

**CITY OF FRUITLAND PARK  
CODE ENFORCEMENT-SPECIAL MAGISTRATE  
HEARING AGENDA**

**October 6, 2022**

City Hall Commission Chambers  
506 W. Berckman Street  
Fruitland Park, FL 34731

**9:00 A.M.**

**1. CALL TO ORDER**

**2. APPROVAL OF MINUTES**

April 1st, 2021

**3. ADMINISTRATION OF OATH TO DEFENDANTS/WITNESSES**

**4. ATTORNEY PRESENTATIONS -HEARINGS**

**a) HEARING – NOTICE OF VIOLATION**

Case #: CE2022-0035

Property Address: 204 College Avenue, Fruitland Park, FL 34731

Property Owner: Penelope Dixon

Violation(s): City Code, International Property Maintenance Code,

Chap. 112.01 – Business Tax Receipt Required

Sec. 308.1 - Accumulation of Rubbish and Garbage

Sec. 108.1.3 – Structure Unfit for human occupancy

Grace Period for compliance expired: July 26, 2022

**5. REQUEST FOR HEARINGS - NONE**

**6. OLD BUSINESS – NONE**

**7. NEW BUSINESS - NONE**

**8. PUBLIC COMMENTS**

2013-023, members of the public shall be given a reasonable opportunity to be heard on propositions before the Code Enforcement-Special Magistrate. Accordingly, comments Note: Pursuant to F.S. 286.0114 and the City of Fruitland Park's Public Participation Policy adopted by Resolution, questions, and concerns regarding items listed on this agenda shall be received at the time the Code Enforcement-Special Magistrate addresses such items during this meeting. Pursuant to Resolution 2013-023, public comments are limited to three minutes.

**9. OTHER BUSINESS**

**10. ADJOURNMENT**

Code Enforcement Hearing Agenda

Any person requiring a special accommodation at this meeting because of disability or physical impairment should contact the City Clerk's Office at City Hall (352) 360-6727 at least forty-eight (48) hours prior to the meeting. (§286.26 F.S.)

If a person decides to appeal any decision made by the City of Fruitland Park Code Enforcement-Special Magistrate with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings and ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The city does not provide verbatim records. (§286.0105, F.S.)

Pursuant to FSS 162.11, all Code Enforcement-Special Magistrate cases that are appealed are appealed to Circuit Court. The appeals must be filed no later than 30 days from the date of the execution or signing date of the written Order that is to be appealed. Any Order issued by the City of Fruitland Park's Code Enforcement-Special Magistrate may be appealed, including the original order, any subsequent orders, an extension order, or a reduction order.

**PLEASE TURN OFF ELECTRONIC DEVICES OR PLACE IN VIBRATE MODE.**

**CITY OF FRUITLAND PARK  
CODE ENFORCEMENT-SPECIAL MAGISTRATE  
HEARING MINUTES**

**April 1, 2021**

City Hall Commission Chambers  
506 W. Berckman Street  
Fruitland Park, FL 34731

**9:00 A.M.**

**PRESENT:** Mr. Ashley Hunt, Attorney-at-law, Special Magistrate; Ms. Anita Geraci-Carver, City Attorney; Lori Davis, Code Enforcement Officer; Assistant Joshua Bills, Esq., Administrative Assistant Sharon Williams.

**1. CALL TO ORDER**

The meeting was called or order at 9:07AM

**2. APPROVAL OF MINUTES**

Special Magistrate Hunt approved the February 4<sup>th</sup>, 2021 minutes.

**3. ADMINISTRATION OF OATH TO DEFENDANTS/WITNESSES**

Not Applicable

**4. ATTORNEY PRESENTATIONS -HEARINGS**

**a) Affidavit of Non-Compliance**

**Case#: CE2020-0014 – Repeat Violation**

**Property Address: 412 Sunny Court, Fruitland Park, FL 34731**

**Property Owner: Robert T. Moore**

**Violation: City Code, Chapter 97; Property Maintenance**

**Sec. 97.04 - Accumulation of Junk**

Ms. Davis presented an affidavit of non-compliance and stated that this case was previously presented to Special Magistrate Hunt on January 7, 2021. At that time, the property owner was present at the hearing and was given until March 8<sup>th</sup>, 2021 to comply with clearing the property of the accumulation of junk. Ms. Davis reinspected the property on March 16<sup>th</sup> and the property owner was still found in violation. Ms. Davis added that Mr. Moore has made ample progress in his cleanup effort in the front yard of the property. She further stated that although progress had been made, there was still a large amount of junk in the rear yard.

Mr. Moore was given the opportunity to speak by Special Magistrate Hunt. He stated that he was doing his best on the cleanup of the property. Due to health problems/challenges however, he has not been able to fully clear his property of the junk. He stated that an associate that has been instrumental in helping him would also be appearing at the hearing to speak on his behalf. Mr. Moore presented pictures to Special Magistrate Hunt that he has cleaned

up more junk along the side and in the rear of the property since Ms. Davis' last inspection on March 16th. Special Magistrate Hunt asked Mr. Moore to share the pictures with Ms. Davis.

Mr. Allen Lestoskie, 4627 Virginia Street, Apopka, FL was allowed by the Magistrate to speak on Mr. Moore's behalf. Mr. Lestoskie stated that because the property owner had been sick, he was having a difficult time clearing the property. He stressed that over the past three (3) months, he and other friends were doing what they could to assist Mr. Moore in staying motivated and accountable for cleaning up the property. Mr. Lestoskie noticed a lot of progress with the cleanup and was aware of approximately 25-30 trailer loads of junk removed. He further noted that in addition to other accumulated junk, there were 27 air conditioning units and several washers and dryers that were also removed. Per Mr. Lestoskie, the property owner has since currently loaded another trailer of junk at the property ready to take be taken away.

Special Magistrate Hunt inquired how he came to know Mr. Moore and he stated that they were of the same fellowship through a N.A. group and volunteer to assist others.

Special Magistrate Hunt inquired about Love Week assisting with the cleanup. Mr. Moore stated that he had already been assisted twice in the past and believed there to be a maximum number of attempts to assist with cleanup efforts by the group.

Ms. Davis asked the court to allow additional time for the cleanup in consideration of the progress made to date and based upon him making frequent contact with the city to advise of status updates. The Magistrate allowed Mr. Moore an extension of two (2) months to bring the property into conformity. If not 100% in compliance by the June meeting, fines(s) would indeed be imposed.

With no further business, the hearing was adjourned at 9:17AM.

