

NOTICE OF HEARING
MUNICIPAL CODE ENFORCEMENT BOARD
CITY OF CLEARWATER, FLORIDA

Certified Mail
07/16/2018

Owner: Michelle L. Lamontagne
1766 Murray Ave.
Clearwater, FL 33755

Violation Address: 1766 Murray Ave.

SUNSET LAKE MANOR LOT 66

Dear Sir/Madam:

You are hereby formally notified that on **Wednesday, SEPTEMBER 26**, at 1:30 p.m. there will be a public hearing before the Municipal Code Enforcement Board in the Council Chambers, 3rd floor, City Hall at 112 South Osceola Avenue, Clearwater, Florida, concerning violation of Section 305.3.1 & 2., 47.161, 3-1503.b.2. of the Clearwater City Code. (See attached Affidavit(s) of Violation).

You are hereby ordered to appear before the Municipal Code Enforcement Board on the hearing date to answer these charges and to present your side of the case. Failure to appear may result in the Board proceeding in your absence. You have the right to obtain an attorney, at your own expense, to represent you before the Board. If you are absent but represented at the hearing, your representative must present to the Board 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 Board 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 Board even if the violations described in the attached Affidavit(s) of Violation are corrected prior to the Board hearing.

Should you be found in violation of the City Code, the Municipal Code Enforcement Board has the power by law to levy fines of up to \$250 a day per violation against you and your property for every day each violation continues beyond the date set for compliance in an Order of the Board.

If you wish to have any witnesses subpoenaed, please contact the Secretary of the Municipal Code Enforcement Board 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 Inspector whose name appears on the Affidavit(s) of Violation.

Sincerely,

BUILDING CONSTRUCTION INSPECTOR

The Municipal Code Enforcement Board was created pursuant to General Act 80-300, General Laws of Florida, 1979, and Ordinance 2169-80 of the City of Clearwater. The purpose of this quasi-judicial Board of seven citizens is to quickly and fairly render decisions and facilitate enforcement of certain codes of the City of Clearwater.

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 silence electronic devices during the hearings.

FLORIDA STATUTE 286.0105 STATES THAT ANY PERSON APPEALING A DECISION OF THIS BOARD WILL NEED A RECORD OF THE PROCEEDINGS.

CAUsers\jason.cantrell\Desktop\Regular - multi violations.1.NOH.docx

MUNICIPAL CODE ENFORCEMENT BOARD OF THE CITY OF CLEARWATER, FLORIDA

AFFIDAVIT OF VIOLATION AND REQUEST FOR HEARING

City Case Number: UNS2017-00016

NAME OF VIOLATOR: MICHELLE L LAMONTAGNE
MAILING ADDRESS: 1766 MURRAY AVE
CLEARWATER, FL 33755-2324

VIOLATION ADDRESS: 1766 MURRAY AVE

LEGAL DESCRIPTION OF PROPERTY: See "Exhibit "A", Pinellas County Property Records Printout, attached, for legal description

PARCEL #: 02-29-15-87984-000-0660

DATE OF INSPECTION: 8/27/2018 7:57:00 AM

SECTION(S) OF THE CITY CODE WHICH HAVE BEEN VIOLATED: CODE
SECTION VIOLATED

UNSAFE BUILDINGS & SYSTEMS - **47.161 Declared illegal; amendments to standard code**
(1) All buildings, structures, or electrical, gas, mechanical or plumbing systems which are unsafe or unsanitary, or which do not provide adequate egress, or which constitute a fire hazard, or which are otherwise dangerous to human life, or which constitute a hazard to safety or health, are considered unsafe buildings, structures or service systems and are hereby declared illegal. All such unsafe building, structures or service systems shall be abated by repair and rehabilitation

or by demolition in accordance with the provisions of the Standard Unsafe Building Abatement Code, adopted in section 47.051 of this Code of Ordinances, with the following amendments: UNSAFE. Buildings, structures or equipment that are unsanitary, or that are deficient due to inadequate means of egress facilities, inadequate light and ventilation, or that constitute a fire hazard, or in which the structure or individual structural members meet the definition of "Dangerous," or that are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance shall be deemed unsafe. A vacant structure that is not secured against entry shall be deemed unsafe.

