were updated at the same time. There has been no change in the property since the case was opened.

While on site, the next door neighbor came over to ask if someone was finally going to do something about the hazards on the property. He was most concerned about the pool and the mosquitos it is drawing.

3/31/17

Signed: Kristen Bates

Acting Community Development Director