**5. REQUEST FOR HEARINGS - NONE**

**6. OLD BUSINESS – NONE**

**7. NEW BUSINESS - NONE**

**8. PUBLIC COMMENTS**

2013-023, members of the public shall be given a reasonable opportunity to be heard on propositions before the Code Enforcement-Special Magistrate. Accordingly, comments Note: Pursuant to F.S. 286.0114 and the City of Fruitland Park's Public Participation Policy adopted by Resolution, questions, and concerns regarding items listed on this agenda shall be received at the time the Code Enforcement-Special Magistrate addresses such items during this meeting. Pursuant to Resolution 2013-023, public comments are limited to three minutes.

**9. OTHER BUSINESS**

**10. ADJOURNMENT** – Meeting adjourned at 9:17AM.

Any person requiring a special accommodation at this meeting because of disability or physical impairment should contact the City Clerk's Office at City Hall (352) 360-6727 at least forty-eight (48) hours prior to the meeting. (§286.26 F.S.)

If a person decides to appeal any decision made by the City of Fruitland Park Code Enforcement-Special Magistrate with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings and ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The city does not provide verbatim records. (§286.0105, F.S.)

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**PLEASE TURN OFF ELECTRONIC DEVICES OR PLACE IN VIBRATE MODE.**

# PROPERTY RECORD CARD

## General Information

<b>Name:</b>	DIXON PENELOPE W	<b>Alternate Key:</b>	1434173
<b>Mailing Address:</b> 204 COLLEGE AVE FRUITLAND PARK, FL 34731 <a href="#">Update Mailing Address</a>		<b>Parcel Number:</b>	04-19-24-2200-000-01100
		<b>Millage Group and City:</b>	00F2 Fruitland Park
		<b>2021 Total Certified Millage Rate:</b>	17.1686
		<b>Trash/Recycling/Water/Info:</b>	<a href="#">My Public Services Map</a>
<b>Property Location:</b> 204 COLLEGE AVE FRUITLAND PARK FL, 34731 <a href="#">Update Property Location</a>		<b>Property Name:</b>	-- <a href="#">Submit Property Name</a>
		<b>School Information:</b>	<a href="#">School Locator &amp; Bus Stop Map</a> <a href="#">School Boundary Maps</a>
<b>Property Description:</b>	FRUITLAND PARK, SPRINGWOOD PK LOT 11 PB 24 PG 11 ORB 1176 PG 346		
<small>NOTE: This property description is a condensed/abbreviated version of the original description as recorded on deeds or other legal instruments in the public records of the Lake County Clerk of Court. It may not include the Public Land Survey System's Section, Township, Range Information or the county in which the property is located. It is intended to represent the land boundary only and does not include easements or other interests of record. This description should not be used for purposes of conveying property title. The Property Appraiser assumes no responsibility for the consequences of inappropriate uses or interpretations of the property description.</small>			

## Land Data

Line	Land Use	Frontage	Depth	Notes	No. Units	Type	Class	Value	Land Value
1	SINGLE FAMILY (0100)	0	0		1.000	Lot	\$0.00		\$29,920.00
<a href="#">Click here for Zoning Info</a>					<a href="#">FEMA Flood Map</a>				

## Residential Building(s)

### Building 1

Residential	Building Value: \$116,613.00		
<b>Summary</b>			
Year Built: 1979	Total Living Area: 1144	Central A/C: Yes	Attached Garage: Yes
Bedrooms: 3	Full Bathrooms: 2	Half Bathrooms: 0	Fireplaces: 0
<a href="#">Incorrect Bedroom, Bath, or other information?</a>			
<b>Section(s)</b>			
<b>Section Type</b>	<b>Ext. Wall Type</b>	<b>No. Stories</b>	<b>Floor Area</b>
FINISHED LIVING AREA (FLA)	Stucco/Brick (03)	1.00	1144
GARAGE FINISHED STONE (GCF)		1.00	364
OPEN PORCH FINISHED (OPF)		1.00	60
SCREEN PORCH FINISHED (SPF)		1.00	192
<a href="#">View Larger / Print / Save</a>			



Code Enforcement Department  
506 W. Berckman St. Tel. (352) 360-6727  
Fruitland Park FL 34731 Fax. (352) 360-6652

**COURTESY  
NOTICE OF VIOLATION**

**OWNER:** Penelope W. Dixon  
**ADDRESS:** 204 College Avenue  
Fruitland Park, FL 34731

**DATE:** January 5, 2021  
**CASE #:** CE222-0001

**Ref:** 204 College Avenue, Fruitland Park, FL 34731

**You are in violation of the following City Code(s): Please correct the violation(s) by:** January 15, 2022

- Sec. 105.1 FL Building Code - Building Permit Required
- Sec. 91.170 City Code - Keeping of Chickens or fowl Prohibited
- Sec. 91.030 City Code - At Large Animals Prohibited
- Sec. 97.03 City Code - Excessive or Untended Growth of Vegetation Prohibited
- Sec. 97.04 City Code - Accumulation of Junk Prohibited
- Sec. 301.3 – Property Maintenance, Vacant Structures and Land
- Sec. 302.8 – Property Maintenance, Motor Vehicles (Junked, Unlicensed/Inoperable)
- Sec. 304.1- Property Maintenance, Exterior maintenance of structure and premises
- Sec. 163.020 a) LDR'S - Sign Permit Required
- Sec. 156.010 LDR's - Recreational Vehicle Parking
- Sec. 112.01 City Code - Operating a Business without/or an Expired Bus. Tax Receipt
- Sec. 108.1.3 Other: Structure unfit for human occupancy.

**Corrective Action Required:** The residential property is in violation of: Operating a business in R2 zoning and keeping and storing business equipment and supplies for same business, property is in violation of accumulating junk to include vehicles that are not licensed or operable, property owner is in violation of utilizing storage sheds and or storage containers in the rear yard as housing units. These violations have been noticed on previous occasions and verbal instructions have also been given to the property owner as to clean up etc.

If the violation is corrected and then recurs or if the violation is not corrected by the time specified for correction, the case may be presented to the City of Fruitland Park Code Enforcement Special Magistrate even if the violation has been corrected prior to the Special Magistrate hearing. The Code Enforcement Special Magistrate has the power to order a fine and impose a lien in an amount not to exceed \$250.00 per day for each day the violation exists past the date of required compliance and may include all costs of repairs pursuant to F.S. 162.06(4) and costs of enforcement.

*Lori Davis*

**Code Enforcement Officer**  
**City of Fruitland Park**

**Contact: 352-360-6542**  
**Email: ldavis@fruitlandpark.org**

CE22-0035  
204 College Avenue, Fruitland Park, FL 34731  
January 4, 2022

View from the street. Front of house with accumulation of junk, business related equipment, and house hold items being stored outside of the home in front of the garage area.





