AGENDA ITEM # 9A

MEMORANDUM

TOWN OF PONCE INLET – PLANNING & DEVELOPMENT DEPARTMENT

THE TOWN OF PONCE INLET STAFF SHALL BE PROFESSIONAL, CARING, AND FAIR IN DELIVERING COMMUNITY EXCELLENCE WHILE ENSURING PONCE INLET CITIZENS OBTAIN THE GREATEST VALUE FOR THEIR TAX DOLLAR.

TO: Code Enforcement Board

THROUGH: Drew Smith, Town Attorney

FROM: David Hooker, Code Enforcement Officer

DATE: February 3, 2016

DATE OF MEETING: February 22, 2016

Case Number: 42157

Address: 64 Aurora Avenue

Owner: Harold & Jacqueline Knopp

Alleged Violation:
Property maintenance issues relating to dwelling and lot;

International Property Maintenance Code – section 301.2 – Responsibility

Brief History:
October 20, 2015 during an routine inspections of the area, it was noticed that the outdoor air conditioning unit had been disabled. Thus a Notice of Violation was sent to the ownership, which was received on October 23, 2015.

Re-inspection was performed on December 9, 2015 and noticed that unit still was in disrepair. Subsequently, the Notice of Hearing was issued for the outstanding violation.

Case presented to this Board on January 25, 2016, which at that time you found the owners in non compliance and granted seven days (7) to correct the violations.

Recommendation:
The property to be found in non-compliance and assess fine in accordance with Florida statutes Chapter 162.09.

Footnote:
As a reminder, code enforcement cases are quasi-judicial and receipt of any information outside of the public meeting on a case is strongly discouraged. If a board member obtains any information outside the public hearing process, this information must be disclosed in detail by the board member prior to the presentation of the case and may not be considered by the board member when making any decision related to the case.

BEFORE THE CODE ENFORCEMENT BOARD
OF THE TOWN OF PONCE INLET, FLORIDA

TOWN OF PONCE INLET, FLORIDA,
A municipal corporation,

Petitioner,

vs. CASE NO.: 42157

HAROLD R. KNOPP and
JACQEULINE M. KNOPP,

Respondents/Owners.
_____/

FINDINGS OF FACT, CONCLUSION OF LAW, AND ORDER

This cause was heard on the 25th day of January, 2016 by the Code Enforcement Board of the Town of Ponce Inlet after due notice to Respondents and a public hearing, and the Code Enforcement Board, having heard testimony and argument thereon, and being otherwise duly advised in the premises, makes the following FINDINGS OF FACT:

1. The property which is the subject of this code enforcement action is located at 64 Aurora Avenue, Ponce Inlet, Florida with Volusia County Property Tax ID 6419-03-00-2060.

2. On October 20, 2015, the Code Enforcement Officer served Respondents with a Notice of Violation citing the Respondents with a violation of Section 301.2 of the International Property Maintenance Code due to the air conditioning unit not being kept in good working order.

3. The Code Enforcement Officer served Respondents with a Notice of Hearing.

4. Respondents failed to cure the cited violation within the time allowed in the Notice of Violation.

5. Based on the evidence and testimony received, Respondents are found to be in violation of Section 301.2 of the International Property Maintenance Code for failing to maintain the air conditioning system and its components in good working order.

BASED ON THE FOREGOING IT IS ORDERED AND ADJUDGED that:

6. Respondents shall cure the violation within seven days of the date of this Order. Failure to cure the violation as ordered herein may result in the imposition of fines up to $250.00 per day for each day Respondents remain in violation of this Order.

7. Any violation of the same Code section by the Respondents within five years of the date of this Order may be prosecuted as a repeat violation.

ORDERED at Ponce Inlet, Volusia County, Florida on this 3rd day of February, 2016.

Joseph Villanella, Chairperson
Code Enforcement Board

ATTEST:

Peg Hunt
Recording Secretary

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served upon the Respondents by U.S. Mail, First Class, the 3rd day of February 2016.

David Hooker