DANGEROUS. Any building, structure or portion thereof that meets any of the conditions described below shall be deemed dangerous:

1. The building or structure has collapsed, has partially collapsed, has moved off its foundation, or lacks the necessary support of the ground.
2. There exists a significant risk of collapse, detachment or dislodgement of any portion, member, appurtenance or ornamentation of the building or structure under service loads.

Roofs shall be structurally sound and maintained in a safe manner and have no defects which might admit rain or cause dampness in the walls or interior portion of the building.

All portions, additions or sections of a roof including, but not limited to the fascia, eave, soffit, sheathing, rafter tail, barge rafter, vent screening, gutter, downspout, roof jack, lead or metal flashing, shall be complete with all trim strips, moldings, brackets, braces and supports in accordance with common building practices. No item shall display sign of deterioration, abuse or improper installation that could be construed to affect the purpose of that item or cause damage to the immediate area or roof structure, that could allow dampness or admit rain to the interior of that building.

3-1503. - Nuisances.

B. The existence of any of the following specific conditions or conduct is hereby declared to constitute a public nuisance:

2. Buildings which are abandoned, boarded up for a period of six months, partially destroyed for any period of time, or left for a period of three months in a state of partial construction, provided that any unfinished building or structure which has been under construction six months or more shall be deemed and presumed to have been left for an unreasonably long period of time in the sense of this subsection.

Jason Cantrell
Jason Cantrell

STATE OF FLORIDA
COUNTY OF PINELLAS

SWORN AND SUBSCRIBED before me on this 6th day of September, 2018, by Jason Cantrell.

☒ PERSONALLY KNOWN TO ME

☐ PRODUCED AS IDENTIFICATION

n/a
Type of Identification

[Signature]
(Notary Signature)

Daniel Knight
Name of Notary (typed, printed, stamped)

FILED THIS 6 DAY OF Sept, 2018



MCEB CASE NO. 157-18

Ursula Sprague
Secretary, Municipal Code Enforcement Board

Section 3-1503. - Nuisances.

- A. No person owning, leasing, operating, occupying or having control of any premises within the city shall maintain, keep or permit any nuisance affecting the citizens of the city.
- B. The existence of any of the following specific conditions or conduct is hereby declared to constitute a public nuisance:
 - 1. A condition or use that causes a substantial diminution of value of property in the vicinity of the condition or use.
 - 2. Buildings which are abandoned, boarded up for a period of six months, partially destroyed for any period of time, or left for a period of three months in a state of partial construction, provided that any unfinished building or structure which has been under construction six months or more shall be deemed and presumed to have been left for an unreasonably long period of time in the sense of this subsection.
 - 3. Any attractive nuisance dangerous to children in the form of abandoned or broken equipment, accessible artificial bodies of water, excavations, or neglected machinery.
 - 4. Overt blocking of drainage pipes, ditches, channels, and streams, so as to cause flooding and adversely affect surrounding property.
 - 5. Accumulation and placement of nuisances.
 - a. Any accumulation of weeds, debris, trash, garden trash, junk, untended growth of vegetation, or undergrowth of dead or living vegetation or hazardous swimming pools, or hazardous trees upon any private property, or on any public property without authorization to the extent and manner that such property contains or is likely to contain rodents, reptiles or other vermin, or furnishes a breeding place for flies, mosquitoes, or wood-destroying insects, or otherwise threatens the public health, safety or welfare.
 - b. The placement of trash, debris or other items on public property without authorization.
 - 6. Except as provided in section 3-1506, the outdoor storage of all or part of any dismantled, partially dismantled, inoperative or discarded vehicle, recreational vehicle, machinery, appliance, farm equipment, aircraft,

305 GENERAL REQUIREMENTS FOR THE EXTERIOR AND INTERIOR OF STRUCTURES

305.1 Foundation

The building foundation system shall be maintained in a safe manner and capable of supporting the load which normal use may cause to be placed thereon.