Community Development Department  
506 W. Berckman St.  
Fruitland Park FL 34731

Tel. (352) 360-6727  
Fax. (352) 360-6652

## NOTICE OF VIOLATION

February 24, 2022

Penelope W. Dixon  
204 College Avenue  
Fruitland Park, FL 34731

Re: **204 College Avenue, Fruitland Park, FL 34731**  
**Parcel Number: 04-19-24-2200-000-01100**  
**Alternate Key: 1434173**  
**Case Number: CE22-0001**

To Whom It May Concern:

On **January 5, 2022** your property more particularly described above was observed to be in violation of:

### **Violation #1: City of Fruitland Park Ordinance - CHAPTER 97. - PROPERTY MAINTENANCE**

#### **Sec. 97.04. - Accumulation of junk prohibited.**

Except as otherwise provided in this chapter, no person shall accumulate junk, cause junk to be accumulated, or allow junk to be accumulated upon any property located within the city regardless of the property's zoning classification or use. The accumulation of junk upon property located within the city, regardless of the property's zoning classification or use, endangers the public's health, safety, and welfare, adversely affects and impairs the value of adjacent property, is a nuisance, and is prohibited.

(Ord. 90-019, passed 7-26-90)

Junk. Scrap metal, or any dismantled, partially dismantled, nonoperative, or discarded, machinery, appliance, equipment, vehicle, or boat, or part thereof. Any vehicle which is required to be registered and licensed in order to be operated or driven on the roads of the state, and which does not have a current certificate of registration and current license tag shall be irrebuttably presumed to be junk. Any item of tangible personal property, designed to be used in an environment which is protected from the elements, such as the interior of a building, shall be irrebuttably presumed to be junk if the item is stored outside. Further, any

vehicle in inoperable condition shall be irrebuttably presumed to be junk. For the purposes of this chapter, inoperable condition shall mean a condition of disrepair which renders the vehicle inoperable in a normal manner, or in the manner for which the vehicle was designed, for a period of time exceeding 72 hours.

*To Resolve: The unlicensed and inoperable motor vehicles and trailers parked on the property cannot be stored in this condition. The vehicles and or trailers should be removed and or made compliant. Also, the accumulation of junk, coolers and scrap metal have to be cleaned up and removed from the property.*

**Violation #2: City of Fruitland Park Ordinance- Land Development Regulations  
CHAPTER 154. – Zoning District Regulations**

**SECTION 154.030: ESTABLISHMENT OF ZONING DISTRICTS AND  
OFFICIAL ZONING MAP**

c) Compliance with District Regulations.

No building or structure shall be erected, reconstructed or structurally altered, nor shall any building, land or water be used for any purpose other than a use permitted in the district in which such building, land or water is located. No building or land shall be used so as to produce greater heights, smaller yards, less unoccupied areas, or higher density or intensity than is prescribed for such building or land within the district regulations in which the building or land is located. No lot, which is now or which may hereafter be built upon shall be so reduced in area so that it will be smaller than prescribed by the Land Development Code.

Property is Zoned as: R-1 Single Family Low Density Residential, and is being used for commercial business activities which is in violation of Zoning Regulations.

*To Resolve: All commercial business activities must cease. Also, any and all business equipment and or supplies can not be stored outside of the dwelling. The business equipment currently in the front and back yard, to include the freezers and coolers, must be removed and cleaned up.*

**Violation #3: City of Fruitland Park Ordinance- SECTION 108 - INTERNATIONAL  
PROPERTY MAINTENANCE CODE**

**SECTION 108.1.3 – Structure unfit for human occupancy.**

A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by

this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

***To Remedy: Any and all persons residing in the shed(s) and utility trailer(s) on the property must vacate. The structures are not permitted living spaces.***

This **Notice of Violation** is being provided to you in accordance with §162.06, Florida Statutes. Please correct the violation no later than 3/10/2022. You are required to:

1. Cease all commercial business activities.
2. The inoperable vehicles and trailers need to be removed or made operable and licensed.
3. Remove all the junk accumulated on the property to include the commercial equipment such as the freezers, refrigerators, coolers and all other debris.
4. And any and all person(s) residing in the rear shed(s) and or utility trailer(s), need to vacate the structures/equipment.

If the violations are corrected and then recur or if the violations are not corrected by the time specified for correction, the case may be presented to the City of Fruitland Park Code Enforcement Special Magistrate even if the violation has been corrected prior to the Special Magistrate hearing. The Code Enforcement Special Magistrate has the power to order a fine and impose a lien in an amount not to exceed \$250.00 per day for each day the violation exists past the date of required compliance and may include all costs of repairs pursuant to F.S. 162.06(4) and costs of enforcement.

Once you have corrected the violation it is your responsibility to notify the City of Fruitland Park that you have corrected the violation so the City can re-inspect your property. Please contact Code Enforcement at **352-360-6542**.

Should you have any questions, please contact Code Enforcement at **352-360-6542**. Thank you for your anticipated cooperation.

Sincerely,



Lori Davis, Code Enforcement Officer  
City of Fruitland Park

I HEREBY CERTIFY that the foregoing Notice of Violation has been furnished this **24th** day of **February, 2022** via Certified U. S. Mail Return Receipt Requested, and Regular U.S. Mail to **Penelope W. Dixon** (owner/s) at **204 College Ave., Fruitland Park, FL 34731**. Additionally, on **February 24, 2022** I posted the foregoing Notice of Violation on the Property and at City Hall.



Lori Davis, Code Enforcement Officer  
City of Fruitland Park

## Violation #1

Photo Evidence of:

International Property Maintenance Code

Sec. 308.1

Accumulation of Rubbish and Garbage

### **SECTION 308**

#### **RUBBISH AND GARBAGE**

**308.1 Accumulation of rubbish or garbage.** *Exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.*

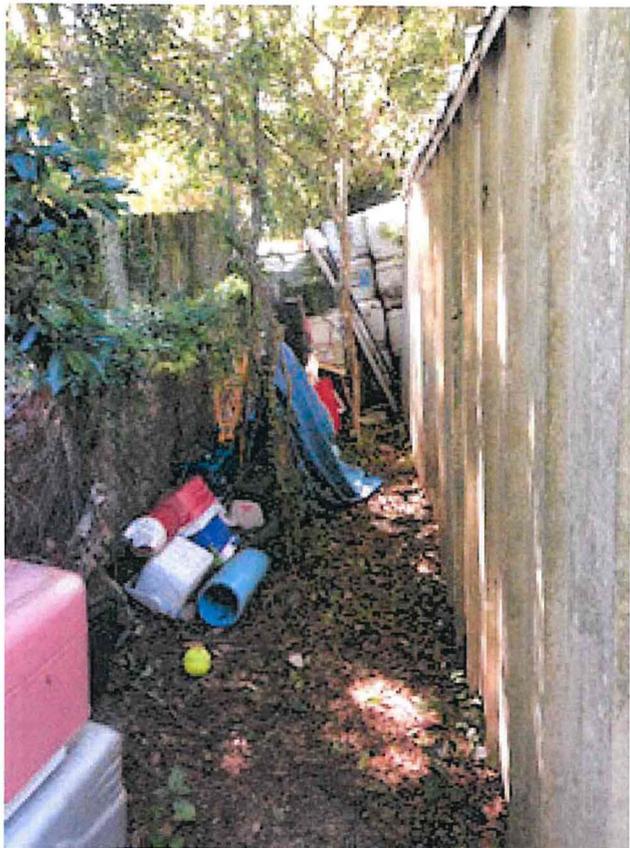
CE22-0035  
204 College Avenue, Fruitland Park, FL 34731  
July 11, 2022

View of accumulation of Junk, business related equipment and supplies in the rear yard.



