

**TOWN OF INTERLACHEN
CODES ENFORCEMENT SPECIAL MAGISTRATE
HEARING MINUTES
TUESDAY, FEBRUARY 4, 2025 - 9:00 A.M.**

CALL TO ORDER:

Magistrate Ronald Brown called the hearing to order at 9:01 am.

MAGISTRATE BRIEFING:

Magistrate Brown introduced himself and stated that he is a state certified attorney appointed by the Town of Interlachen to preside over today's proceedings. This is not a formal court of law, and these proceedings are created by State Statutes and Town code. We're not required to follow the formal rules of evidence or the formal rules of civil procedures you might find at the courthouse. We are required to follow rules of due process and fairness. Everyone will be heard. His job is to listen to the substantial and competent evidence presented and determine if there is an Ordinance violation.

SWEARING IN:

Magistrate Brown swore in Codes Enforcement Officer Town Clerk Joni Payne, and respondent Linda Diaz who attended via zoom.

CODES CASE #12223 – 106 Tropic Avenue.

Magistrate Brown stated that this is the third time that this case has come before him and is now before him for consideration of abatement or foreclosure. There has already been a finding of violation. He asked Mrs. Diaz why she had not attended any of the previous hearings after being duly notified. She stated that she lives 380 miles away and could not make it.

Magistrate Brown explained the code enforcement and hearing procedures to Mrs. Diaz and that a fine of twenty-five dollars a day has accrued since the November 12, 2024 hearing along with a lien on the property and still nothing has been done. Because of that the Town has asked to foreclose or abate the property.

Mrs. Diaz stated that she has a demolition permit and the house should be demolished next week.

Magistrate Brown stated that fines will still continue to accrue and only the Town Council can reduce those fines, and she will have to explain to them why it has taken her two years to get this done.

Codes Enforcement Officer Joni Payne proceeded with her presentation of the facts, which included her sworn statement and photos of all the notices that were posted, and photos of the property.

After the November 12, 2024 hearing she sent Mrs. Diaz a letter stating the Magistrate decision regarding fines and liens, which as of today total \$11,750.00.

Magistrate Brown stated that this is the third hearing for this case, which has been noticed in accordance with the town code and state law, and since the owner is present via zoom, he is satisfied that due process has been satisfied, and based on the evidence of testimony provided there is sufficient evidence that the violation of Ordinance 2021-2 has continued. There has been some effort to try to rectify some of the issues, but the basic issue is that the house needs to be demolished or secured by fencing and boarding up the windows and door.

Magistrate Brown entered an Order of Findings allowing the town to proceed with either abatement or foreclosure. The order is entered into with the understanding that the property owner has acquired a demolition permit and plans to demolish the structure next week. Hopefully, that will make any further action by the town regarding abatement or foreclosure unnecessary. Then the only issue regarding the owner will be making sure that the demolition is completed and inspected appropriately. Then the owner can make a presentation to the council regarding a reduction of the fines. The Order of Findings will be sent by certified mail to the owner of record.

Magistrate Brown thanked Mrs. Diaz for staying in contact with the town and attending today's hearing.

The zoom portion of the meeting was discontinued since Mrs. Diaz was the only one attending via zoom and Magistrate Brown called for a recess.

The hearing was reconvened at 9:39am.

CODES CASE #24-1022: 113 Caracas Street.

Property owner Jonathan Camacho was not present.

Codes Enforcement Officer Joni Payne stated that Mr. Comacho was notified by certified mail at the official address of record on file at the Property Appraiser's and Tax Collector's roll . The green card was returned unsigned, along with the envelope, which was addressed correctly.

Mrs. Payne stated that this case was a result of a citizen's complaint, but she hasn't talked to the complainant or had any contact with the property owner.

Mrs. Payne stated that the property was noticed in accordance with state law and affidavits of such were presented to the Magistrate for violation of Ordinance 2024-5, Section 5.1: Nuisance, Section 1: Building, Section 2 Attraction of Nuisance, Section 3: Litter, Section 5 Excessive Growth and Section 6: Yard Waste.

Photos and documents accurately depicting the condition of the property were presented.

After a last call for Mr. Camacho or his representative, and none being present, Magistrate Brown found that the town has satisfied the due process. He stated that there is evidence of continuing violation of Ordinance 2024-5 Section 5.1, #1, #2, #3, #5 & #6, which addresses a dilapidated mobile home with a collapsed side and roof, open windows, almost no walls and dangerous in its appearance. It is dangerous as an attractive nuisance due to not being fenced. There are man-made items that need to be removed. There is excessive growth of grass of 36", which needs to be mowed and maintain at a 12" level. There is yard waste, litter, organic and non-organic waste, dead trees, and limbs.

Magistrate Brown placed an Order of Findings requiring that the property owner bring the property into compliance by March 10, 2025. In the event of non-compliance, a fine of \$25.00 per day shall commence on March 11, 2025 and continue until compliance or satisfaction.

ADOURNMENT:

The hearing adjourned at 9:54am.