

INDIAN RIVER COUNTY
MEMORANDUM

TO: Jason E. Brown
County Administrator

DEPARTMENT HEAD CONCURRENCE:

Phillip J. Matson, AICP
Community Development Director

FROM: Rebeca Guerra, AICP, LEED-AP, CPD
Chief, Environmental Planning & Code Enforcement

DATE: 11/29/2022

RE: Request for Authorization to Secure a Pool Located at 560 Stoney Brook Farm Court

It is requested that the Board of County Commissioners formally consider the following information at the Board's regular meeting of December 6, 2022.

DESCRIPTION AND CONDITIONS

Suncor Vero Beach, LLC (respondent) owns residential property with a partially completed house located at 560 Stoney Brook Farm Court in Indian River County. Beginning in July of 2017, County Code Enforcement Staff began receiving complaints regarding a swimming pool at this location. Inspections by Code Enforcement Staff identified an unsecured and unmaintained swimming pool in the rear of the property, and code enforcement action was taken. Although the pool was temporarily brought into compliance, it reverted back out of compliance and additional Code Enforcement action was needed.

In 2019, after the pool came out of compliance again, the respondent was brought back before the Code Enforcement Board (CEB) as a repeat violator. Although this action resulted in a \$100 per day fine being imposed, the pool's unmaintained and unsecured condition remained unresolved. During this timeframe, it is important to note that additional violations for overgrown weeds, property maintenance, and expired building permits (which include the unfinished house) were occurring resulting in an additional \$100 per day fine being imposed.

To address the multiple ongoing violations, numerous complaints, and the two fines accruing, on October 24, 2022, Code Enforcement Staff requested authorization from the Code Enforcement Board to proceed with foreclosure proceedings on the subject property. In addition to granting this authorization, the CEB also voted to authorize staff to seek a resolution to the unmaintained and unsecured pool as a separate endeavor. This type of request is in line with Section 162.09(1) of the Florida Statutes that stipulates a municipality's CEB shall notify its local governing body of a violation that presents a serious threat to the public health, safety, and welfare, and that the local governing body may make all reasonable repairs which are required to bring the property into compliance and charge the violator with the reasonable costs of those repairs.

In accordance with the CEB's action at its October 24, 2022, meeting, Code Enforcement Staff has prepared this item to both update the Board of County Commissioners on the status of the subject pool, and to seek its authorization to go forward with resolving the pool's issues.

ANALYSIS

The Residential Swimming Pool Safety Act (as delineated in Chapter 45 of the Florida Residential Building Code) requires pool safety measures for pools built after October 1, 2000. These safety measures include items such as pool enclosures, pool covers, doors that are self-closing with a self-latching device, and exit alarms. Currently, the subject pool is not properly secured and is partially full of water/algae. To resolve these two issues, the pool can be fill-in with dirt to avoid future instances of water accumulation, thus preventing any imminent algae and/or mosquito problems. Secondly, a 4-foot high fence that satisfies the barrier requirements of Chapter 45 of the Florida Residential Building Code can be constructed around the pool.

ALTERNATIVES

The Board of County Commissioners has several alternatives to consider in this matter. These alternatives are:

1. Take no action. This alternative would result in daily fines continuing to accrue while foreclosure proceedings move forward via outside counsel. This alternative, however, would not resolve the immediate hazards of the unmaintained and unsecured pool.
2. Direct staff to seek a court order to enter onto the subject property and resolve the swimming pool's safety and maintenance issues by filling-in the pool and erecting a 4-foot high fence around the entirety of the pool. This alternative would alleviate both immediate hazards of the unmaintained and unsecured pool.

RECOMMENDATION

Staff recommends Alternative 2, that the Board of County Commissioners direct staff to seek a court order to allow staff access to the subject property to secure the pool, authorizing the County's employees, servants, agents, or contractors to enter upon the Suncor Vero Beach, LLC property located at 560 Stoney Brook Farm Court at all reasonable times, fill-in the pool, and erect a 4-foot high fence around the entirety of the pool.

FUNDING

Funding for the expenditure (approximately \$12,000) will be made available in the MSTU/Road & Bridge/Other Contractual Services Account# 00421441-033490 through a budget amendment from the MSTU/Reserve for Contingency.

To date, the current outstanding Code Enforcement fines for the property are \$120,600. The collection of these fines, either by themselves or in conjunction with the foreclosure, may be used to address the County's outlay of costs for resolving the safety and maintenance issues of the pool.

ATTACHMENTS

1. Photos of the subject property and pool
2. Minutes from 10.24.22 CEB meeting