

ORDER

MUNICIPAL CODE ENFORCEMENT BOARD OF THE
CITY OF CLEARWATER, FLORIDA
Case 107-20

CITY OF CLEARWATER,
Petitioner,
vs.
Douglas E Fischer
1955 Calumet St.
Clearwater, FL 33765-1108

)
)
) Violation address:
) 10 N Aurora Ave.
) aka 13-29-15-82494-010-0090
)
)

Respondent(s)

This case came before the City of Clearwater Municipal Code Enforcement Board on November 18, 2020, after due notice to the Respondent(s), and having heard testimony under oath and received evidence, the Board issues the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

Based upon the testimony and evidence received, **it is evident that 3 violations exist:** Roof Maintenance, Exterior Storage, and Vehicle Repair. The Respondent(s) was/were not present and had no representation.

CONCLUSIONS OF LAW

The Respondent(s) is/are in violation of the City of Clearwater Code Section(s) **3-1052.D.1, 3-1502.D.3, 3-1052.D.5, 3-1052.G.1, 3-1052.G.2, 3-1052.G.3, & 3-916.C**, as referred to in the Affidavit in this case.

ORDER

It is the Order of the Board that the Respondent(s) shall:

- 1) Roof Maintenance - Remove the tarp from the roof and repair all damages. Permits may be required,**
 - 2) Exterior Storage - Properly store or remove all materials, tools, fence paneling, and any other miscellaneous items from the premises, and**
 - 3) Vehicle Repair - Cease all commercial repair activities at the residence**
- to comply with said Section(s) of the Code by the deadline, December 5, 2020.**
The fine is \$150.00 per day per violation for each and every day each violation continues past the date set for compliance.

Upon complying with said Section(s) of the Code, the Respondent(s) shall notify Inspector Daniel Kasman, who shall inspect the property and notify the Board of compliance. If the Respondent(s) fails/fail to comply within the time specified, a certified copy of the Order imposing the fine may be recorded in the Public Records of Pinellas County, Florida, and once recorded shall constitute a lien against any real property owned by the Respondent(s), pursuant to Chapter 162, Florida Statutes.

After three (3) months from the recordation date of such lien, if the fines and fees remain unpaid, the City Attorney's office is authorized to foreclose, collect or settle such lien using any legal or equitable remedies available under the law.

The Respondent(s) may request a rehearing of the decision of the Board, in writing, and delivered to the City Clerk within 10 days of the postmark of the written order. A request for rehearing shall be based only on the ground that the decision was contrary to the evidence or that the hearing involved an error on a ruling of law which was fundamental to the board's decision. The written request for rehearing shall specify the precise reasons therefor. Upon receipt of a request for rehearing, the Board shall determine whether or not to rehear the matter; the Board will not hear oral argument or evidence when making this decision.

Any aggrieved party may appeal a final Order of the Municipal Code Enforcement Board by commencing appropriate proceedings in the Circuit Court of Pinellas County within 30 days of the Order. Such an appeal shall not be a hearing de novo, but shall be limited to appellate review of the record created before the Municipal Code Enforcement Board. Florida Statute 286.0105 requires any party appealing a decision of this Board to have a record of the Board's proceedings.

DONE AND ORDERED this 18th of November 2020, at Clearwater, Pinellas County, Florida.

Attest:

**MUNICIPAL CODE ENFORCEMENT BOARD
CITY OF CLEARWATER, FLORIDA**

Nicole Sprague
Secretary to the Board

Michael Mannino, Chair
Date signed: _____

Sent by certified mail, with return receipt requested, to the Respondent(s) this _____ day of November 2020.

Nicole Sprague
Secretary to the Board

**PLEASE RETURN TO:
CITY OF CLEARWATER
OFFICIAL RECORDS & LEGISLATIVE SERVICES
P.O. BOX 4748
CLEARWATER, FL 33758-4748**