305.2 Exterior Walls

Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers, and any other conditions which might admit rain, or dampness to the interior portions of the walls or to the occupied spaces of the building. All siding material shall be kept in repair.

305.3 Roofs

305.3.1 Roofs shall be structurally sound and maintained in a safe manner and have no defects which might admit rain or cause dampness in the walls or interior portion of the building.

305.3.2 All portions, additions or sections of a roof including, but not limited to the fascia, eave, soffit, sheathing, rafter tail, barge rafter, vent screening, gutter, downspout, roof jack, lead or metal flashing, shall be complete with all trim strips, moldings, brackets, braces and supports in accordance with common building practices. No item shall display sign of deterioration, abuse or improper installation that could be construed to affect the purpose of that item or cause damage to the immediate area or roof structure, that could allow dampness or admit rain to the interior of that building.

305.4 Means of Egress

Every dwelling unit shall have safe, unobstructed means of egress with minimum ceiling height of 7 ft (2134 mm) leading to a safe and open space at ground level. Stairs shall have a minimum head room of 6 ft 8 in (2032 mm).

305.5 Stairs, Porches and Appurtenances

Every inside and outside stair, porch and any appurtenance thereto shall be safe to use and capable of supporting the load that normal use may cause to be placed thereon and shall be kept in sound condition and good repair.

305.6 Protective Railings

Protective railings shall be required on any unenclosed structure over 30 inches (762 mm) above the ground level or on any steps containing four risers or more.

305.7 Windows

Every window shall be substantially weathertight, watertight and rodentproof, and shall be kept in sound working condition and good repair.



CITY OF CLEARWATER

PLANNING & DEVELOPMENT DEPARTMENT
POST OFFICE BOX 4748, CLEARWATER, FLORIDA 33758-4748
MUNICIPAL SERVICES BUILDING, 100 SOUTH MYRTLE AVENUE, CLEARWATER, FLORIDA 33756
TELEPHONE (727) 562-4567

MICHELLE L LAMONTAGNE
1766 MURRAY AVE
CLEARWATER, FL 33755-2324

July 16, 2018

NOTICE OF UNSAFE BUILDING

Case #: UNS2017-00016

CERTIFIED MAIL #: 70180360000150185180

LOCATION: 1766 MURRAY AVE

PARCEL NO: 02-29-15-87984-000-0660

LEGAL: SUNSET LAKE MANOR LOT 66

Dear Owners:

You are hereby notified that in accordance with the City of Clearwater Ordinances the above described property is declared unsafe and is creating a nuisance, and is therefore, subject to abatement, repair or demolition. Reference Section 47.161, of the Clearwater Community Development Code and the Standard Unsafe Building Abatement Code as adopted by the City of Clearwater, Florida.

It is in a deteriorated condition that creates a serious hazard to the health, safety and welfare of the public. Items that must be corrected include, but are not limited to, what is shown on the enclosed inspection report. All items on the attached report must be corrected.

You are hereby ordered to repair or demolish this structure within the limits of all building and zoning regulations. Should you elect to repair this structure, you are required to submit drawings showing how this is to be accomplished, secure all necessary permits, and commence work no later than seven (7) calendar days from receipt of this notice. Work is to be continued to completion within twenty (20) calendar days following issuance of the permit.

Work will be considered complete only upon the issuance of a certificate of completion (CoC). The city will give the utility companies (electric, water, gas, etc.) authorization to turn on utilities when all construction work has been completed to meet Code requirements. Use of this structure before issuance of CoC is a violation of law. Electrical power needed to make repairs at this site will require a temporary power pole and the associated permits and inspections.

The repairs must upgrade the structure to all the latest provisions of the current Standard Housing, Building, Plumbing, and Mechanical Codes and the National Electric Codes. The work shall also include the structural repair of all mechanical, electrical, plumbing, building and fire code. All openings providing access to the interior of the building must be secured using approved materials and methods. Any exterior repairs necessary to remove hazards to persons outside the building(s) shall be performed to the satisfaction of the City as a prerequisite to an extension of a deadline.



