BEFORE THE CODE ENFORCEMENT SPECIAL MAGISTRATE
OCALA, MARION COUNTY, FLORIDA

THE CITY OF OCALA

Petitioner,

vs.

ZACHERY HESTER EST
FRANCIS DAVIS EST
4280 NW 88TH STREET RD
OCALA, FL. 34482-1525

ANQUIETTA HESTER
805 NW 14TH AVE
OCALA, FL. 34475
Respondents /

CASE NO: COM18-1002

DAVID R ELLSPERMANN CLERK & COMPTROLLER MARION CO
DATE: 10/10/2019 12:41:48 PM
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DDS: $0 MDS: $0 INT: $0

AMENDED
FINAL ADMINISTRATIVE ORDER

THIS CAUSE, came for public hearing before the Code Enforcement Special Magistrate on; September 25, 2019, after due notice to the Respondent(s), and the Code Enforcement Special Magistrate having heard testimony under oath, received evidence, considered stipulations, and heard argument, thereupon issues its Final Administrative Order, Findings of Fact, Conclusion of Law, and Notice of Hearing on Compliance, and Imposition of Fines as follows:

I. FINDINGS OF FACT:

A. The Respondent(s), **ZACHERY HESTER EST, FRANCIS DAVIS EST** and **ANQUIETTA HESTER** owner(s) in charge of the property described as: **805 NW 14TH AVE, OCALA, FL** recorded in the Public Records of Marion County, Florida, also known as parcel number: **25648-000-00.**

B. That on and between October 2, 2018 and September 24, 2019, the property, as described above, was in violation of the City of Ocala Code of Ordinances, Section 34-91 Definitions, Section 34-95 Weeds; Accumulations of trash or other unsightly or unsanitary matter, Section 82-181 Definitions, Section 82-182 Dangerous buildings declared nuisance: abatement required: time limits, Section 82-184 Standards for ordering repair, vacation or demolition, Section 82-442 Implementation and enforcement of numbering system; master map, Section 82-443 Display of building number and Section 122-51 Building Permit Required.

II. CONCLUSION OF LAW:

A. The Respondent(s), **ZACHERY HESTER EST, FRANCIS DAVIS EST** and **ANQUIETTA HESTER,** by reason of the foregoing are in violation of the Code of Ordinances of the City of Ocala, Section 34-91 Definitions, Section 34-95 Weeds; Accumulations of trash or other unsightly or unsanitary matter, Section 82-181 Definitions, Section 82-182 Dangerous buildings declared nuisance: abatement required: time limits, Section 82-184 Standards for ordering repair, vacation or demolition, Section 82-442 Implementation and enforcement of numbering system; master map, Section 82-443 Display of building number and Section 122-51 Building Permit Required, in that the Respondent(s) have failed to remedy the violation(s) and is subject to the provisions of the Code of Ordinances of the City of Ocala, Florida, Sections 2-426 and 2-443.

III. ORDER:

A. Find the Respondent guilty of violating city code section(s): 34-91, 34-95, 82-181, 82-182, 82-184, 82-442, 82-443 and 122-51. Order to;

1.) (a) Cut & clean the property grounds fully and properly removing any weeds, undergrowth, junk, and debris by 04:00pm on Thursday October 24th, 2019. If the Respondent(s) fail to comply by 07:00 am on Friday, October 25th, 2019, the City shall enter upon the property and take whatever steps are necessary to bring the violation(s) into compliance to include: cutting & cleaning the property grounds, fully and properly removing any weeds, undergrowth, junk and debris. Additionally, there shall be a fine of $250.00 per day thereafter that shall run in addition to any other fines related to items two (2) and three (3) until all violations of item one (1) have been abated.

(b) Upon abatement of any violations of section 34-95 by the City, a $100.00 service fee shall be applied pursuant to section 34-92(c)(2) of the City of Ocala Code of Ordinances, in addition to any other fines related to items one (1) through three (3).

2.) (a) Apply for any required permits needed to meet the Current Florida Building Code and any identified Standard Housing Codes, by 04:00pm on Thursday, October 24th, 2019. Once the permits are obtained, all repairs to the structure(s), which require a permit, shall be completed by a licensed contractor within 180 days after the issuance of the initial permits. If the Respondent(s) fail to comply by 07:00am on Friday October 25th, 2019, or if the permits issued expire without a final inspection finding that the work complies with the city codes, subsection (c) shall apply;

(b) If no permits are required to conduct the work necessary to meet the current Florida Building Code or any identified Standard Housing Codes, the Respondent(s) shall complete the work necessary by 04:00pm on Thursday, October 24th, 2019. If the Respondent(s) fail to comply by 07:00am on Friday, October 25th, 2019 subsection (c) shall apply.

(c) Failure to comply with any subsection of two (2) in the time allowed for compliance there shall be a fine of $250.00 per day thereafter, that shall run in addition to any other fines related to items one (1) and three (3) until all violations of item two (2) have been abated. If the Respondent(s) fail to comply by 07:00am on Friday, October 25th, 2019 subsection (d) shall apply.

(d) Failure to comply with any subsection of item two (2) in the times allowed for compliance the City shall enter upon the property and take whatever steps are necessary to bring the violations into compliance, to include: demolition and removal of all improvements including the structure and structure contents. Additionally, there shall be a fine of $250.00 per day thereafter that shall run in addition to any other fines related to items one (1) and three (3) until all violations of item two (2) have been abated.

(e) Item two (2) shall also apply to any previously completed unpermitted work.

