

**NOTICE OF HEARING
CIVIL CITATION
CITY OF CLEARWATER, FLORIDA**

Certified Mail
October 22, 2024

Owner: **Brian McIntyre**
140 Island Way Apt. 277
Clearwater, FL 33767

Re: **CW24-143876**

Dear Sir/Madam:

You are hereby formally notified that on **Wednesday, November 13, 2024, at 1:00 p.m.** there will be a public hearing before the Special Magistrate in the Council Chambers, Clearwater Main Library at 100 North Osceola Avenue, Clearwater, Florida, concerning violation of Section(s) **33.055** of the Clearwater City Code. (See attached Civil Citation).

You are hereby ordered to appear before the Special Magistrate on the hearing date to answer these charges and to present your side of the case. Failure to appear may result in the Special Magistrate proceeding in your absence. You have the right to obtain an attorney, at your own expense, to represent you before the Special Magistrate. If you are absent but represented at the hearing, your representative must present to the Special Magistrate your letter authorizing your representative to speak on your behalf. You will have the opportunity to present witnesses as well as question witnesses against you prior to the Special Magistrate making a determination. Please be prepared to present evidence at the hearing concerning the amount of time necessary to correct the alleged violations should you be found to be in violation of the City Code.

The case shall be presented to the Special Magistrate even if the violations described in the attached Civil Citation are corrected prior to the appeal hearing.

Should you be found in violation of the City Code, the Special Magistrate has the power by law enter an order assessing a fine and all costs of towing and storing against you. Additionally, as provided in section 705.103(4), Florida Statutes, a person who neglects or refuses to pay such costs may not be issued a certificate of registration for such vessel or for any other vessel or motor vehicle until such costs have been paid.

If you wish to have any witnesses subpoenaed, please contact Deputy City Clerk Nicole Sprague within five (5) days at 727-562-4097. If you have any questions regarding the cited violations or if the violations are corrected prior to the hearing, please contact the Officer whose name appears on Civil Citation.

Sincerely,


DEPUTY CITY CLERK

The City of Clearwater strongly supports and fully complies with the Americans with Disabilities Act (ADA). Please advise us at least 48 hours prior to the hearing if you require special accommodations at 727-562-4090. Assisted Listening Devices are available. **Kindly refrain from private conversations, cellular phone use, etc. that distract meeting participants.**

Any party may appeal a final order of this Special Magistrate by filing an appeal with the Circuit Court within 30 days of entry of the order. Appellants need a record of proceedings; a verbatim record of testimony and evidence that is the basis for the appeal may be required. F.S. § 286.0105, CDC Sec 7-



CITY OF CLEARWATER

Post Office Box 4748, Clearwater, Florida 33758-4748
Clearwater Police Department, 645 Pierce Street, Clearwater, Florida 33756
Telephone 727-562-4242

Police Department

CIVIL CITATION

CITATION NUMBER: _____

ISSUE DATE: 10/02/24 ISSUE TIME: 6:37 pm

NAME: Brian McIntyre

ADDRESS: 140 Island Way Apt. 277 Clearwater, FL

ZIP: 33767

DATE VIOLATION OBSERVED: 10/02/24q TIME VIOLATION OBSERVED: 6:37 pm

Section of City Code Violated:

33.055. - Prohibited mooring, beaching or placing of vessels.

(2) It is unlawful for a person, firm, or corporation to store, leave, or abandon any derelict vessel in any navigable waters within the city. No vessel that is in an unregistered, derelict, wrecked, junked, or substantially dismantled condition shall be permitted to dock, moor, or tie up at any private seawall, dock, or moorage space within the city, except that such vessel may moor at licensed marine facilities for the purpose of repair.

DATE OF LAST INSPECTION: 10/02/24 Civil Penalty Due after hearing: \$105.00

OFFICER: J.PERZ

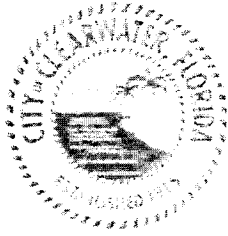
CPD Derelict Vessel Case Number CW24-143876

Dear Brian McIntyre:

NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE PROPERTY (VESSEL) DESCRIBED HEREIN. The following property (vessel), to wit: 1989 24 ft Nimble sailboat FL6212 GY, is unlawfully upon public property known as 69 Bay Esplanade and must be removed within 5 days; otherwise, it will be removed and disposed of pursuant to chapter 705, Florida Statutes. The owner will be liable for the costs of removal, storage, and publication of notice.



"LEGAL DEPARTMENT AND ATTORNEY GENERAL'S OFFICE"



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Public Department

You have been identified as the last known owner or responsible party for the above described vessel, which the undersigned law enforcement officer of the Clearwater Police Department (CPD) has determined to be derelict as defined in section 823.11, Florida Statutes, which is a violation of City of Clearwater Code of Ordinances section 33.055.

The facts upon which CPD has made the determination that the vessel described above is derelict are as follows:

NARRATIVE: (vessel discovery, owner information, reasonable cause, etc.)

On 10/02/24 this derelict boat was found ran up the public dock. The dock also suffered some damage.

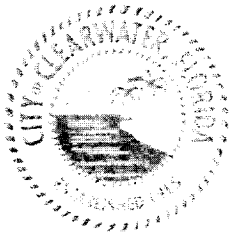
The vessel is in wrecked condition and can not be moved without mechanical assistance.

A 5 day sticker was placed on the vessel. Several attempts to call the registered owners last known phone number from 08-05-24 were made and no contact was made. Officers went to the registered last known address which ended up being a PO box.

City of Clearwater Code of Ordinances section 33.055, along with sections 376.15 and 823.11, Florida Statutes, make it unlawful for any person, firm, or corporation to store, leave, or abandon any derelict vessel on the public waters of the State.

Subsection 705.101(3), Florida Statutes, defines all derelict vessels as abandoned property. Sections 376.15, 705.103, and 823.11, Florida Statutes, authorize law enforcement to remove or cause to be removed any derelict vessel from the public waters of the State and to destroy it. All costs incurred by law enforcement or authorized agents in the removal of the derelict vessel are recoverable against the owner or responsible party thereof.

In accordance with the above legislative mandate, CPD hereby orders you as the last known owner or party responsible for this vessel to remove it from the public waters of the State immediately or to provide proof that legal transfer of the vessel's ownership occurred prior to the date of this notice. Failure to do so will result in a hearing before a special magistrate pursuant to article 7 of the Clearwater Community Development Code, notice of hearing attached, at which hearing the City will seek to adjudicate a violation of City of Clearwater Code of Ordinances section 33.055. If the vessel is not removed from the public waters of the State, and you are found guilty of violating section 33.055, CPD intends to remove or cause the removal of this derelict vessel (if it has not already been removed), and the vessel will be destroyed.



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Police Department

The determination that this vessel is derelict may affect your interests. In addition to a fine, all costs of towing and storing will be assessed against you. As provided in section 705.103(4), Florida Statutes, a person who neglects or refuses to pay such costs may not be issued a certificate of registration for such vessel or for any other vessel or motor vehicle until such costs have been paid. If you choose not to attend the hearing, the City will proceed against you in your absence.

Sincerely,

Law Enforcement Officer Name: OFC. J. PERZ

Law Enforcement Officer Telephone Number: 727-562-4242

Clearwater Police Department

Enclosures