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Repairs needed will be, but not limited to the following: Building, Plumbing, Electrical, and Mechanical. You are required to obtain a licensed Florida Engineer; and / or Contractor to determine all areas of the structure that do not meet current Codes. Submit to the City a report from your Construction Professional containing specifics as to how this structure will be brought to current Code Standards, if you choose to repair.

The building or structure may be secured to City of Clearwater specifications up for a maximum of twenty-seven (27) calendar days. During that time all necessary repairs, construction, alterations, removal or demolition shall be completed.

If the repairs, or demolition are not completed by the dates specified in this notice, by authority of Chapter 6 of the Standard Unsafe Building Code, 1985 edition, as adopted by Section 47.051(1)(e) of the City Code of Ordinances, the building will be ordered vacated and posted to prevent further occupancy until the work is completed, the City will take action to obtain compliance with this building.

All costs and expenses will be billed to you. Costs include anything incurred in bringing the property into compliance, including expenses and staff time. An unpaid bill may result in a lien for the amount of the billing. The lien will remain on your property until the bill is paid or the lien satisfied.

Any person having a legal or equitable interest in this property may appeal this decision to the City of Clearwater's Building/Flood Board of Adjustments and Appeals. Upon failure to appeal within the time specified, this notice shall constitute a final order and no additional notice shall be required or provided. A written notice of appeal shall be filed with the Building Official within seven (7), calendar days of receipt of this notice, on a form which you may obtain from this office. Failure to appeal within the time specified will constitute a waiver of all rights to an administrative hearing.

Sincerely,

Jason Cantrell

Building Inspector



CITY OF CLEARWATER

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MUNICIPAL SERVICES BUILDING, 100 SOUTH MYRTLE AVENUE, CLEARWATER, FLORIDA 33756
TELEPHONE (727) 562-4567

UNSAFE STRUCTURE REPORT

Inspector: Jason Cantrell

Date Inspected: July 16, 2018

Case #: UNS2017-00016

Property Address: 1766 MURRAY AVE
CLEARWATER, FL 33755

Parcel No: 02-29-15-87984-000-0660

Legal Description: SUNSET LAKE MANOR LOT 66

Owner Name: MICHELLE L LAMONTAGNE

Mailing Address: 1766 MURRAY AVE
CLEARWATER, FL 33755-2324

REPORT

The items listed below were easily visible and noted on an inspection of this structure. They are items that are at least part of the reason this structure has been declared UNSAFE. Caution - Do not use this report as a work write-up. It will be necessary for you to have an architect, engineer, and or contractor thoroughly inspect the entire structure. This inspection should compare all current Florida Codes with your structure and determine any and all code deficiencies. This structure must be remodeled/repaired to meet all current codes. Your design professional will be able to determine what needs to be done to make the structure meet current codes.

TO OCCUPY THE STRUCTURE OR TO HAVE UTILITIES TURNED ON, THE STRUCTURE MUST MEET THE CURRENT CODES.

305.3.1 Roofs

- Roofs shall be structurally sound and maintained in a safe manner and have no defects which might admit rain or cause dampness in the walls or interior portion of the building.

305.3.2 - Soffit & Fascia

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Exterior

- 3-1503. - Nuisances.

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UNSAFE BUILDINGS & SYSTEMS - 47.161 Declared illegal; amendments to standard code

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It is the property owner's responsibility to have the structure thoroughly investigated for all code deficiencies and to have that work completed by a licensed contractor before utility turn on and occupancy. Submit report to inspector listed below.

Inspector's Signature:

[Handwritten Signature]

Supervisor's Signature:

[Handwritten Signature]

Property Address: 1766 MURRAY AVE

CITY OF CLEARWATER, FLORIDA

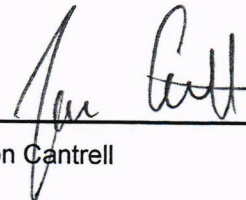
AFFIDAVIT OF POSTING

Case #: UNS2017-00016

I, Jason Cantrell being duly sworn, deposes and says:

1. That I am Code Inspector employed by the Planning and Development Department of the City of Clearwater.
2. That on the 16th day of August, 2018, I posted a copy of the attached Notice of Violation on 1766 MURRAY AVE at Clearwater City Hall and at 1766 MURRAY AVE Clearwater, Florida.