CE22-0035  
204 College Avenue, Fruitland Park, FL 34731  
September 30, 2022

View of junk and business coolers alongside southernmost fenceline.



## Violation #2

Photo Evidence of:

International Property Maintenance Code

Sec. 108.1.3

Structure Unfit for Human Occupancy

**108.1.3 Structure unfit for human occupancy.** A structure is unfit for human *occupancy* whenever the *code official* finds that such structure is unsafe, **unlawful** or, because of the degree to which the structure is in disrepair or lacks maintenance, is **insanitary**, vermin or rat infested, contains filth and contamination, or lacks *ventilation*, illumination, **sanitary** or heating facilities or **other essential equipment required by this code**, or because the location of the structure constitutes a hazard to the *occupants* of the structure or to the public.

CE22-0035  
204 College Avenue, Fruitland Park, FL 34731  
July 11, 2022

Black utility trailer parked in rear yard. Trailer being used as living quarters. Electric power was being supplied by electric cords running to the house. Inside the trailer was found a sleeping cot, fans and personal items.



CE22-0035  
204 College Avenue, Fruitland Park, FL 34731  
July 11, 2022

View of interior of the black utility trailer parked in the rear yard. Contents included: Sleeping Cot, Small dresser, personal items along with fans with electric supplied by power cords running to the house.



CE22-0035  
204 College Avenue, Fruitland Park, FL 34731  
July 11, 2022

Yellow Utility Trailer parked in the rear yard used as living quarters.



CE22-0035

204 College Avenue, Fruitland Park, FL 34731

July 11, 2022

Yellow Utility Trailer being used as living quarters. Interior contents included a sleeping cot, personal items such as shoes and clothing and fans with power supplied by extension cords running to the house.



CE22-0035

204 College Avenue, Fruitland Park, FL 34731

September 30, 2022

View of Junk and White Shed being used as living quarters for son and girlfriend. Shed has power running to it with electrical cords from house, no water or sanitary toilet facilities.



CE22-0035

204 College Avenue, Fruitland Park, FL 34731

July 11, 2022

Interior area of white shed in rear yard being used as living quarters. Shed contained a full sized bed with mattress, couch, refrigerator, TV, AC and personal items such as food and clothing.



CE22-0035  
204 College Avenue, Fruitland Park, FL 34731  
July 11, 2022

View of interior and contents of white shed in rear yard used as living quarters.

