

M E M O R A N D U M

DATE: October 31, 2016

TO: Dave Bullock, Town Manager
FROM: Chris Elbon, Code Enforcement Officer
CC: Frank Rubino, Deputy Chief
SUBJECT: Code Enforcement Lien Reduction Request

At the September 26, 2016, Regular Workshop Meeting, the Town Commission discussed the request for a reduction in the Code Enforcement liens against Airmann LLC of 549 Hornblower Lane. The consensus of the Town Commission was to forward the lien reduction request to the Code Enforcement Board (CEB) for a recommendation.

At the October 10, 2016, Code Enforcement Board meeting, the CEB recommended the liens and all administrative costs associated with the property be upheld as they exist in a unanimous vote (see attached).

The liens against the property resulted from the three following cases:

Code Enforcement Case # CE.10973 involving a violation of Chapter 104 – *Property Maintenance Standards*, Section 104.11 (L) – *Exterior Structure, Fence or Wall* of the Town of Longboat Key Code of Ordinances in which the fence surrounding the pool was deteriorating and failed to be maintained in a state of good repair and without missing sections. CEB found the property in violation for the above on April 13, 2015. The CEB began imposing fines in the amount of \$100.00 per day on June 8, 2015. The property was brought into compliance on November 16, 2015. On January 11, 2016, the CEB executed an Order of Compliance and recorded the order with the Sarasota County Clerk of the Circuit Court. The total amount of accrued fines from the date of imposition until date of compliance is \$16,000, \$15.76 in Town administrative fees, and \$35.50 in county recording fees (see attached).

Code Enforcement Case # CE.10975 involving a violation of Chapter 104 – *Property Maintenance Standards*, Section 104.11 (C) – *Exterior Structure, Roof and Drainage* of the Town of Longboat Key Code of Ordinances in which the roof failed to be maintained sound and without defect. The CEB found the property in violation for the above on April 13, 2015. The CEB began imposing fines in the amount of \$100.00 per day on June 8, 2015. The property was brought into compliance on January 14, 2016. On February 8, 2016, the CEB executed an Order of Compliance and recorded the order with the Sarasota County Clerk of the Circuit Court. The total amount of accrued fines from the date of imposition until date of compliance is \$21,900, \$15.76 in Town administrative fees, and \$35.50 in county recording fees (see attached).

Code Enforcement Case # CE.11340 involving a violation of Chapter 104 – *Property Maintenance Standards*, Section 104.11 (E) – *Exterior Structure, Stairways, Decks, Porches and Balconies* of the Town of Longboat Key Code of Ordinances in which the stairway failed to be maintained structurally sound and in good repair. The CEB found the property in violation for the above on October 12, 2015. The CEB began imposing fines in the amount of \$50.00 per day on November 12, 2015. The property was brought into compliance on June 21, 2016. On July 11, 2016, the CEB executed an Order of Compliance and recorded the order with the Sarasota County Clerk of the Circuit. The total amount of accrued fines from the date of imposition until date of compliance is \$11,050, \$18.50 in Town administrative fees, and \$35.50 in county recording fees (see attached).

The combined total of the liens against the property are \$49,106.52, including administrative fees and recording fees incurred by the Town in the prosecution of the cases before the Code Enforcement Board (see attached).

In a letter dated September 1, 2016, James Mann of Airmann LLC requested the Town Commission consider a reduction in the liens against the property (see attached).

On October 31, 2016, the property owner and the property owner's authorized representative were provided notice of the Town Commission's consideration of the lien request at the November 7, 2016 Regular Workshop meeting.

Pursuant to the Florida Attorney General Opinion 2002-62 and Florida Statutes 162.09, the Town Commission has jurisdiction and discretion to reduce, dismiss or uphold the liens against the property (see attached). Accordingly, the Town Commission has the option of following the CEB's recommendation and uphold the liens against the property, reject the CEB's recommendation and reduce/compromise the liens, or reject the CEB's recommendation and dismiss the liens.

Staff will execute an order on the matter based upon the direction provided by the Town Commission.

Code Enforcement Fine & Lien Table

Address: 549 Hornblower Lane
Property Owner: Airmann, LLC

Case #	Date of Violation	Date of Compliance	# Days in Violation	Daily Fine Amount	Town Admin. Fee	County Recording Fee	Total
CE.10973	06/08/2015	11/16/2015	160	\$100	\$15.76	\$35.50	\$16,051.26
CE.10975	06/08/2015	01/14/2016	219	\$100	\$15.76	\$35.50	\$21,951.26
CE.11340	11/12/2015	06/21/2016	221	\$50	\$18.50	\$35.50	\$11,104.00
							\$49,106.52

**MINUTES
TOWN OF LONGBOAT KEY
CODE ENFORCEMENT BOARD
OCTOBER 10, 2016**

Present: Members Neal Colton, Thomas Jones, Joe Mangel,
Beverly Shapiro, Jack Wilson

Also Present: Town Attorney Maggie Mooney-Portale, Code Enforcement
Officer Chris Elbon, Recording Secretary Susan Rochford

Absent: Chairman Robert Krosney

ADMINISTRATION OF OATH

Jo Ann Mixon administered the oath to new member Jack Wilson.

ELECTION OF VICE CHAIRMAN

Maggie Mooney-Portale advised the Board of the need to elect a Vice Chair for the vacancy that was left by Mr. Brill's resignation. Beverly Shapiro elected Joel Mangel and Neal Colton seconded. Joel Mangel was unanimously elected Vice Chairman.

CALL TO ORDER/ROLL CALL

Secretary Tom Jones called the meeting to order at 10:06 am. Recording Secretary Susan Rochford called the roll.

OATH:

Recording Secretary Susan Rochford administered the oath for those who wished to provide testimony during the public hearings.

APPROVAL OF MINUTES

Beverly Shapiro moved to approve the July 11, 2016 Minutes and Joel Mangel seconded the motion. Minutes were approved on a unanimous (5-0) voice vote.

NEW HEARINGS

1) Case No. CE.11695, Kelly Sullivan, 500 Schooner Lane.

This case involves a violation of Chapter 104, *Property Maintenance Standards*, Section 104.10(A), *Swimming Pools, Spas, and Hot Tubs*. Code Enforcement has met due process. Staff is requesting that the Code Enforcement Board issue an Administrative Order to establish a timeframe to bring the property into compliance, establish grounds for a repeat violation, and consider the imposition of a fine for each day the violation is found to exist after the date ordered for compliance, in addition to any administrative costs.

Code Enforcement Officer Chris Elbon, duly sworn, provided a presentation and verbal testimony to the Board on Case Number CE. 11695 for the code violation at 500 Schooner Lane.

Joel Mangel moved that the Code Enforcement Board find as a matter of fact that Kelly Sullivan has a violation of a swimming pool which fails to be maintained in a clean and sanitary condition.

Conclude as a matter of law that Kelly Sullivan violated Section 104.10(A), Property Maintenance Standards; Swimming Pools, Spas, and Hot Tubs of the Code of Ordinances of the Town of Longboat Key; and order that Kelly Sullivan comply with the Code of Ordinances of the Town of Longboat Key and clean his pool by or before 5:00 PM, October 24, 2016.

If Kelly Sullivan does not comply by the date specified, the Code Enforcement Board shall consider the imposition of a fine at the next hearing on November 14, 2016, for each day the violation is found to exist after the date ordered above for compliance, in addition to any administrative costs and/or repair costs incurred by the Town.

A public hearing will be held on November 14, 2016 to determine if the requirements of this Order have been met.

Authorize the presiding member of the Code Enforcement Board to sign the completed Administrative Order.

Beverly Shapiro seconded the motion, and it was passed unanimously in a 5/0 voice vote.

2) Case No. CE.11696, Kelly Sullivan, 500 Schooner Lane.

