

Filed and Recorded in Official Records of
MONROE COUNTY KEVIN MADOK, CPA

**CITY OF KEY COLONY BEACH, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE**

CITY OF KEY COLONY BEACH, FLORIDA,

Petitioner,

v.

PETER F. HINES and BLANCHE HINES

Respondents.

COMPLIANCE ORDER

IN RE: 511 3rd Street, Key Colony Beach, Florida, 33051
MAILING ADDRESS: PO Box 510530, Key Colony Beach, FL 33051
PARCEL ID: 00072870-000100

VIOLATIONS: Sec. 6-6, Construction Activities without a Permit

The Code Enforcement Special Magistrate for Key Colony Beach, Florida, having before it the above-referenced Code Violations, Sec. 6-6, Construction Activities without a Permit, the Special Magistrate now issues the following **COMPLIANCE ORDER**.

FINDINGS OF FACT

1. Respondents are the title owners of real property located at 511 3rd Street, Key Colony Beach, Florida 33051 (the "Property").
2. On or about July 14, 2023, the Key Colony Beach Building Official, Lenny Leggett, received an email from Blanche Hines, co-owner of 511 3rd Street, Key Colony Beach, FL, 33051, requesting a final inspection of a "newly installed generator". Key Colony Beach Building Official Leggett responded with a request for the contractor information so he could verify the inspection request. Mrs. Hines then indicated the contractor was Sunshine Electric Professional, Inc.
3. On July 19, 2023, Key Colony Beach Building Official Leggett responded to Ms. Hines and indicated as follows:

“I have attempted to utilize the information provided address and contractor information. I am unfortunately of the opinion that the contractors potentially conducted this work without the benefit of a required building permit. This should be resolved in a timely manner. I have contacted our Code enforcement department and notified them of the contractors responsible. I am coping them in this email so communication can assist with achieving compliance. If you have emails and or phone numbers for the contractors responsible that would be great information towards resolving this.”

4. Key Colony Beach Building Official Leggett then advised Key Colony Beach Code Enforcement Officer Goldman of this violation.

5. The installation of a power generator in Key Colony Beach requires a building permit in accordance with Key Colony Beach Code of Ordinances, chapter 6, section, 6-6.

6. No such building permit issued by the City of Key Colony Beach exists for the installation of a power generator at 511 3rd Street, Key Colony Beach, FL 33051.

7. A violation of Key Colony Beach Code of Ordinances, Chapter 6, Sec. 6-6. - Building permit, carries with it a fine in the amount of \$250.00 per day.

8. The Key Colony Beach Building Official directed the Key Colony Beach Code Enforcement Department to commence code enforcement proceedings against Respondent, which resulted in a public code enforcement violation hearing held on December 13, 2023, alleging the code violation of Construction Activities without a Permit as required by Key Colony Beach Code section 6-6 (1)(b)(d), which work included generator installation.

9. Sufficient, competent evidence was produced at hearing of December 13, 2023, to prove by a preponderance of the evidence that the performance of construction work including, but not limited to, generator installation, requires the need for a lawfully issued Building Permit(s) pursuant to Ordinance 6-6 (1)(b) and(d), and is prohibited without said permit(s).

10. Sufficient, competent evidence was also produced at the code violation hearing of December 13, 2023, to prove by a preponderance of the evidence that Respondents did engage in construction activities in the nature of generator installation without the required building permit(s) from the City of Key Colony Beach pursuant to Key Colony Beach Code section 6-6 (1)(b)(d).

11. Sufficient, competent evidence was also produced at the code violation hearing of December 13, 2023, to prove by a preponderance of the evidence that the Code Violation Construction Activities without a Permit as required by Key Colony Beach Code section 6-6 (1)(b)(d) typically carries with it a fine of \$250.00 per day.

CONCLUSION OF LAW

1. The findings of fact above result in a violation of Section 6-6, Code of Ordinances of the City of Key Colony Beach, Florida, described as Construction Activities without the Issuance of a Valid Building Permit. The penalty for a violation of each of Key Colony Beach Ordinances 6-6 is \$250.00 per day.

ORDER FOR COMPLIANCE

1. Based on the foregoing Findings of Fact and Conclusions of Law, the Special Magistrate now finds that Respondent has violated Section 6-6, Unlawful Construction Activities Without the Issuance of a Valid Building Permit.

2. Respondents, Peter F. Hines and Blanche Hines, must immediately:

a. Provide the newly drawn engineering plans to a licensed contractor of their choosing to obtain a Key Colony Beach Building Permit for repair/replacement/re-engineering of all work performed to date to bring said work into conformity with federal, state and local or laws, standards and ordinances including, but not limited to, ASME and Florida Building Code.

3. Respondents shall have 90 days to obtain said licensed contractor and to obtain a duly issued Key Colony Beach Building Permit and File a Notice of Commencement to bring the Property back into compliance with federal, state and local or laws, standards and ordinances including, but not limited to, ASME and Florida Building Code and the Code of Ordinances of the City of Key Colony Beach, Florida.

