

BEFORE THE SPECIAL MAGISTRATE OF THE CITY OF CHIPLEY, FLORIDA

CITY OF CHIPLEY
DEPARTMENT OF
CODE ENFORCEMENT,

vs.

Case No.: 375

Stephanie L. Broxton

_____ /

ORDER

This matter came to be heard before Sharmin R. Hibbert, Special Magistrate, on June 22, 2023. City of Chipley Code Enforcement Officer Tamara Donjuan (hereinafter, Officer Donjuan) was present along with City Attorney Jeremy Mutz. There was no one present on behalf of the property owner at the hearing.

APPEARANCES

For the City:

For the Property Owner:

Jeremy Mutz
City Attorney
Tamara Donjuan
Code Enforcement Officer
1442 Jackson Avenue
Chipley, Florida 32428

PRELIMINARY STATEMENT

1. A Notice of Violation was posted at the property and mailed to the property owner Stephanie L. Broxton, for the property located at 653 Bennett Drive, Chipley, FL 32428, Parcel No# 00000000-00-1062-0000, and at City Hall, on or about April 13, 2023 in compliance with Section 162.12, Florida Statutes (2023). (City. Ex. 1).

2. A Notice of Hearing was posted at the property and sent to the property owner for the property located at 635 Bennett Drive, Chipley, FL 32428, Parcel No# 00000000-00-1062-0000, and posted at City Hall on or about May 8, 2023, in compliance with Section 162.12, Florida Statutes (2023). (City Ex. 1).

3. Copies of all notices were entered into evidence. (City. Ex. 1-2).

4. It was established that the property owner and/or the property owner's representatives received adequate notice of the violations and the hearing and failed to appear. Due do this failure, the City was permitted to move forward with the hearing as a Default.

FINIDINGS OF FACTS

Based on the testimony and evidence presented at the hearing held on June 22, 2023, the following facts were found.

1. The property at issue is located at 635 Bennett Drive, Chipley, FL 32428, Parcel No# 00000000-00-1062-0000. (City Ex. 1).

2. The property owner(s) is Stephanie L. Broxton. (City Ex. 1).

3. On or about April 13, 2023, Code Enforcement Officer Donjuan inspected the property and observed excessive grass, weeds, and vegetation in excess of 12 inches at the property. Additionally, Officer Donjuan observed an unoccupied structure in complete disrepair complete with boarded windows. (City Ex. 1)

4. Pictures of the condition of the property specifically reflecting the overgrown vegetation, weeds, grass, trash, debris, structure in disrepair and overall condition of the property were admitted into evidence. (City. Ex. 1)

5. The property is in a residential area and in the vicinity of other properties.

(Hearing Testimony).

6. After this inspection, Officer Donjuan provided notice and gave the property owners 14 days to bring the property into compliance. (City Ex. 1).

7. In its current state, the property is a nuisance and an eyesore to the community.

8. On or about May 8, 2023, Officer Donjuan reinspected the property and observed the same violations. There was excessive grass, overgrowth, vegetation, trash and debris amongst the property. The structure in disrepair with boarded/broken windows and uninhabited remained in violation. On this date Officer Donjuan posted the property and at City Hall a Notice of Hearing citing several violations of the City of Chipley Municipal Ordinances and providing a hearing date of June 22, 2023. (City Ex.1).

9. On or about June 21, 2023, Officer Donjuan reinspected the property and noted that the violations remained, and the property was still not in compliance. (City Ex. 2).

10. Officer Donjuan also testified at the hearing that the property is located in a residential area and is in the vicinity of other local residential property. The violations as asserted can be seen from the street and has an effect on surrounding property. (Hearing Testimony).

11. Officer Donjuan also testified that the parcel with the subject house is located also contains another structure/house that is in new condition. (Hearing Testimony).

12. Although receiving proper notice and having made contact with Code Enforcement Officer Donjuan, no one representing the property owner appeared at the

hearing nor provided testimony. (Hearing Testimony).

CONCLUSIONS OF LAW

Based on the foregoing findings of fact, the following conclusions of law are made:

1. The Special Magistrate has jurisdiction of the parties hereto and the subject matter hereof.

2. These matters are governed by the City of Chipley Municipal Ordinances and Chapter 162, Florida Statutes.

3. The following violations are classified as "Nuisances" under the City of Chipley Municipal Code. Nuisance means the following:

4. Section 22-2.n.1, City of Chipley Municipal Code states that: Any continuing condition or use of a premises or of building exteriors or of land which causes substantial diminution of the value of the property in the vicinity of such condition or use constitutes a nuisance.