This case involves a violation of Chapter 104, *Property Maintenance Standards*, Section 104.09(A), *Sanitation and Storage of Materials*. Code Enforcement has met due process. Staff is requesting that the Code Enforcement Board issue an Administrative Order to establish a timeframe to bring the property into compliance, establish grounds for a repeat violation, and consider the imposition of a fine for each day the violation is found to exist after the date ordered for compliance, in addition to any administrative costs.

Code Enforcement Officer Chris Elbon, duly sworn, provided a presentation and verbal testimony to the Board on Case Number CE. 11696 for the code violation at 500 Schooner Lane.

Joel Mangel moved that the Code Enforcement Board:

Find as a matter of fact that Kelly Sullivan has an accumulation of unused and/or discarded items, old or broken lumber, unused and/or discarded building material, and items not normally found in a yard area being openly stored in the yard area;

Conclude as a matter of law that Kelly Sullivan violated Section 104.09(A), Property Maintenance Standards; Exterior Property Areas; Sanitation and Storage of Materials of the Code of Ordinances of the Town of Longboat Key; and

Order that Kelly Sullivan comply with the Code of Ordinances of the Town of Longboat Key and properly remove and/or dispose of all such accumulations by or before 5:00 PM, October 24, 2016.

If Kelly Sullivan does not comply by the date specified, the Code Enforcement Board shall consider the imposition of a fine at the next hearing on November 14, 2016, for each day the violation is found to exist after the date ordered above for compliance, in addition to any administrative costs and/or repair costs incurred by the Town.

A public hearing will be held on November 14, 2016 to determine if the requirements of this Order have been met.

Authorize the presiding member of the Code Enforcement Board to sign the completed Administrative Order.

Beverly Shapiro seconded the motion, and it was unanimously passed with a 5/0 voice vote.

- 3) Case No. CE.11749, Kelly Sullivan, 500 Schooner Lane.
This case involves a violation of Chapter 104, *Property Maintenance Standards*, Section 104.09(D), *Weeds and Overgrowth*. Code Enforcement has met due process. Staff is requesting that the Code Enforcement Board issue an Administrative Order to establish a timeframe to bring the property into compliance, establish grounds for a repeat violation, and consider the imposition of a fine for each day the violation is found to exist after the date ordered for compliance, in addition to any administrative costs.

Code Enforcement Officer Chris Elbon, duly sworn, provided a presentation and verbal testimony to the Board on Case Number CE. 11749 for the code violation at 500 Schooner Lane.

Beverly Shapiro moved that the Code Enforcement Board:

Find as a matter of fact that Kelly Sullivan has high grass and weeds in excess of 12 inches in height;

Conclude as a matter of law that Kelly Sullivan violated Section 104.09(D), Property Maintenance Standards; Exterior Property Areas; Weeds and Overgrowth of the Code of Ordinances of the Town of Longboat Key; and

Order that Kelly Sullivan comply with the Code of Ordinances of the Town of Longboat Key and cut all high grass and weeds by or before 5:00 PM, October 24, 2016.

If Kelly Sullivan does not comply by the date specified, the Code Enforcement Board shall consider the imposition of a fine at the next hearing on November 14, 2016, for each day the violation is found to exist after the date ordered above for compliance, in addition to any administrative costs and/or repair costs incurred by the Town.

A public hearing will be held on November 14, 2016 to determine if the requirements of this Order have been met.

Authorize the presiding member of the Code Enforcement Board to sign the completed Administrative Order.

Joel Mangel seconded this motion, and it was carried unanimously with a 5/0 voice vote.

- 4) Case No. CE.10973; CE.10975; CE.11340, Lien Reduction Request, Airmann LLC, 549 Hornblower Lane.

The property owner requested the Town Commission consider a lien reduction for three (3) Code Enforcement liens recorded against 549 Hornblower Lane that arose out of Code Enforcement Case No.

CE.10973, CE.10975, and CE.11340. The Town Commission heard the property owner's request for a lien reduction at their September 26, 2016 Regular Workshop Meeting and referred the request to the Code Enforcement Board for a recommendation prior to returning to the Town Commission for consideration.

Code Enforcement Officer Chris Elbon, duly sworn, provided a presentation and verbal testimony to the Board on Case Number CE. 10973, CE. 10975, and CE. 11340 for the code violation at 549 Hornblower Lane.

Mr. Edward Thomas Hanly, a representative for the owner of this property, was sworn in and spoke on behalf of the owner. He indicated that although the owner was slow in addressing his repairs, he then did so in a professional manner.

Joel Mangel moved that the board consolidate the three cases being brought before them and that one conclusion would be decided for all three.

After much discussion by the Board, Maggie Mooney-Portale read the following into the record:

Based upon the information, evidence and testimony presented to the Code Enforcement Board relating to the circumstances and fines imposed by the Code Enforcement Board against the property owner for violation(s) of Town Code which were previously found to exist, the Code Enforcement Board recommends that the liens associated with these cases be upheld.

It is the recommendation of the Code Enforcement Board that the Town Commission uphold the above referenced liens in these cases.

The Code Enforcement Board further recommends that the Town Commission uphold the administrative costs incurred by the Town in these cases and the associated county recording fees.

Motion was made by Neil Colton and seconded by Beverly Shapiro to uphold the liens in Case #10973, Case #10975, and Case #11340. All were in favor and the motion was passed unanimously in a 5/0 voice vote.

SETTING FUTURE MEETING DATE

November 14, 2016 at 9:00 am

BOARD COMMENTS

None

TOWN ATTORNEY COMMENTS

ADJOURNMENT

Secretary Tom Jones adjourned the October, 2016 Code Enforcement Board Meeting at 12:31 pm.

Tom Jones, Secretary

Submitted By: Susan Rochford, Recording Secretary

Florida Attorney General Advisory Legal Opinion

Number: AGO 2002-62

Date: September 11, 2002

Subject: Code enforcement board, reduction of fine

Mr. Bruce W. Jolly
Legal Advisor
City of Fort Lauderdale Code Enforcement Board
1322 Southeast Third Avenue
Fort Lauderdale, Florida 33316

RE: CODE ENFORCEMENT BOARDS-FINES-LIENS-authority of code enforcement board to reduce fine where order imposing fine recorded. s. 162.09, Fla. Stat.

Dear Mr. Jolly:

You have asked for my opinion on substantially the following question:

Is a code enforcement board authorized to reduce a fine for noncompliance with an order of the board after that order has been recorded pursuant to section 162.09(3), Florida Statutes?

In sum:

A code enforcement board is not authorized to reduce a fine for noncompliance with an order of the board after that order has been recorded pursuant to section 162.09(3), Florida Statutes. Rather, upon being recorded, such an order becomes a lien that may only be compromised, satisfied or released by the local governing body.

The purpose of Part I of Chapter 162, Florida Statutes, the Local Government Code Enforcement Boards Act (act), is "to provide an equitable, expeditious, effective, and inexpensive method of enforcing . . . codes and ordinances in force in counties and municipalities, where a pending or repeated violation continues to exist." [1] In order to accomplish this purpose, the act authorizes a county or municipality, at its option, to create local code enforcement boards as provided therein. [2] Such code enforcement boards possess the authority to impose administrative fines and other noncriminal penalties. [3]

Section 162.09, Florida Statutes, makes provision for the administrative fines that may be imposed by the code enforcement board, authorizes local governments to make repairs to property in violation of local codes and provides for the recording of liens against property upon which a violation exists or other property owned by the violator. With regard to imposing fines, pursuant to section 162.09(2)(a), Florida Statutes:

"A fine imposed pursuant to this section shall not exceed \$250 per day for a first violation and shall not exceed \$500 per day for a repeat violation, and, in addition, may include all costs of repairs pursuant to subsection (1). However, if a code enforcement board finds the violation to be irreparable or irreversible in nature, it may impose a fine not to exceed \$5,000 per violation."

