

ORDER
MUNICIPAL CODE ENFORCEMENT BOARD OF THE
CITY OF CLEARWATER, FLORIDA
REPEAT VIOLATION
Case 128-16

CITY OF CLEARWATER,)
Petitioner,)
vs.) Violation address:
Gilbert G Jannelli) 1871 Douglas Ave., Clearwater
909 S Fort Harrison Ave.) aka Harbor Vista Blk A, Lots 8 and 9
Clearwater, FL 33756-3903)
Respondent(s))

This case came before the City of Clearwater Municipal Code Enforcement Board on November 16, 2016, 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 exterior surfaces, roof maintenance and clean roof, doors & windows, public nuisance condition and lot clearing violation, and abandoned building was/were in violation of the City of Clearwater Code. A representative of the Respondent(s) was present.

CONCLUSIONS OF LAW

The Respondent(s) was/were in violation of Code Section(s) **3-1502.B, 3-1503.B.1, 3-1503.B.2, 3-1503.B.9, 3-1503.B.7, 3-1502.C.1, 3-1502.C.3, 3-1502.C.4, 3-1502.D.1, & 3-1502.D.3**, as referred to in the Affidavit in this case and previously was/were found to have violated the same Code Section(s) on August 27, 2014 at Gilbert G. Jannelli's 23837 US Hwy 19 property, and therefore, committed a repeat violation.

ORDER

It is the Order of this Board that the Respondent(s) pay a fine of \$96,250 (\$250.00 daily fine for each of 5 repeat violations) for the 77-day time period from August 26, 2016 to November 10, 2016, when the repeat violation(s) occurred. The Board further orders that if the Respondent(s) repeats/repeat the violations referenced herein within 5 years, the Board may order the Respondent(s) to pay a fine of up to \$500.00 for each day each repeat violation continues.

A certified copy of this Order shall be recorded in the public records of Pinellas County, and once recorded, shall constitute a lien against any real or personal property owned by the violator(s) pursuant to Chapter 162 of the Florida Statutes.

The Respondent 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 to the Circuit Court of Pinellas County within 30 days of the execution of the Order to be appealed or after final disposition of the request for rehearing of the Order to be appealed. Florida Statute 286.0105 requires any party appealing a decision of this Board to have a record of the proceedings.

DONE AND ORDERED this 16th day of November 2016, at Clearwater, Pinellas County, Florida.

Attest:

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

Nicole Sprague
Secretary to the Board

Wayne Carothers, Chair
Date signed: _____

Sent by certified mail with return receipt requested, to the Respondent(s) this _____ day of November 2016.

Nicole Sprague
Secretary to the Board

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