3.) Affix the required building numbers in accordance with the city code by 4:00pm on Thursday, October 24th. 2019 If the Respondent fails to comply by 7:00am on Friday, October 25th, 2019 there shall be a fine of $250.00 per day thereafter that will run in addition to any fines related to item(s) one (1) and two (2) until all violations of item three (3) have been abated. Additionally, the City shall enter the property to take whatever steps are necessary to bring the violations into compliance, to include: Affixing the required building numbers in accordance with city code section 82-443.

4.) Pay the cost of prosecution of the case of $152.16 by 04:00pm on Thursday, October 24th, 2019.

All costs and fines will be assessed as a Lien against the property. After three (3) months from the filing of any such lien which remains unpaid, refer to the City Attorney's office for consideration of foreclosure.

B. This Order may be recorded in the Public Records of Marion County, Florida, and shall constitute a lien against the above described property, and upon any other real, or personal property, owned by the Respondent(s), pursuant to Sections 162.08 and 162.09, Florida State Statutes, and Section 2-426 and 2-443, Code of Ordinances City of Ocala, Florida.

C. The holder of this Order, and the lien arising hereunder, is the City of Ocala, a Florida Municipal Corporation, with the address of: 110 S.E. Watula Avenue, Ocala, Florida 34471.

DONE AND ORDERED; this 3rd day of October 2019.

CODE ENFORCEMENT SPECIAL MAGISTRATE
OCALA, FLORIDA

Thomas J. Dobbins,
Code Enforcement Special Magistrate

CERTIFICATE OF SERVICE

I HEREBY CERTIFY; that a true and correct copy of the foregoing document has been furnished to Respondent(s) by mail to: **ZACHERY HESTER EST, FRANCIS DAVIS EST, 4280 NW 88TH STREET RD, OCALA, FL. 34482-1525,** and **ANQUIETTA HESTER, 805 NW 14TH AVE, OCALA, FL. 34475,** this 3rd day of October 2019.

Jeanne M. Winchester, Magistrate Secretary
Code Enforcement Special Magistrate

IMPORTANT NOTICE:

NOTICE OF HEARING ON COMPLIANCE, AND IMPOSITION OF FINES: NON-COMPLIANCE HEARING - IF YOU, AS THE RESPONDENT, 1.) DO NOT BRING THE PROPERTY INTO COMPLIANCE, 2.) CALL FOR A RE-INSPECTION, AND 3.) RECEIVE AN AFFIDAVIT OF COMPLIANCE; NOTICE IS HEREBY GIVEN THAT A HEARING BEFORE THE CODE ENFORCEMENT SPECIAL MAGISTRATE IS TO BE HELD ON OCTOBER 30, 2019, AT 9:00AM, AT THE: CITY COUNCIL CHAMBER, CITY HALL, 110 S.E. WATULA AVENUE, OCALA, FLORIDA 34471, TO DETERMINE IF THE VIOLATION AS SET FORTH IN THIS ORDER CONTINUED BEYOND THE COMPLIANCE DATE, AND IF SO TO CONSIDER IMPOSITION OF A FINE OR OTHER PENALTIES. YOUR FAILURE TO APPEAR COULD RESULT IN A WAIVER OF YOUR OPPORTUNITY TO BE HEARD IN THIS MATTER AND MAY RESULT IN AN ACTION BY THE CODE ENFORCEMENT SPECIAL MAGISTRATE WHICH COULD BE ADVERSE TO YOUR INTEREST. ADDITIONALLY, PLEASE BE ADVISED THAT PURSUANT TO CHAPTER 162 OF THE FLORIDA STATUES, YOU MAY HAVE OTHER ADDITIONAL RIGHTS IN REFERENCE TO ANY FINDINGS BY THE CODE ENFORCEMENT SPECIAL MAGISTRATE.

IN THE EVENT OF NON-COMPLIANCE, AN ORDER IMPOSING A FINE SHALL BE RECORDED IN THE PUBLIC RECORDS OF MARION COUNTY, FLORIDA, AND THEREAFTER SHALL CONSTITUTE A LIEN AGAINST THE LAND UPON WHICH THE VIOLATION(S) EXISTS, OR UPON ANY OTHER REAL OR PERSONAL PROPERTY OWNED BY YOU. BE ADVISED THAT YOU HAVE A RIGHT TO APPEAL THIS ORDER WITHIN A PERIOD OF THIRTY (30) DAYS FROM THE DATE OF THE ORDER, IN ACCORDANCE WITH SECTION 2-445, CODE OF ORDINANCES OF THE CITY OF OCALA, TO THE CIRCUIT COURT OF MARION COUNTY.

IF A REPEAT VIOLATION IS FOUND, THE CODE INSPECTOR SHALL NOTIFY THE VIOLATOR BUT IS NOT REQUIRED TO GIVE THE VIOLATOR A REASONABLE TIME TO CORRECT THE VIOLATION. THE CASE MAY BE PRESENTED TO THE CODE ENFORCEMENT SPECIAL MAGISTRATE, EVEN IF THE REPEAT VIOLATION HAS BEEN CORRECTED PRIOR TO THE CODE ENFORCEMENT SPECIAL MAGISTRATE HEARING, AND UPON FINDING THAT A REPEAT VIOLATION HAS BEEN COMMITTED, MAY ORDER THE VIOLATOR TO PAY A FINE NOT TO EXCEED $500.00 PER DAY.

CITY OF OCALA
GOD BE WITH US
MARION COUNTY, FLORIDA

THIS IS TO CERTIFY THE FOREGOING TO BE A TRUE AND ACCURATE COPY
CITY CLERK