This subsection provides criteria that must be considered by a code enforcement board in determining the amount of the fine.[4] The statute also specifically empowers a code enforcement board to "reduce a fine imposed pursuant to this section." [5]

Section 162.09(3), Florida Statutes, states, in part:

"A certified copy of an order imposing a fine, or a fine plus repair costs, may be recorded in the public records and thereafter shall constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the violator. Upon petition to the circuit court, such order shall be enforceable in the same manner as a court judgment by the sheriffs of this state, including execution and levy against the personal property of the violator, but such order shall not be deemed to be a court judgment except for enforcement purposes. A fine imposed pursuant to this part shall continue to accrue until the violator comes into compliance or until judgment is rendered in a suit filed pursuant to this section, whichever occurs first. A lien arising from a fine imposed pursuant to this section runs in favor of the local governing body, and the local governing body may execute a satisfaction or release of lien entered pursuant to this section."

Thus, the statute establishes that the lien that results from a fine imposed pursuant to section 162.09, Florida Statutes, is granted in favor of the local governing body. It is the governing body that has the power to determine whether the lien has been satisfied and that may execute the legal satisfaction or release from the lien.

In several previously issued Attorney General Opinions this office has discussed the authority of local code enforcement boards to reduce the fines imposed by the board pursuant to section 162.09, Florida Statutes. In Attorney General Opinion 98-40 it was noted that while section 162.09(2) provides that a code enforcement board may reduce a fine imposed pursuant to the statute, amendments made

in 1994 provide that a lien arising from such a fine "runs in favor of the local governing body, and the local governing body may execute a satisfaction or release of lien entered pursuant to this section." Thus, the opinion concludes that, in addition to the code enforcement board itself, the board of county commissioners has the authority to reduce or satisfy a fine imposed by the county code enforcement board.[6] A subsequent opinion, Attorney General Opinion 98-50, reconfirmed the code enforcement board's authority to reduce fines in light of the 1994 statutory amendments to section 162.09, Florida Statutes.

Two later opinions considered the nature of the liens authorized by section 162.09(3), Florida Statutes. In Attorney General Opinion 99-03 this office discussed whether a city could enter into collection agreements with a private collection agency allowing the agency to compromise code enforcement board liens and to pursue collection through litigation. Focusing on the authority of local governments to compromise and settle litigation and the home rule powers of municipalities, the opinion concluded that a municipality was authorized to enter into an agreement with a collection agency to settle or compromise outstanding liens from code enforcement violations and to pursue collection through litigation.

In Attorney General Opinion 01-09, a city official asked whether it had the power to auction its code enforcement board liens arising under Part I, Chapter 162, Florida Statutes, to private parties. The city official had determined that foreclosing on the large number of liens it had imposed would be impractical and sought to determine whether the liens could be auctioned to private bidders who could then foreclose on the property. The money raised by these auctions was to be used for neighborhood improvements. Noting that the arrangement discussed in Attorney General Opinion 99-03 did not result in the complete divestiture of these liens by the local governing body to a private party, this office concluded that the statutory scheme did not contemplate the enforcement of liens, or the issuance of satisfaction or release of code enforcement board liens, by private third parties outside the control of the local governing body. Thus, while it was suggested that the city might contract with a collection agency to pursue collection of code enforcement board liens on the city's behalf, the opinion concluded that the city was not authorized to auction its code enforcement board liens to private parties for foreclosure.

Section 162.09(3), Florida Statutes, clearly provides that "[a] lien arising from a fine imposed pursuant to this section runs in favor of the local governing body, and the local governing body may execute a satisfaction or release of lien entered pursuant to this section." Because a lien under section 162.09(3), Florida Statutes, runs in favor of the local governing body, it is my opinion that only the governing body may compromise, satisfy or release such a

lien. While section 162.09(2)(c), Florida Statutes, authorizes an enforcement board to reduce a fine imposed pursuant to this section, nothing in the statute appears to extend that authority to reducing the amount of a lien created when a certified copy of an order imposing a fine has been recorded in the public records. Statutorily-created agencies have only such power as is conferred by statute. [7]

In sum, it is my opinion that a code enforcement board is not authorized to reduce a fine for noncompliance with an order of the board after that order has been recorded pursuant to section 162.09(3), Florida Statutes.

Sincerely,

Robert A. Butterworth
Attorney General

RAB/tgh

[1] Sections 162.01 and 162.02, Fla. Stat.

[2] Section 162.03(1), Fla. Stat.

[3] Section 162.09, Fla. Stat.

[4] Section 162.09(2)(b), Fla. Stat., states that

"In determining the amount of the fine, if any, the enforcement board shall consider the following factors:

1. The gravity of the violation;
2. Any actions taken by the violator to correct the violation; and
3. Any previous violations committed by the violator."

[5] Section 162.09(2)(c), Fla. Stat.

[6] The amendments made in 1994 addressed a problem pointed out in Op. Att'y Gen. Fla. 93-91 (1993). That opinion concluded, based on the language of section 162.09, Fla. Stat. (1993), that a city council had no authority to reduce a fine imposed by a municipal code enforcement board. Rather it was the code enforcement that possessed sole authority to reduce such a fine and execute a satisfaction or release of lien.

[7] See *City of Jacksonville v. Jacksonville Supervisor's Association, Inc.*, 791 So. 2d 508 (Fla. 1st DCA 2001), and see *State ex rel. Greenberg v. Florida State Board of Dentistry*, 297 So. 2d 628 (Fla. 1st DCA 1974), cert. dismissed, 300 So. 2d 900 (Fla. 1974)

(administrative bodies have no common-law powers; they are creatures of the legislature and what powers they have are limited to the statutes that create them).

Select Year:

The 2016 Florida Statutes

[Title XI](#)
COUNTY ORGANIZATION AND
INTERGOVERNMENTAL RELATIONS

[Chapter 162](#)
COUNTY OR MUNICIPAL CODE
ENFORCEMENT

[View Entire
Chapter](#)

162.09 Administrative fines; costs of repair; liens.—

(1) An enforcement board, upon notification by the code inspector that an order of the enforcement board has not been complied with by the set time or upon finding that a repeat violation has been committed, may order the violator to pay a fine in an amount specified in this section for each day the violation continues past the date set by the enforcement board for compliance or, in the case of a repeat violation, for each day the repeat violation continues, beginning with the date the repeat violation is found to have occurred by the code inspector. In addition, if the violation is a violation described in s. [162.06\(4\)](#), the enforcement board shall notify the local governing body, which may make all reasonable repairs which are required to bring the property into compliance and charge the violator with the reasonable cost of the repairs along with the fine imposed pursuant to this section. Making such repairs does not create a continuing obligation on the part of the local governing body to make further repairs or to maintain the property and does not create any liability against the local governing body for any damages to the property if such repairs were completed in good faith. If a finding of a violation or a repeat violation has been made as provided in this part, a hearing shall not be necessary for issuance of the order imposing the fine. If, after due notice and hearing, a code enforcement board finds a violation to be irreparable or irreversible in nature, it may order the violator to pay a fine as specified in paragraph (2)(a).

(2)(a) A fine imposed pursuant to this section shall not exceed \$250 per day for a first violation and shall not exceed \$500 per day for a repeat violation, and, in addition, may include all costs of repairs pursuant to subsection (1). However, if a code enforcement board finds the violation to be irreparable or irreversible in nature, it may impose a fine not to exceed \$5,000 per violation.

(b) In determining the amount of the fine, if any, the enforcement board shall consider the following factors:

1. The gravity of the violation;
2. Any actions taken by the violator to correct the violation; and
3. Any previous violations committed by the violator.