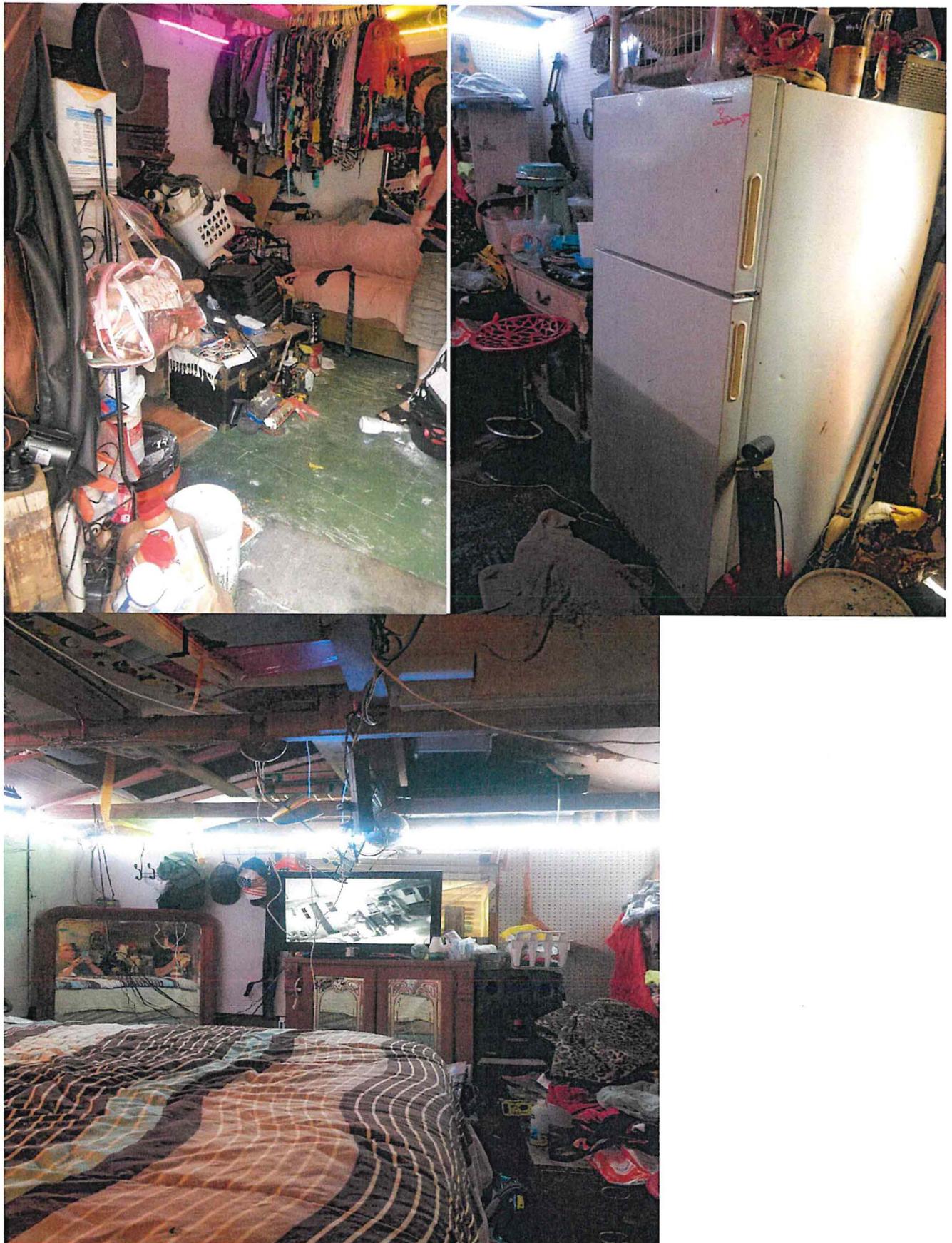


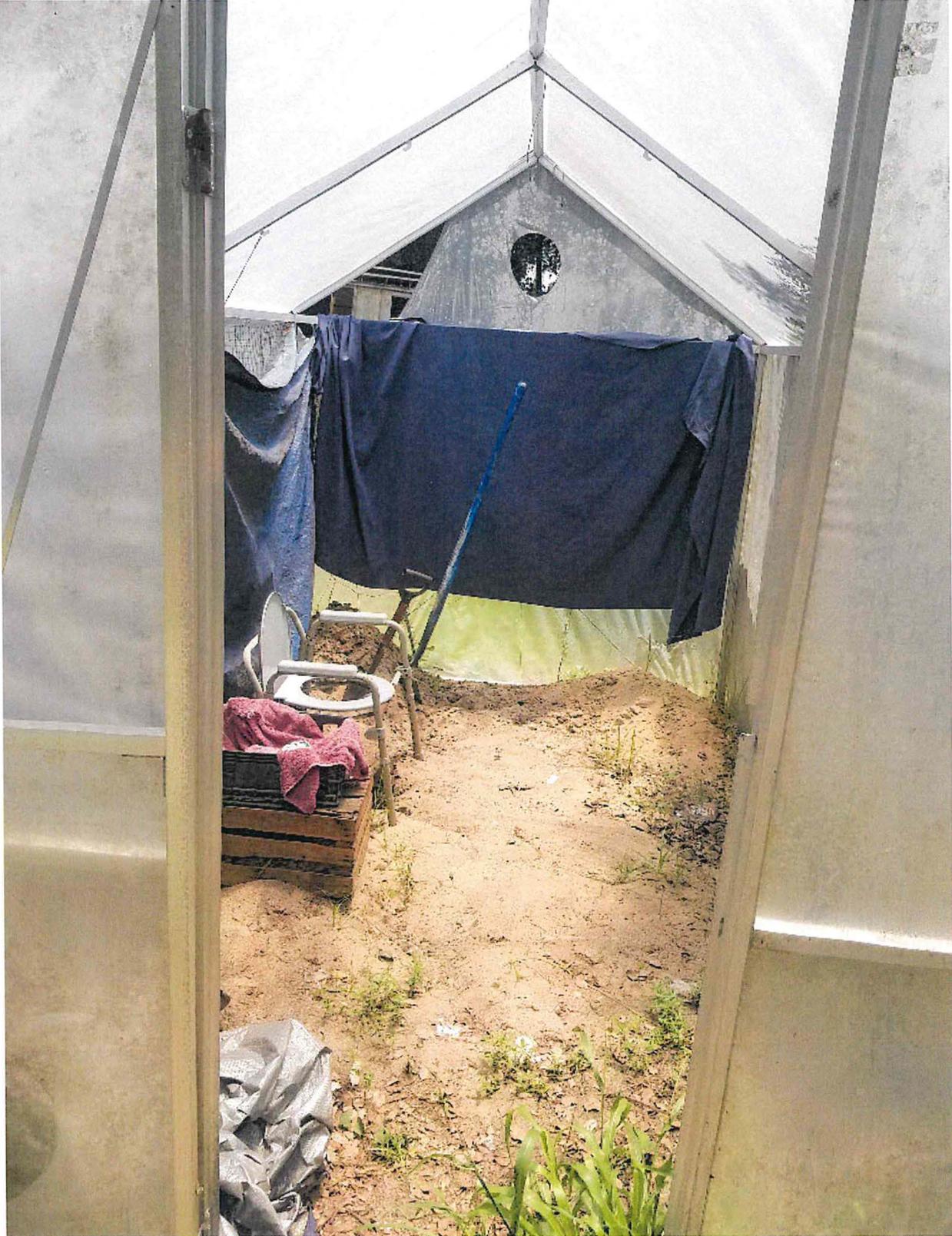
Photo Evidence of:  
International Property Maintenance Code  
Sec. 506 Sanitary Drainage System

**SECTION 506**  
**SANITARY DRAINAGE SYSTEM**

[P] **506.1 General.** Plumbing fixtures shall be properly connected to either a public sewer system or to an *approved* private sewage disposal system.

CE22-0035  
204 College Avenue, Fruitland Park, FL 34731  
July 11, 2022

Portable tent structure with toilet seat with hole dug into the dirt being used for toilet facilities.



CE22-0035  
204 College Avenue, Fruitland Park, FL 34731  
July 11, 2022

View of interior of tent structure in back yard with toilet chair with raw sewage exposed.



## Violation #3

### Photo Evidence of:

#### **CHAPTER 112. - BUSINESS TAX RECEIPT**

##### **Sec. 112.01. - Business tax receipt required to engage in business, profession, or occupation.**

No person, firm, or corporation shall engage in or manage any business, profession, or occupation mentioned in this chapter within the city until after a business tax receipt shall have been procured from the city clerk, which business tax receipt shall be issued to each person, firm, or corporation on receipt of the amount hereinafter provided, paid to the city.

#### LDR'S

##### **SECTION 156.020: HOME OCCUPATIONS**

e) Restrictions.

Home occupations are permitted as accessory uses in all residential zones and subject to the following restrictions.

1) No persons other than members of the family residing on the premises shall be engaged in the home occupation.

2) The use of the dwelling for a home occupation shall be clearly incidental and subordinate to its residential use, and there shall be no change in the appearance of the dwelling or outside evidence of non-residential use, except for a maximum one (1) square foot non-illuminated wall sign located adjacent to the main entrance of the structure.

3) Any business that involves storage, processes, employees, equipment or any other activity not permitted by this Section shall provide proof of a properly zoned and licensed business location housing those activities.

4) No home occupation shall occupy more than twenty (20) percent of the first floor living area of the residence. New construction of additional living area floor space shall not be eligible for this definition for two (2) years after this completion according to the date of the Certificate of Occupancy. No accessory structure shall be used as part of a home occupation, except for the storage of customary homeowners tools and equipment.

5) There shall be no display of products visible in any manner from the outside of the dwelling.

6) No equipment or process shall be used which creates visual or audible electrical interference in any radio or television receiver off the premises or causes fluctuations in line voltage off the premises.

7) There shall be no storage of equipment or supplies associated with the home occupation outside the dwelling.

8) No home occupation shall generate traffic on a regular basis greater than that customarily generated by the type of residence involved.

9) No equipment or process shall be used in a home occupation which creates excessive noise, vibration, glare, fumes, or odor detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing in the neighborhood.

