

**CAPE CORAL CODE COMPLIANCE
CITY OF CAPE CORAL, FLORIDA**



CITY OF CAPE CORAL, FLORIDA

Petitioner,
vs.

CASE NO. CE20-043303

RIVAS JOSEFA &
8901 210TH PL

QUEENS VILLAGE, NY 11427

Respondent(s).

LIEN

THIS CAUSE originally came on for public hearing before the Code Compliance Special Magistrate on **5/20/2021**, after due notice to Respondent(s), at which time the Special Magistrate heard testimony under oath, received evidence, and issued his Findings of Fact and Conclusions of Law and thereupon issued an oral Order which was reduced to writing and furnished to Respondent(s).

Said Order required the Respondent(s) to take certain corrective action by a time certain, as more specifically set forth in that Order.

An Affidavit of Non-Compliance has been filed with the Special Magistrate by the Code Compliance Officer, which Affidavit certified under oath that the required corrective action has not been taken as ordered.

Accordingly, it having been brought to the Special Magistrate's attention that Respondent(s) have not complied with the Order dated **5/20/2021**, it is hereby

ORDERED that the Respondent(s) pay to the City of Cape Coral a fine in the amount of **\$ 50 per day** for each and every day the violation(s) exist(s) and continue to exist at the property described as:

LEGAL DESCRIPTION: STRAP# 354323C2027510570

Site Address: : 125 NW 23RD TER CAPE CORAL, FL 33993

BLOCK 2751 LOT 57

after **6/3/2021**, which was the date previously set by the Special Magistrate's Order for compliance, and a prosecutorial fee of \$94.00.

This fine plus interest shall become a lien on the subject property, but once the fine and interest accrue to the sum

of \$ _____, the fine shall not accrue further, and the lien including interest shall not exceed the sum of \$ _____.

This Lien shall be recorded and shall constitute a lien for all the accrued fines against the above described property, and any other real or personal property that the Respondent(s) own in Lee County where recorded pursuant to Sections 162.08 and 162.09 of the Florida Statutes. I authorize the City Attorney of Cape Coral, Florida to foreclose on this lien if the lien remains unpaid after three (3) months from the filing date of this lien.

DONE AND ORDERED this **6/17/2021** at Cape Coral, Lee County, Florida.

Code Compliance of the
City of Cape Coral, Florida

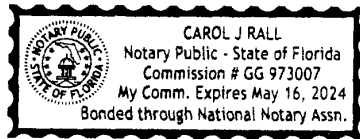
Special Magistrate
Cape Coral Code Compliance

STATE OF FLORIDA
COUNTY OF LEE

Before me, the undersigned authority, personally appeared Harold S. Eskin, well known to me to be the Special Magistrate of Code Compliance for the City of Cape Coral, and he acknowledged before me that he executed the foregoing Lien Violator on behalf of the City of Cape Coral Code Compliance, and its true act and deed, and that he was duly authorized to do so, and did not take oath.

WITNESS my hand and official seal on **6/17/2021**.

SEAL



Notary Public-State of Florida
My Commission Expires: 5/16/24

I CERTIFY that a true and correct copy of the above and foregoing Lien has been furnished by Certified Mail/ Return Receipt Requested/Hand Delivered/Posted to Respondent(s) on **6/17/2021**.

Senior Recording Secretary
Cape Coral Code Compliance

If you are in bankruptcy this is not a bill. This notice is for informational purposes only. It is solely intended to notify you of the current status of code violations on the subject property and is subject to all of your rights arising from your bankruptcy filing. This is not a demand for payment by you personally of any obligation discharged in bankruptcy. The order imposing fines may be recorded and constitute a lien only on the land or premises pursuant to sec. 162.09 of the Florida Statutes. jh/FU/4/09

This Instrument Prepared by:
City of Cape Coral
P.O. Box 150027
Cape Coral, FL 33915
Code Compliance

DATE OF VIOLATIONS: 12/18/2020 12:00:00AM

Patrick Hayhurst

Site Address: 125 NW 23RD TER
CAPE CORAL FL 33993

Legal Address: CAPE CORAL UNIT 39 BLK 2751 PB 16 PG 154 LOTS 57 + 58

5-20 SWIMMING POOLS: PERMIT REQUIRED

No swimming pool/spa/hot tub or appurtenances thereto shall be constructed, installed, enlarged or altered until a permit has been obtained from the Department of Community Development.

CORRECTIVE ACTION: You shall obtain a permit for the existing portable swimming pool or you shall immediately remove the portable swimming pool.

5-23 SWIMMING POOLS: PORTABLE SWIMMING POOLS

Portable swimming pools are prohibited in the front or the side of any residential lot. Portable swimming pools capable of holding 24 inches in depth or more of water shall be anchored into the ground sufficient to prohibit movement during a hurricane. Portable pools shall be enclosed by a fence or other protective material, or otherwise shall be covered, when not in use, by a protective cover so that a child cannot accidentally enter the pool. Drainage of pools so as to permit the water to run onto property of other people is prohibited. Wading or splash pools not capable of holding 12 inches or more of water are exempt from the provisions of this section.

CORRECTIVE ACTION: Fence is required to surround the portable swimming pool (fence permit will not be issued for the installation of any type of fence), or a protective cover is in place (as not to allow a child to make entry into the pool when not in use) and all ladders shall be removed.

- 1) If your portable swimming pool can hold 24" or more of water (regardless of whether it currently has that much water in it at this time), you shall make sure it is properly anchored to the ground as to prevent any movement during a Hurricane and,
- 2) Draining the pool water shall not be permitted to be drained on other properties and,
- 3) You shall drain and remove the portable pool until a permit is obtained for a fence and the fence is erected or,
- 4) You shall remove any ladders and cover the pool with a protective cover as not to allow any child to make entry into the water when unattended.

9-16(E) PROHIBITED: STORAGE OF JUNK

It shall be unlawful for any person to do, perform, have, allow, suffer or permit on his or her property or property under his or her control by rent, lease or otherwise, any of the following, the enumeration of which are merely indicative of the nature and type of conditions prohibited hereunder, and shall not be deemed to be exclusive.

(e) Storage of junk. To keep or store junk unless the junk is kept or stored in an enclosed building in such manner and under such conditions that the keeping or storage of the junk shall not constitute a menace to the public health, safety and general welfare of the inhabitants of the city and thereby become a nuisance. For purposes of this section, a carport on a property zoned for residential purposes shall not be considered an "enclosed building" and no junk shall be stored in such a carport. In addition, no pesticides or chemicals of any kind and no appliances, including but not limited to, washers, dryers, freezers or refrigerators, shall be stored in carports located in residential zoning districts, regardless of whether the appliance(s) are in operable condition. Furniture is allowed to be located in carports in residential zoning districts for purposes such as seating, lounging, dining and recreation so long as such furniture is not in a dilapidated condition. Furniture shall not, however, otherwise be stored in a carport. For purposes of this section, furniture shall be presumed to be "stored" in a carport located in a residential

CORRECTIVE ACTION: You must remove all outdoor storage (wooden pallet, bucket, animal travel container, large plastic bag, metal fence, etc.) that is located on the right-side of our house, while your garbage cans are currently located at your curb for removal. You must place the outdoor storage inside your residence, garage, garbage receptacles or remove from the property.