(c) An enforcement board may reduce a fine imposed pursuant to this section.

(d) A county or a municipality having a population equal to or greater than 50,000 may adopt, by a vote of at least a majority plus one of the entire governing body of the county or municipality, an ordinance that gives code enforcement boards or special magistrates, or both, authority to impose fines in excess of the limits set forth in paragraph (a). Such fines shall not exceed \$1,000 per day per violation for a first violation, \$5,000 per day per violation for a repeat violation, and up to \$15,000 per violation if the code enforcement board or special magistrate finds the violation to be irreparable or irreversible in nature. In addition to such fines, a code enforcement board or special magistrate may impose

additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs pursuant to subsection (1). Any ordinance imposing such fines shall include criteria to be considered by the code enforcement board or special magistrate in determining the amount of the fines, including, but not limited to, those factors set forth in paragraph (b).

(3) A certified copy of an order imposing a fine, or a fine plus repair costs, may be recorded in the public records and thereafter shall constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the violator. Upon petition to the circuit court, such order shall be enforceable in the same manner as a court judgment by the sheriffs of this state, including execution and levy against the personal property of the violator, but such order shall not be deemed to be a court judgment except for enforcement purposes. A fine imposed pursuant to this part shall continue to accrue until the violator comes into compliance or until judgment is rendered in a suit filed pursuant to this section, whichever occurs first. A lien arising from a fine imposed pursuant to this section runs in favor of the local governing body, and the local governing body may execute a satisfaction or release of lien entered pursuant to this section. After 3 months from the filing of any such lien which remains unpaid, the enforcement board may authorize the local governing body attorney to foreclose on the lien or to sue to recover a money judgment for the amount of the lien plus accrued interest. No lien created pursuant to the provisions of this part may be foreclosed on real property which is a homestead under s. 4, Art. X of the State Constitution. The money judgment provisions of this section shall not apply to real property or personal property which is covered under s. 4(a), Art. X of the State Constitution.

History.—s. 1, ch. 80-300; s. 8, ch. 82-37; s. 2, ch. 85-150; s. 8, ch. 86-201; s. 2, ch. 87-391; s. 8, ch. 89-268; s. 4, ch. 94-291; s. 1, ch. 95-297; s. 5, ch. 99-360; s. 1, ch. 2000-125; s. 65, ch. 2004-11.

Note.—Former s. 166.059.



**TOWN OF LONGBOAT KEY
CODE ENFORCEMENT DEPARTMENT
5460 GULF OF MEXICO DRIVE
LONGBOAT KEY, FL 34228**

CERTIFIED MAIL – 70020510000340041212
CASE # CE.10973

NOTICE OF CODE VIOLATION

DATE: 01/30/2015

TO: AIRMANN LLC
806 ALEXA DRIVE
MT. STERLING, KY 40353

VIOLATION OF SECTION: 104.11(L) PROPERTY MAINTENANCE STANDARDS
EXTERIOR STRUCTURE –
FENCE OR WALL

LOCATION: 549 Hornblower Lane, Longboat Key, FL 34228.

NATURE OF VIOLATION: Fence surrounding pool fails to be maintained in a state of good repair without missing sections.

CORRECTIVE ACTION REQUIRED: Repair or replace fence within 30 days of receiving this notice and maintain property in a manner which will not allow violation to reoccur to avoid further Code Enforcement action.

NOTE: If violation is not corrected within the time specified or if reoccurring violation, case will be forwarded to the Code Enforcement Board. If this is a repeat violation, the case may be presented to the code enforcement board even if the violation is corrected within the time specified. You may be fined up to \$250.00 per day for each day the violation exists or up to \$500.00 per day if the violation is a repeat violation per Florida Statute Ch.162. If you have any questions regarding this notice please call (941) 383-3738, Ext. 234. Your cooperation is appreciated.

Christopher Elbon
Code Enforcement Officer
Town of Longboat Key



**TOWN OF LONGBOAT KEY
CODE ENFORCEMENT BOARD**

NOTICE OF HEARING

TO: AIRMANN LLC
806 ALEXA DRIVE
MT. STERLING, KY 40353

CERTIFIED MAIL
70110110000011605196
RETURN RECEIPT REQUESTED

Re: CE.10973 – **Code Enforcement Board Hearing**

The Code Enforcement Board was created pursuant to General Act 80-300, General Laws of Florida, 1980, and Ordinance 81-14, amended by Ordinances 83-4, 85-26, 88-16 and 89-21. The purpose of this Board is to facilitate the enforcement of certain codes of the Town of Longboat Key by creating a board of seven citizens who may quickly and fairly render decisions concerning violations of these codes.

You are hereby formally notified that on the **13th day of April 2015, at 10:00 a.m.** there will be a public hearing at Longboat Key Town Commission Chambers, 501 Bay Isles Road, Longboat Key, Florida, concerning a violation of **Chapter 104, Section 104.11(L), Property Maintenance Standards, Exterior Structure, Fence or Wall of the Town Code.** (See attached Notice of Violation)

You are hereby ordered to appear before the Code Enforcement Board on that date to answer these charges and to present your side of the case. Failure to appear may result in the Board proceeding in your absence.

Should you be found in violation of the Town Code, the Code Enforcement Board has the power by law to levy fines of up to \$250 a day against you and your property for every day that any violation continues beyond the date set in an order of the Board for compliance.

If you so desire, you have the right to obtain an attorney - at your own expense - to represent you before the Board. You will also have the opportunity to present witnesses as well as question the witnesses against you prior to the Board making a determination.

Please be prepared to present evidence at this meeting concerning the amount of time necessary to correct the alleged violation, should you be found to be in violation of the Town Code. If you wish to have any witnesses subpoenaed or have any other questions, contact the Code Enforcement Officer within the Longboat Key Police Department within five days at (941)-383-3738, Ext. 234.

**CHRISTOPHER ELBON
CODE ENFORCEMENT OFFICER**

Please Note: If any person decides to appeal any decision made by the Board with respect to any matter considered at this hearing, a record of the proceedings will be needed. For such purpose that person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.



**TOWN OF LONGBOAT KEY
CODE ENFORCEMENT DEPARTMENT
5460 GULF OF MEXICO DRIVE
LONGBOAT KEY, FL 34228**

CERTIFIED MAIL – 70020510000340041212
CASE # CE.10973

NOTICE OF CODE VIOLATION

DATE: 01/30/2015

TO: AIRMANN LLC
806 ALEXA DRIVE
MT. STERLING, KY 40353

VIOLATION OF SECTION: 104.11(L) PROPERTY MAINTENANCE STANDARDS
EXTERIOR STRUCTURE –
FENCE OR WALL

LOCATION: 549 Hornblower Lane, Longboat Key, FL 34228.

NATURE OF VIOLATION: Fence surrounding pool fails to be maintained in a state of good repair without missing sections.

CORRECTIVE ACTION REQUIRED: Repair or replace fence within 30 days of receiving this notice and maintain property in a manner which will not allow violation to reoccur to avoid further Code Enforcement action.

NOTE: If violation is not corrected within the time specified or if reoccurring violation, case will be forwarded to the Code Enforcement Board. If this is a repeat violation, the case may be presented to the code enforcement board even if the violation is corrected within the time specified. **You may be fined up to \$250.00 per day for each day the violation exists or up to \$500.00 per day if the violation is a repeat violation per Florida Statute Ch.162.** If you have any questions regarding this notice please call (941) 383-3738, Ext. 234. Your cooperation is appreciated.

Christopher Elbon
Code Enforcement Officer
Town of Longboat Key



BEFORE THE CODE ENFORCEMENT BOARD
OF THE TOWN OF LONGBOAT KEY, FLORIDA

TOWN OF LONGBOAT KEY

A political subdivision of the
State of Florida

Petitioner,

vs.