10) No home occupation shall cause an increase in the use of any one or more public utilities (water, sewer, electricity and garbage collection) so that the combined total use for dwelling and home occupation purposes exceeds the customary average for similar type residences within the City.

CE22-0035

204 College Avenue, Fruitland Park, FL 34731

July 11, 2022

View of back porch with Ice machine, freezers and business supplies.

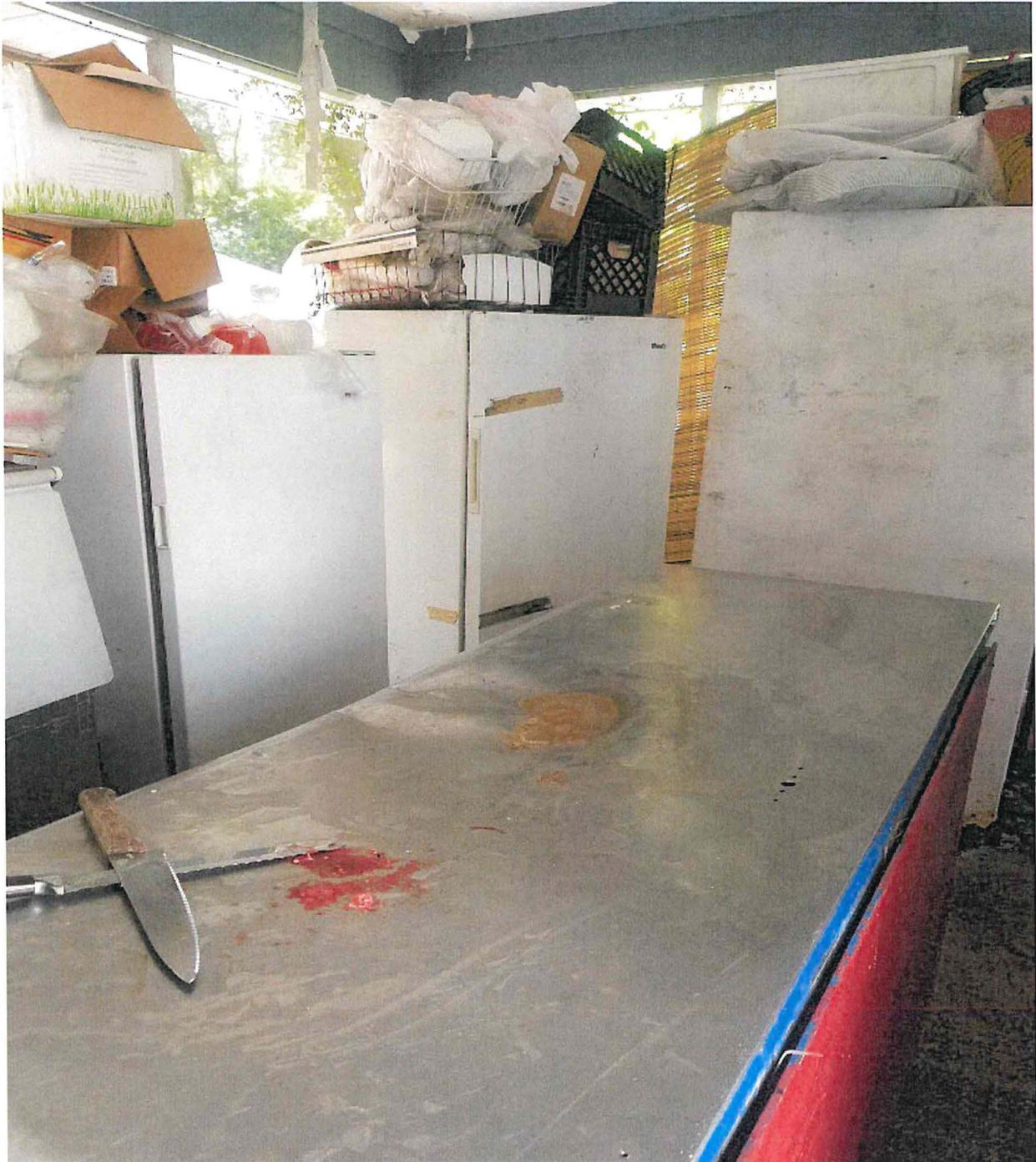


CE22-0035

204 College Avenue, Fruitland Park, FL 34731

July 11, 2022

View of freezers and business supplies for business use on back porch.



CE22-0035

204 College Avenue, Fruitland Park, FL 34731

July 11, 2022

Business supplies such as old coolers are being stored and used on back porch of property to include snow cone syrup. Food products are out in the open and exposed to the elements and attracting rodents.



CE22-0035  
204 College Avenue, Fruitland Park, FL 34731  
July 11, 2022

View of back open porch with freezer chests, Cotton Candy machine and serving supplies that are outside and exposed to the elements.



## NOTICE OF VIOLATION

July 12, 2022

Penelope W. Dixon  
204 College Avenue  
Fruitland Park, FL 34731

Re: **204 College Avenue, Fruitland Park, FL 34731**  
**Parcel # 04-19-24-2200-000-01100**  
**Alternate Key: 1434173**  
**Case Number: CE2022-0035**

To Whom It May Concern:

On **July 11, 2022** your property more particularly described above was observed to be in violation of:

**Violation #1: City of Fruitland Park Ordinance – Property Maintenance Code, Chapter 3**  
**General Requirements:**  
**Section 308 Rubbish and Garbage**

**308.1 Accumulation of rubbish or garbage.** All exterior property and premises, and the interior of every structure, shall be free from any accumulation of debris, rubbish, junk, trash, cans, paper, tires, furniture, building material or appliances.

**Violation #2: City of Fruitland Park Ordinance – Property Maintenance Code, Chapter 1**  
**Scope and Administration:**  
**Section 108**

**108.1.3 Structure unfit for human occupancy.** A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

**Violation #3: City of Fruitland Park Ordinance - Property Maintenance Code, Chapter 5 SECTION 506**  
**SANITARY DRAINAGE SYSTEM**

**506.1 General.** Plumbing fixtures shall be properly connected to either a public sewer system or to an *approved* private sewage disposal system.

**Violation #4: City of Fruitland Park Ordinance – Chapter 112**  
**Business Tax Receipts:**  
**Section 112.01**

**112.01. - Business tax receipt required to engage in business, profession, or occupation.** No person, firm, or corporation shall engage in or manage any business, profession, or occupation mentioned in this chapter within the city until after a business tax receipt shall have been procured from the city clerk, which business tax receipt shall be issued to each person, firm, or corporation on receipt of the amount hereinafter provided, paid to the city.