4. If this property is not brought back not aid compliance within 90 days of the date of this Order the City shall be authorized to undertake efforts to repair, remediate, and/or clean up the Property such that it may become compliant. The City shall be further authorized to seek reimbursement for its cost to repair, remediation and/or clean up Respondents' Property. Such cost of repair, remediation, and/or clean up may result in a lien being placed against the Property in accordance with Chapter 162, *Florida Statutes*.

5. Respondent's failure to abide by the terms and conditions of this Final Order shall also result in the imposition of a statutory daily fine of \$\$250.00 for a violation of 6-6, from July 25, 2023, until the Property has been determined to have been brought into compliance with the Code of Ordinances of the City of Key Colony Beach, Florida. The City shall also recover the cost of its compliance prosecution should the Respondents fail to satisfy the terms and conditions of this Final Order.

6. A certified copy of this Order may be recorded in the Public Records of Monroe County, Florida, and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the Respondents and, if the violation concerns real property, any subsequent purchasers, successors in interest or assigns. A certified copy of an Order Imposing Fine may be recorded in the Public Records of Monroe County, Florida, and once recorded shall constitute a lien against the property upon which the violation exists and upon any other real or personal property


owned by the Respondents. Any such recording and subsequent lien will be satisfied by the subsequent filing of a Compliance Order.

PURSUANT TO SECTION 162.011, FLORIDA STATUTES, AN APPEAL OF THIS FINAL ORDER MAY BE FILED IN THE CIRCUIT COURT IN MONROE COUNTY, FLORIDA, WITHIN THIRTY DAYS OF ITS EXECUTION.

DONE and ORDERED this 14th day of December, 2023


John G. Van Laningham, Special Magistrate

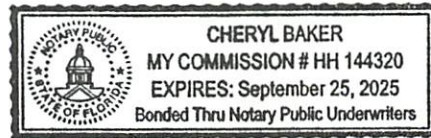
ATTEST:


City Clerk
City of Key Colony Beach

STATE OF FLORIDA)
) ss.
COUNTY OF)

I hereby certify that on this day, before me an officer duly qualified to take acknowledgements, personally appeared Silvia Grasse, City Clerk, of the City of Key Colony Beach, to me known to be the person described in and. who executed the foregoing instrument and acknowledged before me that she executed the same. Witness my hand and official seal in the County and State as aforesaid this date 12/15/23.

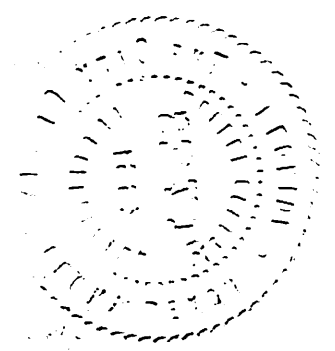

Notary Public, State of Florida



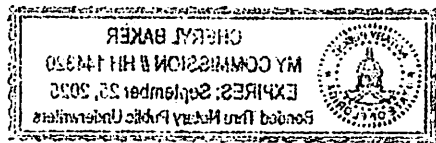
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Certificate of Service

***Copies furnished via First-Class Mail and Email to**

Peter F. Hines & Blanche Hines
PO Box 510530
Key Colony Beach, FL 33051
Respondent

Date: 12-15-2023



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CODE ENFORCEMENT SPECIAL MAGISTRATE**

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STATE OF FLORIDA
COUNTY OF MONROE
This copy is a True Copy of the
Original on File in this Office. Witness
My hand and Official Seal
And that same is in full force and effect

This 18 day of Dec

A.D., 20 23
KEVIN MADOK, CPA
Clerk Circuit Court

By: [Signature]
Deputy Clerk

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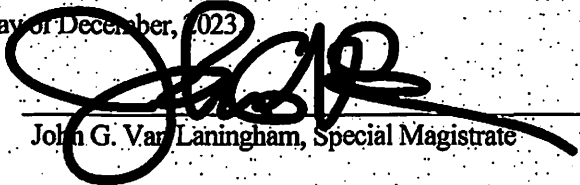
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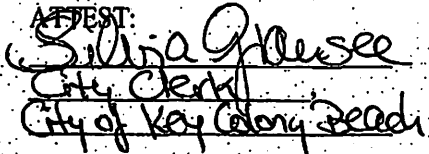
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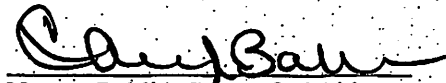
DONE and ORDERED this 14th day of December, 2023


John G. Var Laningham, Special Magistrate

ATTEST:

City Clerk
City of Key Colony Beach

STATE OF FLORIDA)
) ss.
COUNTY OF)

I hereby certify that on this day, before me an officer duly qualified to take acknowledgements, personally appeared Silvia Grassie City Clerk, of the City of Key Colony Beach, to me known to be the person described in and who executed the foregoing instrument and acknowledged before me that she executed the same. Witness my hand and official seal in the County and State as aforesaid this date 12/15/23.


Notary Public, State of Florida



Certificate of Service

***Copies furnished via First-Class Mail and Email to**

Peter F. Hines & Blanche Hines
PO Box 510530
Key Colony Beach, FL 33051
Respondent

Date: 12-15-2023