Case No. CE.10973

AIRMANN LLC
806 ALEXA DRIVE
MT. STERLING, KY 40353

Respondent /

Re Property of: AIRMANN LLC

Legal Description: LOT 4 BLK F COUNTRY CLUB SHORES UNIT 3 SEC 2, as recorded
in the public records of Sarasota County

Street Address: 549 Hornblower Lane, Longboat Key, FL 34228

Parcel ID #: 0010070024

ADMINISTRATIVE ORDER

This matter came before the Town of Longboat Key Code Enforcement Board for Public Hearing on April 13, 2015, at 10:00 a.m., at Town of Longboat Key Commission Chambers, after due notice to the Respondent, and the Board having considered the testimony and evidence presented, does hereby find:

FINDINGS OF FACT:

1. The property, which is the subject of this Code enforcement action, is located at 549 Hornblower Lane, Longboat Key, FL 34228.
2. The legal description of the subject property is: LOT 4 BLK F COUNTRY CLUB SHORES UNIT 3 SEC 2, as recorded in the public records of Sarasota County.
3. The Respondent, AIRMANN LLC, is the owner of the subject property and has been given proper notice of the hearing.
4. The Respondent has a violation of a deteriorating wall or fence which fails to be maintained in a state of good repair.
5. The Respondent did not correct the violation prior to the Public Hearing.

CONCLUSIONS OF LAW:

1. The Code Enforcement Board (CEB) is properly convened. Notice has been given and all conditions precedent have been satisfied.

2. Respondent has violated the Town of Longboat Key Code of Ordinances, Chapter 104, Section 104.11(L), PROPERTY MAINTENANCE STANDARDS, EXTERIOR STRUCTURE – FENCE OR WALL.

ORDER

The Respondent, AIRMANN LLC, having been found in violation of Section 104.11(L), PROPERTY MAINTENANCE STANDARDS, EXTERIOR STRUCTURE – FENCE OR WALL of the Town of Longboat Key Code of Ordinances and is given 14 days from service of notice of this Administrative Order to bring the above referenced property into compliance.

In addition, the Code Enforcement Board may impose a fine in the amount of \$100.00 per day if after the above referenced date, the violation remains outside of compliance, and AIRMANN LLC may be responsible for any additional administrative time costs associated with this matter.

Irrespective of the above, if the above listed violation is not corrected as required herein, the Town of Longboat Key is authorized to implement necessary repairs to the property involved to make the property safe to the public as soon as possible.

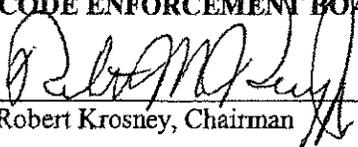
A Public Hearing will be held on May 11, 2015 to determine if the requirements of this order have been met. If Respondent, AIRMANN LLC, has not complied with this order by the date specified above, a fine may be imposed of up to \$250.00 dollars for each day the violation(s) is found to exist after the date ordered above for compliance, in addition to any administrative costs. The Respondent may attend and present evidence at this hearing.

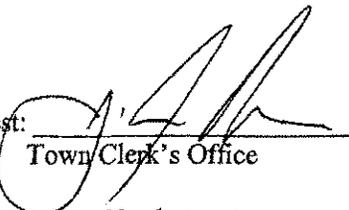
If AIRMANN LLC is cited for the same violation within the next five (5) years, it will be considered a repeat violation and a fine of up to \$500.00 per day for each day the violation continues to exist from the date of first notice may be levied.

Any aggrieved party may appeal this Administrative Order to the Circuit Court in and for Manatee County. Such appeal shall not be a hearing *de novo*, but shall be limited to appellate review of the record created before the Code Enforcement Board. An appeal shall be filed within thirty- (30) days of the execution of this Administrative Order.

Done and ordered this 13th day of April, 2015.

**TOWN OF LONGBOAT KEY
CODE ENFORCEMENT BOARD**


Robert Krosney, Chairman

Attest: 
By: Town Clerk's Office

I hereby certify that a true copy of the foregoing Administrative Order has been furnished to the Respondent by Regular Mail this 14th day of April, 2015.


Christopher Elbon, Code Enforcement Officer



BEFORE THE CODE ENFORCEMENT BOARD
OF THE TOWN OF LONGBOAT KEY, FLORIDA

TOWN OF LONGBOAT KEY

A political subdivision of the
State of Florida

Petitioner,

vs.

Case No. CE.10973

AIRMANN LLC
806 ALEXA DRIVE
MT. STERLING, KY 40353

Respondent /

Re Property of: AIRMANN LLC

Legal Description: LOT 4 BLK F COUNTRY CLUB SHORES UNIT 3 SEC 2, as recorded
in the public records of Sarasota County

Street Address: 549 Hornblower Lane, Longboat Key, FL 34228

Parcel ID #: 0010070024

ADMINISTRATIVE ORDER

This matter came before the Town of Longboat Key Code Enforcement Board for Public Hearing on May 11, 2015, at 10:00 a.m., at Town of Longboat Key Commission Chambers, after due notice to the Respondent, and the Board having considered the testimony and evidence presented, does hereby find:

FINDINGS OF FACT:

1. The above referenced Respondent was found in violation of the Town of Longboat Key Code of Ordinances at a hearing held on April 13, 2015. A copy of the Board's prior Order is attached hereto and incorporated herein as Exhibit "A" (the "Order").
2. The Order required the Respondent to comply by May 4, 2015. The Order was sent to the Respondent by Certified Return Receipt Requested U.S. Mail on April 14, 2015.
3. On April 20, 2015, the Respondent was notified by Certified Return Receipt Requested U.S. Mail, that the Code Enforcement Board would hold a hearing on May 11, 2015, to determine whether the Respondent were in compliance with the Order, and if not, whether to impose a fine and administrative costs.

CONCLUSIONS OF LAW:

1. The Code Enforcement Board (CEB) is properly convened. Notice has been given and all conditions precedent have been satisfied.

AIRMANN LLC
Case No. CE.10973
May 11, 2015
Page 2 of 2

2. The prior Order of this Board, dated April 13, 2015 was not complied with by the date set forth in the Order.

ORDER

The Respondent, AIRMANN LLC, having been found in violation of Section 104.11(L), PROPERTY MAINTENANCE STANDARDS, EXTERIOR STRUCTURE -- FENCE OR WALL of the Town of Longboat Key Code of Ordinances and is given until June 8, 2015 to bring the above referenced property into compliance.

In the event that the Respondent, AIRMANN LLC, is not in compliance by June 8, 2015, then the Code Enforcement Board imposes a fine in the amount of \$100.00 per day for the period beginning May 11, 2015 and continuing until the property is brought into compliance. Respondent, AIRMANN LLC, shall also be responsible for any administrative costs and recording fees associated with this matter. Additionally, if the property shall remain out of after June 8, 2015, and the violation continues, AIRMANN LLC may be responsible for any fines and administrative costs and recording fees associated with this matter.

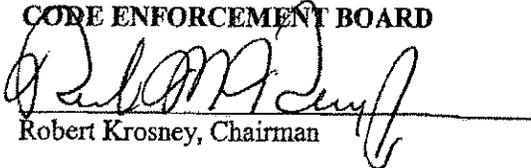
A Public Hearing will be held on June 8, 2015 to determine if the requirements of this order have been met. If Respondent, AIRMANN LLC, has not complied with this order by the date specified above, a fine may be imposed of up to \$250.00 dollars for each day the violation(s) is found to exist after the date ordered above for compliance, in addition to any administrative costs. The Respondent may attend and present evidence at this hearing.

If AIRMANN LLC is cited for the same violation within the next five (5) years, it will be considered a repeat violation and a fine of up to \$500.00 per day for each day the violation continues to exist from the date of first notice may be levied.