*To Resolve:*

- 1. The accumulation of junk, household garbage, and business equipment that is surrounding the exterior of the property should to be removed and disposed of properly.*
- 2. The housing use of the shed and utility trailers must cease immediately. They are unfit for human occupancy.*
- 3. The rat and vermin infestation must be exterminated professionally as to not cause a health hazard.*
- 4. The use of the “Toilet Tent” in the backyard must cease immediately. Any and all sewage must be disposed of properly as to not cause a health hazard.*
- 5. The business operation occurring out of the residential property must cease as it is not permitted with a Business Tax Receipt.*
- 6. The storage of business-related items such as the numerous freezers, coolers and food products should be removed as the items are insanitary and attracting rats. This storage is creating a health hazard.*

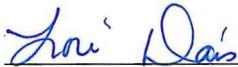
This Notice of Violation is being provided to you in accordance with §162.06, Florida Statutes. Please correct the violation no later than **7/26/2022**. You are required to: Clear all junk, garbage from the exterior of the property and dispose of properly. Stop housing person(s) in the exterior shed and utility trailers. Exterminate the rat infestation. Dispose of and clear the “toilet tent” to include the sewage deposits properly. Remove business related equipment to include food items from the property.

If the violation is corrected and then recurs or if the violation is not corrected by the time specified for correction, the case may be presented to the City of Fruitland Park Code Enforcement Special Magistrate even if the violation has been corrected prior to the Special Magistrate hearing. The Code Enforcement Special Magistrate has the power to order a fine and impose a lien in an amount not to exceed \$250.00 per day for each day the violation exists past the date of required compliance and may include all costs of repairs pursuant to F.S. 162.06(4) and costs of enforcement.

Once you have corrected the violation it is your responsibility to notify the City of Fruitland Park that you have corrected the violation so the City can re-inspect your property. Please contact Code Enforcement at **352-360-6542**.

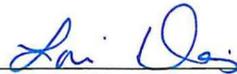
Should you have any questions, please contact Code Enforcement at **352-360-6542**. Thank you for your anticipated cooperation.

Sincerely,



\_\_\_\_\_  
Lori Davis, Code Enforcement Officer  
City of Fruitland Park

I HEREBY CERTIFY that the foregoing Notice of Violation has been furnished this **12th** day of **July 2022** via Certified U. S. Mail Return Receipt Requested, and Regular U.S. Mail to: **Penelope Dixon** (owner/s) at **204 College Avenue, Fruitland Park, FL 34731**. Additionally, on **July 12, 2022**, I posted the foregoing Notice of Violation on the Property and at City Hall.



\_\_\_\_\_  
Lori Davis, Code Enforcement Officer  
City of Fruitland Park

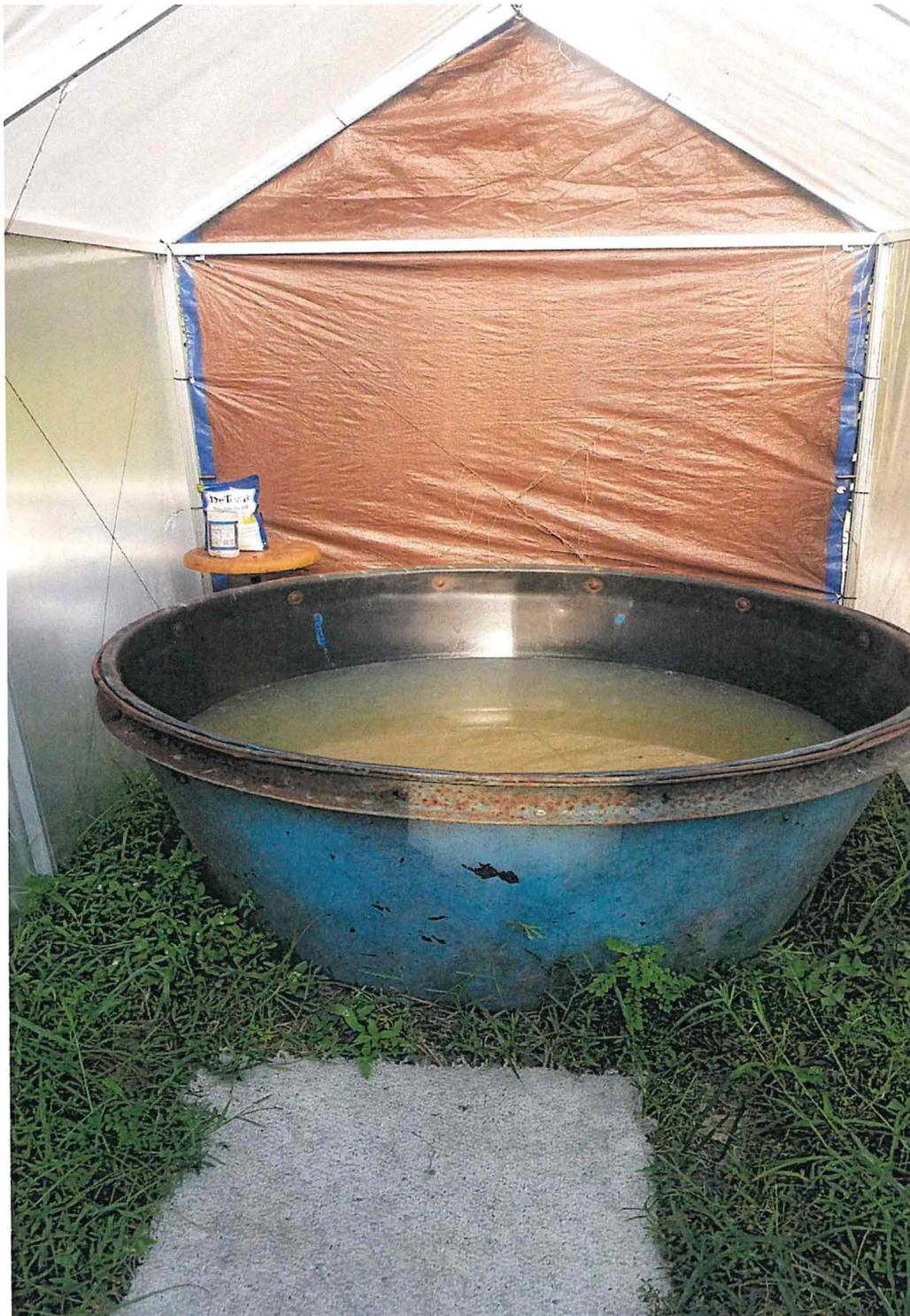
Photo Evidence of:  
International Property Maintenance Code  
Sec. 506 Sanitary Drainage System

**SECTION 506**  
**SANITARY DRAINAGE SYSTEM**

[P] **506.1 General.** Plumbing fixtures shall be properly connected to either a public sewer system or to an *approved* private sewage disposal system.

