



Office of

Attorney's Matters 08/20/2024

**INDIAN RIVER COUNTY
ATTORNEY**

William K. DeBraal, County Attorney
Susan J. Prado, Deputy County Attorney
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MEMORANDUM

TO: Board of County Commissioners

Through: John A. Titkanich, Jr., Jr., ICMA-CM, AICP
County Administrator

FROM: Susan Prado, Deputy County Attorney

DATE: August 6, 2024

SUBJECT: Authorization to Move Forward with Injunctive Action against Code enforcement case number 2023080033 (Helsel)

Background: The Respondents in the code case number 2023080033 started to bring wood and other debris onto their property located at 14550 111th Street, Fellsmere, FL 32948 (hereinafter "Subject Property") in the summer of 2023. Since that time a Code Enforcement case has been initiated and a fine commenced for noncompliance with IRC Code in March of 2024. The Code Enforcement Board subsequently issued an order declaring the Subject Property a Public Nuisance pursuant to Indian River County Code (hereinafter "IRC Code") Section 973.04.

Florida Statute 403.413, Florida Litter Law prohibits dumping of wood and other materials on private property that creates a public nuisance or otherwise violates local law/regulations. This Florida Statute in conjunction with Florida Statute 60.05 allows the County to bring an injunction to enjoin the public nuisance.

The Suit would be filed in the circuit court of 19th judicial circuit in which the County would seek to have a permanent injunction issued against the respondents to stop them from bringing any further material onto the Subject Property and ordering them to remedy the public nuisance.

Funding: Funding in the amount of \$1,500 is available in MSTU/Code Enforcement/Recording Fees, Account # 00420724-034830.

Recommendation: Staff recommends the Board authorize staff to move forward with the filing of the petition for injunctive relief with the circuit court.

Attachments: Order Declaring Subject Property a Public Nuisance