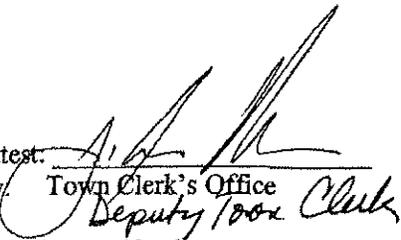
Any aggrieved party may appeal this Administrative Order to the Circuit Court in and for Manatee County. Such appeal shall not be a hearing *de novo*, but shall be limited to appellate review of the record created before the Code Enforcement Board. An appeal shall be filed within thirty- (30) days of the execution of this Administrative Order.

Done and ordered this 11th day of May, 2015.

**TOWN OF LONGBOAT KEY
CODE ENFORCEMENT BOARD**


Robert Krosney, Chairman

Attest.

By: 
Town Clerk's Office
Deputy Town Clerk

I hereby certify that a true copy of the foregoing Administrative Order has been furnished to the Respondent by Certified Mail / Return Receipt Requested this 11TH day of May, 2015.


Christopher Elbon, Code Enforcement Officer



BEFORE THE CODE ENFORCEMENT BOARD
OF THE TOWN OF LONGBOAT KEY, FLORIDA

TOWN OF LONGBOAT KEY

A political subdivision of the
State of Florida

Petitioner,

vs.

Case No. CE.10973

AIRMANN LLC
806 ALEXA DRIVE
MT. STERLING, KY 40353

Respondent /

Re Property of: AIRMANN LLC

Legal Description: LOT 4 BLK F COUNTRY CLUB SHORES UNIT 3 SEC 2, as recorded
in the public records of Sarasota County

Street Address: 549 Hornblower Lane, Longboat Key, FL 34228

Parcel ID #: 0010070024

ADMINISTRATIVE ORDER

This matter came before the Town of Longboat Key Code Enforcement Board for Public Hearing on April 13, 2015, at 10:00 a.m., at Town of Longboat Key Commission Chambers, after due notice to the Respondent, and the Board having considered the testimony and evidence presented, does hereby find:

FINDINGS OF FACT:

1. The property, which is the subject of this Code enforcement action, is located at 549 Hornblower Lane, Longboat Key, FL 34228.
2. The legal description of the subject property is: LOT 4 BLK F COUNTRY CLUB SHORES UNIT 3 SEC 2, as recorded in the public records of Sarasota County.
3. The Respondent, AIRMANN LLC, is the owner of the subject property and has been given proper notice of the hearing.
4. The Respondent has a violation of a deteriorating wall or fence which fails to be maintained in a state of good repair.
5. The Respondent did not correct the violation prior to the Public Hearing.

CONCLUSIONS OF LAW:

1. The Code Enforcement Board (CEB) is properly convened. Notice has been given and all conditions precedent have been satisfied.

AIRMANN LLC
Administrative Order/Case No. CE.10973
April 13, 2015
Page 2 of 2

2. Respondent has violated the Town of Longboat Key Code of Ordinances, Chapter 104, Section 104.11(L), PROPERTY MAINTENANCE STANDARDS, EXTERIOR STRUCTURE – FENCE OR WALL.

ORDER

The Respondent, AIRMANN LLC, having been found in violation of Section 104.11(L), PROPERTY MAINTENANCE STANDARDS, EXTERIOR STRUCTURE – FENCE OR WALL of the Town of Longboat Key Code of Ordinances and is given 14 days from service of notice of this Administrative Order to bring the above referenced property into compliance.

In addition, the Code Enforcement Board may impose a fine in the amount of \$100.00 per day if after the above referenced date, the violation remains outside of compliance, and AIRMANN LLC may be responsible for any additional administrative time costs associated with this matter.

Irrespective of the above, if the above listed violation is not corrected as required herein, the Town of Longboat Key is authorized to implement necessary repairs to the property involved to make the property safe to the public as soon as possible.

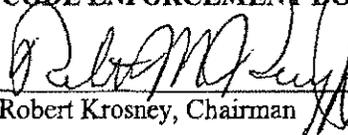
A Public Hearing will be held on May 11, 2015 to determine if the requirements of this order have been met. If Respondent, AIRMANN LLC, has not complied with this order by the date specified above, a fine may be imposed of up to \$250.00 dollars for each day the violation(s) is found to exist after the date ordered above for compliance, in addition to any administrative costs. The Respondent may attend and present evidence at this hearing.

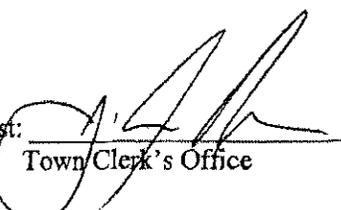
If AIRMANN LLC is cited for the same violation within the next five (5) years, it will be considered a repeat violation and a fine of up to \$500.00 per day for each day the violation continues to exist from the date of first notice may be levied.

Any aggrieved party may appeal this Administrative Order to the Circuit Court in and for Manatee County. Such appeal shall not be a hearing *de novo*, but shall be limited to appellate review of the record created before the Code Enforcement Board. An appeal shall be filed within thirty- (30) days of the execution of this Administrative Order.

Done and ordered this 13th day of April, 2015.

**TOWN OF LONGBOAT KEY
CODE ENFORCEMENT BOARD**


Robert Krosney, Chairman

Attest: 
By: Town Clerk's Office

I hereby certify that a true copy of the foregoing Administrative Order has been furnished to the Respondent by Regular Mail this 14th day of April, 2015.


Christopher Elbon, Code Enforcement Officer



BEFORE THE CODE ENFORCEMENT BOARD
OF THE TOWN OF LONGBOAT KEY, FLORIDA

TOWN OF LONGBOAT KEY
A political subdivision of the
State of Florida

Petitioner,

vs.

Case No. CE.10973

AIRMANN LLC
806 ALEXA DRIVE
MT. STERLING, KY 40353

Respondent /

Re Property of: AIRMANN LLC

Legal Description: LOT 4 BLK F COUNTRY CLUB SHORES UNIT 3 SEC 2, as recorded
in the public records of Sarasota County

Street Address: 549 Hornblower Lane, Longboat Key, FL 34228

Parcel ID #: 0010070024

ORDER IMPOSING FINE AND LIEN

On June 8, 2015, at 10:00 a.m., at Town of Longboat Key Commission Chambers, the Code Enforcement Board (CEB) of the Town of Longboat Key conducted a duly noticed Public Hearing in regard to the above case. Following receipt of sworn testimony and other evidence, the Board makes the following findings:

FINDINGS OF FACT:

1. The above referenced Respondent was found in violation of the Town of Longboat Key Code of Ordinances at a hearing held on May 11, 2015. A copy of the Board's prior Order is attached hereto and incorporated herein as Exhibit "A" (the "Order").
2. The Order required the Respondent to comply by June 8, 2015. The Order was sent to the Respondent by Certified Return Receipt Requested U.S. Mail on May 14, 2015.
3. On May 16, 2015, the Respondent was notified by Certified Return Receipt Requested U.S. Mail, that the Code Enforcement Board would hold a hearing on June 8, 2015, to determine whether the Respondent was in compliance with the Order, and if not, whether to impose a fine and administrative costs.

CONCLUSIONS OF LAW:

1. The Code Enforcement Board (CEB) is properly convened. Notice has been given and all conditions precedent have been satisfied.

2. The prior Order of this Board, dated May 11, 2015 was not complied with by the date set forth in the Order.
3. The CEB has considered Section 33.10 of the Code of Ordinances in levying any fine, which provides as follows:
 - (2) In determining the amount of the fine, if any, the CEB shall consider the following factors:
 - a. The gravity of the violation;
 - b. Any actions taken by the violator to correct the violation;
 - c. Any previous violations committed by the violator.