CE22-0035  
204 College Avenue, Fruitland Park, FL 34731  
August 18, 2022

Portable tent now repaired and moved in the rear yard. Currently being used as a bathhouse.



**CODE ENFORCEMENT  
CITY OF FRUITLAND PARK**

CITY OF FRUITLAND PARK

v.

CASE NO.: CE2022-0035

Penelope W. Dixon, Respondent  
204 College Avenue  
Fruitland Park, FL 34731

**REQUEST FOR HEARING**

Re: 204 College Avenue, Fruitland Park, FL 34731  
Parcel Identification Number: 04-19-24-2200-000-01100

Pursuant to §162.06, Florida Statutes, the undersigned hereby gives notice of an uncorrected violation of the Code of Ordinances of the City of Fruitland Park, as more particularly described herein, and hereby requests a public hearing before the Code Enforcement Special Magistrate of the City of Fruitland Park.

#1 Violation of City Code, Section: 308.1 - Property Maintenance Code- Accumulation of Rubbish and Garbage.

#2 Violation of City Code, Section: 108.1.3- Structure unfit for human occupancy.

#3 Violation of City Code, Chapter: 112.01 -Business Tax Receipt required

Location/address where violation exists: 204 College Avenue, Fruitland Park, FL 34731

Name and Address of owner of property: Penelope W. Dixon  
204 College Avenue, Fruitland Park, FL 34731

Description of violation(s): The residential property is being used to store supplies and equipment for a mobile food business for which the owner does not have zoning clearance and or a business license to operate from this location. The property has outside sheds and trailers which are being used as living quarters. These structures are Unsafe and Unfit for human occupancy. Also, the exterior of the property is overtaken with piles of junk which is insanitary and rat infested.

Date violation first observed: 01/5/2022

Date by which violation was to be corrected: 7/26/2022

Date of re-inspection: 8/18/2022

Results of re-inspection: Property was still in violation of Accumulation of Junk, Structure Unfit for Human Occupancy and Zoning Regulations for Operating a Business in a residential zone w/o a business license.

As authorized by the International Property Maintenance Code – Administration and Enforcement Section 106.5 Abatement of violation:

On July 12, 2022, this officer took appropriate action to prevent illegal occupancy of the structure (Sheds and Trailers) and or to stop illegal activity on the property.

This action included: Posting Notices on the Sheds and Trailers as “Condemned” and to “Vacate Immediately” as Structures were Unfit for Human Occupancy and fines could be imposed if the notice was violated.

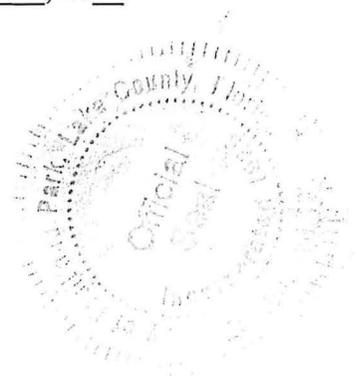
Based on the foregoing, the undersigned hereby certifies that the foregoing statements are true and correct, and that the above described violation continues to exist, that attempts to secure compliance have failed and that the violation should be set for a public hearing before the Code Enforcement Special Magistrate.

Dated this 18 day of August, 2022

Lori Davis  
Code Enforcement Officer  
City of Fruitland Park

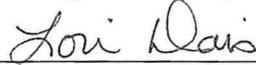
SWORN to and subscribed before me this 18<sup>th</sup> day of August, 2022

[Signature]  
City Clerk



**Certificate of Notice**

I HEREBY CERTIFY that the foregoing Request for Hearing has been furnished this **18th** day of **August, 2022** via Certified U. S. Mail Return Receipt Requested, and Regular U.S. Mail to **Penelope W. Dixon** (owner/s) at **204 College Ave., Fruitland Park, FL 34731**. Additionally, on **August 18, 2022** I posted the foregoing Request for Hearing on the Property and at City Hall.



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Code Enforcement Officer  
City of Fruitland Park

**CODE ENFORCEMENT  
CITY OF FRUITLAND PARK**

CITY OF FRUITLAND PARK

v.

CASE NO.: **CE22-0035**

Penelope W. Dixon, Respondent  
204 College Avenue  
Fruitland Park, FL 34731

**NOTICE OF HEARING**

To: Penelope W. Dixon

Re: 204 College Avenue, Fruitland Park, FL 34731  
Parcel Identification Number: 04-19-24-2200-000-01100

Please take notice that on the **6th** day of **October, 2022** at **9:00 A.M.** or as soon thereafter as may be heard, the undersigned will bring on to be heard before the Code Enforcement Magistrate the violation(s) of:

**#1** City of Fruitland Park Code, Section: 308.1 – Property Maintenance Code – Accumulation of Rubbish and Garbage.

**#2** City of Fruitland Park Code, Section: 108.1.3 – Structures unfit for human occupancy.

**#3** City of Fruitland Park Code, Chapter: 112.01 – Business Tax Receipt Required

Please govern yourself accordingly.

Dated this 7th day of September, 2022.

  
\_\_\_\_\_  
Code Enforcement Officer  
City of Fruitland Park

**AFFIDAVIT OF NOTICE**

I HEREBY SWEAR OR AFFIRM that the foregoing Notice of Hearing has been furnished this 7th day of September, 20 22 via Certified U. S. Mail Return Receipt Requested, and Regular U.S. Mail to **Penelope W. Dixon** (owner/s) at **204 College Avenue, Fruitland Park, FL 34731**. Additionally, on **September 7, 20 22** I posted the foregoing Notice of Hearing on the Property and at City Hall.

Lori Davis  
Code Enforcement Officer  
City of Fruitland Park

SWORN TO AND SUBSCRIBED before me this 7th day of September 20 22,  
by Lori Davis, Code Enforcement Officer of the City of Fruitland Park,  
who is personally known to me and who did take an oath.



**Candice N. Dennis**  
Notary Public  
State of Florida  
Comm# HH096176  
Expires 6/17/2025

Candice N. Dennis  
Notary Public  
Print Name: CANDICE N. DENNIS  
My Commission Expires: 6/17/25

Pursuant to F.S. 286.0105, Florida Statutes, if any person desires to appeal any decision with respect to a matter considered at a public hearing or hearing of the Code Enforcement Special Magistrate, such person will need a record of the proceedings, and such person may need to ensure that a verbatim record for such purpose is made, which record includes the testimony and evidence upon which the appeal is based.

Pursuant to F.S. 162.11 Florida, Statutes, either the City of Fruitland Park or a respondent may appeal a final administrative order of the Code Enforcement Magistrate to the Circuit Court in Lake County, Florida. Such an appeal shall be filed within thirty (30) days of the execution of the Order to be appealed.

Individuals with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk at least two (2) working days in advance of the hearing date and time at 352-360-6727.