



Office of
**INDIAN RIVER COUNTY
ATTORNEY**

Dylan Reingold, County Attorney
William K. DeBral, Deputy County Attorney
Susan J. Prado, Assistant County Attorney

MEMORANDUM

TO: Board of County Commissioners

FROM: Susan J. Prado, Assistant County Attorney

DATE: August 6, 2021

SUBJECT: Permission to File an Injunction Against Angela Piscitelli.

BACKGROUND: Angela Piscitelli is the owner of the property located at 1916 79th Avenue, Vero Beach, Indian River County, Florida ("Subject Property").

There is a single family residence located on the Subject Property and it is occupied by Angela Piscitelli and her adult son, Paul Piscitelli. The Subject Property is served by a septic system and the septic system is malfunctioning creating a sanitary nuisance.

The Health Department in Indian River County ("DOH") originally was in communication with the son, Paul Piscitelli, who resides at the Subject Property. The owner and the son, had indicated that they lacked funding to repair the sanitary nuisance. DOH staff provided the owner and son with information for the SHIP program. However, shortly after communication ceased and DOH sent the Notice of Violation to the owner of the Subject Property.

A Notice of Violation was delivered via Certified Mail on January 7, 2021, by the United States Postal Service. Then on February 17, 2021, a Formal Notice to Correct Violation was hand delivered to the Subject Property and received by Paul Piscitelli.

The owner failed to bring the property into compliance and correct the sanitary nuisance. The case was heard by the Environmental Control Hearing Board on June 3, 2021. The owner and son failed to appear and the Environmental Control Hearing Board ordered DOH staff to look into filing an injunction should the property owner fail to obtain a permit within seven (7) days.

The sanitary nuisance still exists today and therefore DOH is seeking to obtain an injunction.

Pursuant to Chapter 85-427, Florida Statutes, and the Amendment to Amended Rules of Conduct of Proceedings Before the Indian River County Environmental Control Hearing Board dated May 27, 1999, the Environmental Control Officer may enforce any violation of a county ordinance, all laws of the State of Florida, and all of the rules of state agencies, including the Department of Environmental Protection and the Department of Health by filing a civil action in the name of Indian River County.

Due to the fact the owner of the Subject Property has failed to take action and there is a serious sanitary nuisance taking place that needs to be addressed as soon as possible, the County Attorney's Office is seeking to file suit in circuit court for injunctive relief in the name of Indian River County.

FUNDING: Funding for any costs associated with a suit (approximately \$500) is budgeted and available in Account # 00110214-033190, General Fund/County Attorney/Other Professional Services.

RECOMMENDATION: The County Attorney's Office recommends that the Board of County Commissioners authorize County Attorney's Office to file suit in circuit court for injunctive relief asking the court to (1) direct Angela Piscitelli to repair the existing septic tank on the Subject Property; (2) direct Angela Piscitelli to perform pump outs as often as is needed until the septic system is repaired should the residence remain occupied or; (3) enjoin the Subject Property from being occupied while there are exposed sanitary and safety nuisances related to septic system; (4) enjoin the Subject Property from being occupied until septic system is repaired by a certified septic contractor to service the existing structures; and (5) direct the county to abate the sanitary nuisance and lien the Subject Property for the abatement of said sanitary nuisance.

ATTACHMENT(S)

A copy of the Complaint for Injunctive Relief.