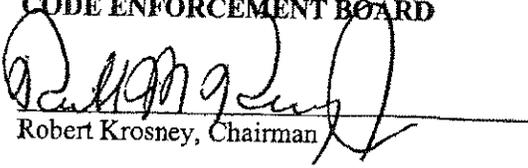
ORDER

Based on the foregoing, the Code Enforcement Board imposes a fine of **\$100.00** per day, for the period beginning **June 8, 2015** and continuing until the property is brought into compliance. Administrative costs incurred by the Town in the prosecution of this matter in the amount of **\$15.76** are hereby imposed. A certified copy of this Order shall be recorded in the Public Records of Sarasota County, where it shall thereafter constitute a lien against any real or personal property owned by the violators and shall include recording fees in the amount of **\$35.50**. Upon petition to the circuit court by the Town, this Order may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the personal property, but such Order shall not be deemed to be a court judgment except for enforcement purposes. **A fine imposed pursuant to this Order shall continue to accrue interest at the highest lawful rate until the violator comes into compliance or until judgment is rendered in a suit to foreclose on a lien created herein, whichever occurs first.**

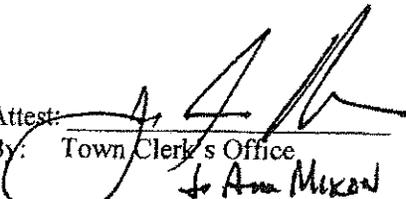
Any aggrieved party may appeal this Order to the Circuit Court in and for Sarasota County. Such appeal shall not be a hearing *de novo*, but shall be limited to appellate review of the record created before the Code Enforcement Board. An appeal shall be filed within thirty (30) days of the execution of this Administrative Order

Done and ordered this 8th day of June, 2015.

**TOWN OF LONGBOAT KEY
CODE ENFORCEMENT BOARD**


Robert Krosney, Chairman

Attest:

By: 
Town Clerk's Office
Anna Miron

I hereby certify that a true copy of the foregoing Administrative Order has been furnished to the Respondent by Regular Mail this 8TH day of June, 2015


Christopher Elbon, Code Enforcement Officer



BEFORE THE CODE ENFORCEMENT BOARD
OF THE TOWN OF LONGBOAT KEY, FLORIDA

TOWN OF LONGBOAT KEY

A political subdivision of the
State of Florida

Petitioner,

vs.

Case No. CE.10973

AIRMANN LLC
806 ALEXA DRIVE
MT. STERLING, KY 40353

Respondent /

Re Property of: AIRMANN LLC

Legal Description: LOT 4 BLK F COUNTRY CLUB SHORES UNIT 3 SEC 2, as recorded
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Street Address: 549 Hornblower Lane, Longboat Key, FL 34228

Parcel ID #: 0010070024

ADMINISTRATIVE ORDER

This matter came before the Town of Longboat Key Code Enforcement Board for Public Hearing on May 11, 2015, at 10:00 a.m., at Town of Longboat Key Commission Chambers, after due notice to the Respondent, and the Board having considered the testimony and evidence presented, does hereby find:

FINDINGS OF FACT:

1. The above referenced Respondent was found in violation of the Town of Longboat Key Code of Ordinances at a hearing held on April 13, 2015. A copy of the Board's prior Order is attached hereto and incorporated herein as Exhibit "A" (the "Order").
2. The Order required the Respondent to comply by May 4, 2015. The Order was sent to the Respondent by Certified Return Receipt Requested U.S. Mail on April 14, 2015.
3. On April 20, 2015, the Respondent was notified by Certified Return Receipt Requested U.S. Mail, that the Code Enforcement Board would hold a hearing on May 11, 2015, to determine whether the Respondent were in compliance with the Order, and if not, whether to impose a fine and administrative costs.

CONCLUSIONS OF LAW:

1. The Code Enforcement Board (CEB) is properly convened. Notice has been given and all conditions precedent have been satisfied.

AIRMANN LLC
Case No. CE.10973
May 11, 2015
Page 2 of 2

2. The prior Order of this Board, dated April 13, 2015 was not complied with by the date set forth in the Order.

ORDER

The Respondent, AIRMANN LLC, having been found in violation of Section 104.11(L), PROPERTY MAINTENANCE STANDARDS, EXTERIOR STRUCTURE – FENCE OR WALL of the Town of Longboat Key Code of Ordinances and is given until June 8, 2015 to bring the above referenced property into compliance.

In the event that the Respondent, AIRMANN LLC, is not in compliance by June 8, 2015, then the Code Enforcement Board imposes a fine in the amount of \$100.00 per day for the period beginning May 11, 2015 and continuing until the property is brought into compliance. Respondent, AIRMANN LLC, shall also be responsible for any administrative costs and recording fees associated with this matter. Additionally, if the property shall remain out of after June 8, 2015, and the violation continues, AIRMANN LLC may be responsible for any fines and administrative costs and recording fees associated with this matter.

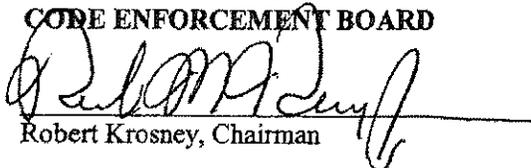
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If AIRMANN LLC is cited for the same violation within the next five (5) years, it will be considered a repeat violation and a fine of up to \$500.00 per day for each day the violation continues to exist from the date of first notice may be levied.

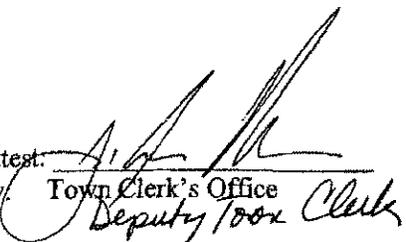
Any aggrieved party may appeal this Administrative Order to the Circuit Court in and for Manatee County. Such appeal shall not be a hearing *de novo*, but shall be limited to appellate review of the record created before the Code Enforcement Board. An appeal shall be filed within thirty- (30) days of the execution of this Administrative Order.

Done and ordered this 11th day of May, 2015.

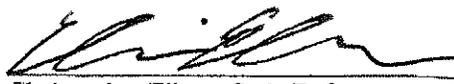
TOWN OF LONGBOAT KEY
CODE ENFORCEMENT BOARD


Robert Krosney, Chairman

Attest:

By: 
Town Clerk's Office
Deputy Town Clerk

I hereby certify that a true copy of the foregoing Administrative Order has been furnished to the Respondent by Certified Mail / Return Receipt Requested this 11TH day of May, 2015.


Christopher Elbon, Code Enforcement Officer



**BEFORE THE CODE ENFORCEMENT BOARD
OF THE TOWN OF LONGBOAT KEY, FLORIDA**

TOWN OF LONGBOAT KEY

A political subdivision of the
State of Florida

Petitioner,

vs.

Case No. CE.10973

AIRMANN LLC
806 ALEXA DRIVE
MT. STERLING, KY 40353

Respondent /

ORDER OF COMPLIANCE

Re Property of: AIRMANN LLC

Legal Description: LOT 4 BLK F COUNTRY CLUB SHORES UNIT 3 SEC 2, as recorded in the public records of Sarasota County

Street Address: 549 Hornblower Lane, Longboat Key, FL 34228

Parcel ID #: 0010070024

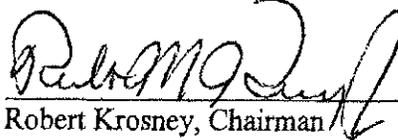
1. The above referenced Respondent was found in violation of the Town of Longboat Key Code of Ordinances at a hearing held on May 11, 2015, and was given until June 8, 2015 to bring the above referenced property into compliance. An Administrative Order was sent to the Respondent by Certified U.S. Mail / Return Receipt Requested on May 14, 2015.
2. The Respondent was found to not have complied with the Administrative Order at a hearing held on June 8, 2015, and a fine of \$100.00 per day was imposed beginning on June 8, 2015, and continuing until the property was brought into compliance, to include administrative costs incurred by the Town in the prosecution of this matter in the amount of \$15.76 and recording fees in the amount of \$35.50. The Order Imposing Fine and Lien was sent to the Respondent by Certified U.S. Mail / Return Receipt Requested on June 8, 2015, and recorded in official records with the Sarasota County Clerk of the Circuit Court on June 15, 2015, Instrument # 2015072892.
3. The above referenced Respondent was found to have brought the property into compliance for this matter as of November 16, 2015.

