

Code Enforcement Board of Indian River County  
**ORDER FINDING VIOLATION**

**IN THE MATTER OF:**

**Case No. 2018020108**

YATES, DALLAS & JANE [ESTATE]  
C/O YATES, DALLASTEEN J.  
3810 45TH ST  
VERO BEACH, FL 32967

, Respondents

**RE: VIOLATION OF SECTION(S) 973.03(2), 973.03(1), 973.03, 917.06(12), 403.06(6), 403.12 and 403.13 of the Code of Laws and Ordinances of Indian River County, Florida.**

**DESCRIPTION OF SITE OF VIOLATION:**

Location: 8835-8889 64TH AV SEBASTIAN  
Tax Parcel ID No.: 31-39-29-00000-5000-00047.0  
Zoning: RM-6  
Legal Description: BEG AT NE COR OF NW1/4 OF SW1/4; RUN W 165 FT; S 528.8 FT; E 165 FT; N 528.4 FT TO POB; LESS E 25 FT FOR RF R/W PER OR BK 413 PP 777

*THE CODE ENFORCEMENT BOARD HAS HEARD TESTIMONY AND EXAMINED EVIDENCE AT A HEARING HELD MARCH 26, 2018, AND BASED ON THE EVIDENCE, THE CODE ENFORCEMENT BOARD HAS ADJUDGED AS FOLLOWS:*

**FINDINGS OF FACT AND CONCLUSION OF LAW**

1) Respondent is the legal owner and/or occupant of the subject property, and was duly notified of the hearing, in accordance with Chapter 162, Florida Statutes. The following Respondents or respondent representatives were present at the March 26, 2018 Code Enforcement Board meeting:

*Respondents had been properly served notice, but did not attend the hearing*

2) The subject property is zoned RM-6 District. The following violations exist on the subject property:

- JUNK, TRASH, AND/OR DEBRIS VIOLATION [Entire property]
- OVERGROWN WEEDS VIOLATION [In excess of 12"]
- HEALTH AND SAFETY HAZARD/PUBLIC NUISANCE [Open and overflowing septic tanks]
- FENCE(S) OR WALL(S) VIOLATION [Repair or remove]
- UNSECURED VACANT STRUCTURE [Broken windows]
- SWIMMING POOL MAINTENANCE VIOLATION [Pool is green]
- STRUCTURE(S) EXTERIOR MAINTENANCE VIOLATION [All structures need immediate repair]

3) The above described is a violation of the following Section(s) of the Code of Laws and Ordinances of Indian River County:

Code Chapter/ Section

- CHP 973 (JTD) / 973.03(2)
- CHP 973 / 973.03(1)
- CHP 973 / 973.03
- CHP 917 / 917.06(12)
- CHP 403 / 403.06(6)
- CHP 403 / 403.12
- CHP 403 / 403.13

**ORDER**  
(Case No. 2018020108)

1. **IT IS THE ORDER OF THIS BOARD** that the Respondent(s) shall comply with the herein cited sections of the Code of Laws and Ordinances of Indian River County, Florida, on or before **APRIL 20, 2018 and MAY 18, 2018 (hereinafter compliance dates)**, by taking the following actions:

*BY APRIL 20, 2018, cover/secure open septic systems and obtain permits from the Environmental Health Department for repair and approval of all septic systems on the property. Remove the unmaintained above ground pool, and secure all vacant structures on the property; and*

*BY MAY 18, 2018, remove the accumulation of trash and debris from the subject property and dispose of it at an approved disposal facility; mow the overgrown weeds and maintain said vegetation thereafter at a height not exceeding 12 inches; repair or remove all dilapidated fences; and obtain building permits and repair all exterior walls, roofs, doors, and windows of structures on the property. All windows must have screens.*

Respondent(s) shall not use, or permit the use of, said property in violation of the cited code sections at any time thereafter. **If the violation continues beyond or recurs after the specified compliance date, a fine of \$100 per day for each day of noncompliance shall be imposed.**

2. **UPON COMPLIANCE, RESPONDENT SHALL NOTIFY THE CODE INSPECTOR** at 1801 27th Street, Vero Beach, Florida 32960, Telephone (772) 226-1249, who shall inspect the property and advise the Code Enforcement Board as to the correction of the violation.

3. **IF RESPONDENT HAS NOT ABATED OR CORRECTED THE VIOLATION** on or before the compliance date, **THIS BOARD SHALL RECONVENE** in the Commission Chambers of County Administration Building A, 1801 27th Street, Vero Beach, Florida at 1:30 p.m. on Monday, **APRIL 23, 2018**, to hear further evidence on the issue of compliance and to impose the specified fine amount per day for each day the violation continues beyond the compliance date. **RESPONDENT IS HEREBY FURTHER NOTIFIED TO REAPPEAR** before this Board for such compliance hearing, at the aforesaid time and place, **UNLESS THIS MATTER HAS BEEN SATISFACTORILY RESOLVED AND THE CODE INSPECTOR HAS BEEN DULY NOTIFIED** and has acknowledged correction of the violation.

4. **REPEAT VIOLATIONS:** A repeat violation of the same Code provision by the violator, even if committed at a different location, can result in the issuance of a notice of violation, without an opportunity to correct, and a hearing before the Code Enforcement Board resulting in imposition of fines of up to \$500.00 for each day the repeat violation continues, beginning with the day the repeat violation is found by the Board to have occurred. *Rf. F.S. 162.04(5); 162.06(3); 162.09(1) and (2)(a).*

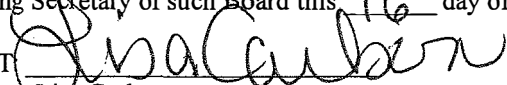
5. **BE ADVISED THAT** in accordance with County Code Section 973.04, **if the Code Enforcement Board determines at the compliance hearing that the violation(s) constitute a public nuisance posing a serious threat to public health, safety and welfare or if the violation is irreparable or irreversible in nature**, then the Board shall advise the County, no sooner than 30 days after the compliance hearing, to enter onto the property and abate the nuisance, with costs of the abatement to be recorded as a lien against the property.


*TAKE NOTE THAT ANY FINE IMPOSED BY THIS BOARD AGAINST YOU CONSTITUTES A LIEN AGAINST THE REAL PROPERTY ON WHICH THE VIOLATION EXISTS AND UPON ANY OTHER REAL OR PERSONAL PROPERTY WHICH YOU OWN. YOUR CONTINUED NONCOMPLIANCE MAY RESULT IN FORECLOSURE, JUDICIAL SALE AND LOSS OF YOUR PROPERTY. THEREFORE, IF FOR ANY REASON YOU ARE UNABLE TO COMPLY WITHIN THE STATED TIME, PLEASE NOTIFY THE CODE INSPECTOR IMMEDIATELY.*

**DONE AND ORDERED MARCH 26, 2018**, in open session at the County Commission Chambers of County Administration Building A, 1801 27th Street, Vero Beach, Florida.

**EXECUTED** by the Chairman of the Indian River County Code Enforcement Board, and attested and countersigned by the Recording Secretary of such Board this 16 day of April, 2018.

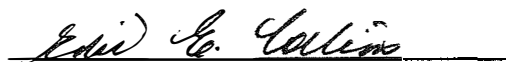
ATTEST

  
Lisa Carlson  
Recording Secretary

  
Frank M. Clements III, Chairman  
Indian River County Code Enforcement Board

Copy furnished to: Respondent  
Code Officer THOMAS ALLRED

REVIEWED AS TO LEGAL FORM:

  
Edie E. Collins  
Board Advising Attorney