5. Section 22-3.1, City of Chipley Municipal Code, states that: A condition or use of property that causes a substantial diminution of the value of property in the vicinity of the condition or use constitutes a nuisance.

6. Section 22-3.3, City of Chipley Municipal Code states that: Buildings which are unoccupied, deserted, boarded up, partially destroyed, or left for unreasonably long periods of time in a state of partial construction, disrepair, such as broken windows, partial walls and foundations, incomplete framing, and unpainted or peeled paint surfaces, etc., abuse or neglect as to appearance provided that any unfinished building or structure which has been in the course of construction two years or more, and where the appearance of such unfinished building or structure substantially detracts from the

appearance of the immediate neighborhood or reduces the value of property in the immediate neighborhood or is a nuisance, shall be deemed and presumed to have been left for an unreasonably long period of time in the sense of this subsection constitutes a nuisance.

7. The property owned by Stephanie L. Brockton, located at 653 Bennett Drive, Chipley, FL 32428, Parcel No# 00000000-00-1062-0000 in its current condition with an abandoned, uninhabited structure in disrepair, accumulated trash, junk, and debris, and excessive overgrowth and vegetation is in violation of Section 22-2.n.1, City of Chipley Municipal Code and is a nuisance.

8. The property owned by Stephanie L. Brockton, located at 653 Bennett Drive, Chipley, FL 32428, Parcel No# 00000000-00-1062-0000 in its current condition with an abandoned, uninhabited structure in disrepair, accumulated trash, junk, and debris, and excessive overgrowth and vegetation, in the vicinity of other property causing substantial diminution in the value of other property is in violation of Section 22-3.1, City of Chipley Municipal Code and is a nuisance.

9. The property owned by Stephanie L. Brockton, located at 653 Bennett Drive, Chipley, FL 32428, Parcel No# 00000000-00-1062-0000 in its current condition with an abandoned, uninhabited structure in disrepair that is boarded up and in disrepair is in violation of Section 22-3.3, City of Chipley Municipal Code and is a nuisance.

10. Based on these three (3) violations of the City of Chipley Municipal Code, the property owner, Stephanie L. Broxton, is subject to penalties as provided for in the City of Chipley Municipal Code.

PENALTY

The property owner, Stephanie L. Broxton, is assessed a \$100.00 fine. Additionally, Stephanie Broxton has thirty (30) days from the date of this order to bring the property located at 653 Bennett Drive, Chipley, FL 32428, Parcel No# 00000000-00-1062-0000, into compliance with the City of Chipley Municipal Code. If the property is not brought into compliance within thirty (30) days from the date of this order, the property will be assessed an additional fine of fifty dollars (\$50.00) a day until the property is brought into the compliance with the City of Chipley Municipal Code. If the property is assessed fines prior to being brought into compliance, compliance shall require removal of all City of Chipley Municipal Code violations as well as payment of any fines that have been assessed.

NOTICE

This Order may be appealed to the Circuit Court by filing a notice of appeal within thirty (30) days of the execution of this order pursuant to Section 162.11, Florida Statutes (2023).

DONE AND ORDERED this 6th day of July, 2023.

CITY OF CHIPLEY CODE ENFORCEMENT

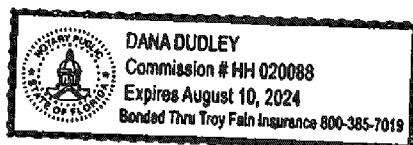
BY: /s/

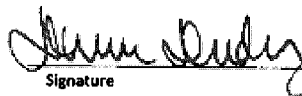

SHARMINE R. HIBBERT
SPECIAL MAGISTRATE

STATE OF FLORIDA
County of Leon

BEFORE ME, the undersigned authority, duly authorized in the State and County aforesaid to administer oaths and take acknowledgements, this day appeared by means of physical presence SHARMINE R. HIBBERT, who is personally known to me or who has produced as identification _____, and who first being duly sworn, deposes and says that she is the person named herein.

Sworn to and subscribed before me this 6th day of July, 2023.




Signature

Dana Dudley
Type/Print Notary name

Notary
Public
Commission
No.
My Commission Expires:

Copies furnished to:
Jeremy Mutz, Esq.
Officer Tamara Donjuan, Code Enforcement Officer
Property Owner Stephanie L. Broxton