Further Affiant sayeth naught.



Jason Cantrell

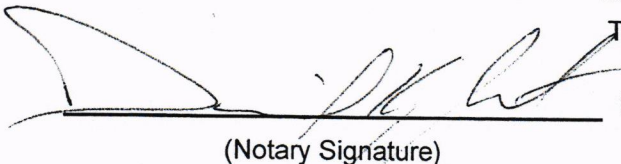
STATE OF FLORIDA
COUNTY OF PINELLAS

SWORN AND SUBSCRIBED before me on this 16th day of August, 2018, by Jason Cantrell.

- ☒ PERSONALLY KNOWN TO ME
☐ PRODUCED AS IDENTIFICATION

N/A

Type of Identification



(Notary Signature) Notary Public,



Daniel Knight

Name of Notary (typed, printed, stamped)

Commission Expiration Date

NOTICE OF HEARING
MUNICIPAL CODE ENFORCEMENT BOARD
CITY OF CLEARWATER, FLORIDA

Certified Mail
07/16/2018

Owner: Michelle L. Lamontagne
1766 Murray Ave.
Clearwater, FL 33755

Violation Address: 1766 Murray Ave.

SUNSET LAKE MANOR LOT 66

Dear Sir/Madam:

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FLORIDA STATUTE 286.0105 STATES THAT ANY PERSON APPEALING A DECISION OF THIS BOARD WILL NEED A RECORD OF THE PROCEEDINGS.

CAUsers\jason.cantrell\Desktop\Regular - multi violations.1.NOH.docx

[Interactive Map of this parcel](#) [Sales Query](#) [Back to Query Results](#) [New Search](#) [Tax Collector Home Page](#) [Contact Us](#) [WM](#)

02-29-15-87984-000-0660

Compact Property Record Card

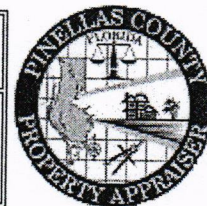
[Tax Estimator](#)

**Updated July 19,
2018**

[Email](#) [Print](#) [Radius Search](#)

[FEMA/WLM](#)

Ownership/Mailing Address <u>Change</u> Mailing Address	Site Address
LAMONTAGNE, MICHELLE L 1766 MURRAY AVE CLEARWATER FL 33755-2324	1766 MURRAY AVE CLEARWATER



[Property Use:](#) 0110 (Single Family Home)

Total Living: Total Gross
SF: 840 SF: 1,310

Total Living
Units:1

[click here to hide] **Legal Description**
SUNSET LAKE MANOR LOT 66

<u>Mortgage Letter</u>	<u>File for Homestead Exemption</u>	2018 Parcel Use
Exemption	2018	2019
Homestead:	No	No
Government:	No	No
Institutional:	No	No
Historic:	No	No
		Homestead Use Percentage: 0.00%
		Non-Homestead Use Percentage: 100.00%
		Classified Agricultural: No

Parcel Information Latest Notice of Proposed Property Taxes (TRIM Notice)

Most Recent Recording	<u>Sales Comparison</u>	<u>Census Tract</u>	<u>Evacuation Zone</u> (NOT the same as a FEMA Flood Zone)	Plat Book/Page
07975/0318	\$89,100 Sales Query	121030267014	NON EVAC	57/4

2017 Final Value Information

Year	<u>Just/Market Value</u>	<u>Assessed Value / Non-HX Cap</u>	<u>County Taxable Value</u>	<u>School Taxable Value</u>	<u>Municipal Taxable Value</u>
2017	\$72,832	\$53,610	\$25,000	\$28,610	\$25,000

[click here to hide] Value History as Certified (yellow indicates correction on file)

Year	<u>Homestead Exemption</u>	<u>Just/Market Value</u>	<u>Assessed Value</u>	<u>County Taxable Value</u>	<u>School Taxable Value</u>	<u>Municipal Taxable Value</u>
2017	Yes	\$72,832	\$53,610	\$25,000	\$28,610	\$25,000