AIRMANN LLC
Order of Compliance
Case No. CE.10973
January 11, 2016
Page 2 of 2

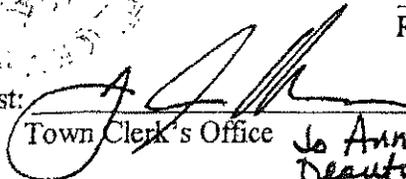
Done and ordered this 11th day of January, 2016.



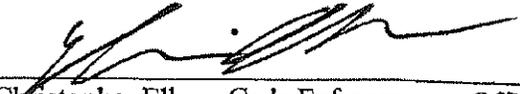
**TOWN OF LONGBOAT KEY
CODE ENFORCEMENT BOARD**


Robert Krosney, Chairman

Attest:

By:  Town Clerk's Office *Jo Ann Mixon
Deputy Town Clerk*

I hereby certify that a true copy of the foregoing Order has been furnished to the Respondent by Regular Mail this 11th day of January, 2016.


Christopher Elbon, Code Enforcement Officer



Case # CE.10973

Respondent: Airmann LLC

549 Hornblower Lane

***Case Category: 104.11(L)
Fence or Wall***



Code of Ordinance 104.11(L)
Fence or Wall

“All fences or walls shall be maintained plumb and in good repair, without missing sections or damage.” CoO 104.11(L)



§ January 13, 2015 - Complaint of fence received.

§ January 14, 2015 - Was granted access to the backyard of 537 Hornblower Lane by property owner in order to inspect the property. Observed fence rusting, missing sections, and in a state of deterioration. (*Exhibits 1-2*)



Exhibit 1:
Photo of 549 Hornblower Lane (01/14/2015)





Exhibit 2:
Photo of 549 Hornblower Lane (01/14/2015)





§ January 14, 2015 - Called and spoke with property owner, advising of violation. Property owner stated the violation would be corrected within 14 days.

§ January 29, 2015 - Was granted access to the backyard of 548 Spinnaker Lane by property owner in order to reinspect for compliance. Property remained in violation. (*Exhibits 3-4*)



Exhibit 3:

Photo of 549 Hornblower Lane (01/29/2015)





Exhibit 4:

Photo of 549 Hornblower Lane (01/29/2015)





§ January 30, 2015 - Notice of Code Violation generated and sent to property owner via certified mail.

§ February 3, 2015 - Notice of Code Violation received by property owner via certified mail.

§ March 6, 2015 - Was granted access to the backyard of 549 Hornblower Lane by property owner in order to reinspect for compliance. Property remained in violation. (*Exhibits 5-8*)



Exhibit 5:
Photo of 549 Hornblower Lane (03/06/2015)





Exhibit 6:
Photo of 549 Hornblower Lane (03/06/2015)





Exhibit 7:
Photo of 549 Hornblower Lane (03/06/2015)





Exhibit 8:

Photo of 549 Hornblower Lane (03/06/2015)





§ March 12, 2015 - Notice of Hearing generated and sent to property owner via certified mail.

§ March 19, 2015 - Notice of Hearing received by property owner via certified mail.

§ April 13, 2015 - Public hearing was held and Code Enforcement Board (CEB) ordered the property to be brought into compliance within 14 days upon receipt of the order.



§ April 20, 2015 - Administrative Order received by property owner via certified mail.

§ May 6, 2015 - Was granted access to the backyard of 537 Hornblower Lane by property owner in order to reinspect the property. Property remained in violation. (*Exhibits 9-11*)



Exhibit 9:
Photo of 549 Hornblower Lane (05/06/2015)





Exhibit 10:
Photo of 549 Hornblower Lane (05/06/2015)





Exhibit 11:
Photo of 549 Hornblower Lane (05/06/2015)





§ May 11, 2015 - Public hearing was held and CEB ordered the property to be brought into compliance by June 8, 2015.

§ May 16, 2015 - Administrative Order received by property owner via certified mail.

**§ June 8, 2015 - Conducted reinspection of the property. Property remained in violation.
*(Exhibit 12)***



Exhibit 12:
Photo of 549 Hornblower Lane (06/08/2015)





§ June 8, 2015 - Public hearing was held and CEB imposed daily fines of \$100.00 per day against the property.

§ June 12, 2015 - Order Imposing Fine received by property owner via certified mail.

§ October 26, 2015 - Received letter from property owner requesting an extension to bring the property into compliance and suspend daily fines. CEB denied property owner's request at November 16, 2015 CEB meeting.



§ November 16, 2015 - Conducted reinspection of the property. Property brought into compliance.

§ January 11, 2016 - CEB executed Order of Compliance.

§ September 6, 2016 - Received letter from property owner requesting lien reduction.



**TOWN OF LONGBOAT KEY
CODE ENFORCEMENT DEPARTMENT
5460 GULF OF MEXICO DRIVE
LONGBOAT KEY, FL 34228**

CERTIFIED MAIL – 70020510000340041212
CASE # CE.10975

NOTICE OF CODE VIOLATION

DATE: 01/30/2015

TO: AIRMANN LLC
806 ALEXA DRIVE
MT. STERLING, KY 40353

VIOLATION OF SECTION: 104.11(C) PROPERTY MAINTENANCE STANDARDS
EXTERIOR STRUCTURE –
ROOFS AND DRAINANGE

LOCATION: 549 Hornblower Lane, Longboat Key, FL 34228.

NATURE OF VIOLATION: Damaged roof tile which fails to maintain roof without defect that may admit water.

CORRECTIVE ACTION REQUIRED: Repair or replace roof tile within 30 days of receiving this notice and maintain property in a manner which will not allow violation to reoccur to avoid further Code Enforcement action.

NOTE: If violation is not corrected within the time specified or if reoccurring violation, case will be forwarded to the Code Enforcement Board. If this is a repeat violation, the case may be presented to the code enforcement board even if the violation is corrected within the time specified. **You may be fined up to \$250.00 per day for each day the violation exists or up to \$500.00 per day if the violation is a repeat violation per Florida Statute Ch.162.** If you have any questions regarding this notice please call (941) 383-3738, Ext. 234. Your cooperation is appreciated.

Christopher Elbon
Code Enforcement Officer
Town of Longboat Key



**TOWN OF LONGBOAT KEY
CODE ENFORCEMENT BOARD**

NOTICE OF HEARING

TO: AIRMANN LLC
806 ALEXA DRIVE
MT. STERLING, KY 40353

CERTIFIED MAIL
70110110000011605196
RETURN RECEIPT REQUESTED

Re: CE.10975 – Code Enforcement Board Hearing

The Code Enforcement Board was created pursuant to General Act 80-300, General Laws of Florida, 1980, and Ordinance 81-14, amended by Ordinances 83-4, 85-26, 88-16 and 89-21. The purpose of this Board is to facilitate the enforcement of certain codes of the Town of Longboat Key by creating a board of seven citizens who may quickly and fairly render decisions concerning violations of these codes.

You are hereby formally notified that on the **13th day of April 2015, at 10:00 a.m.** there will be a public hearing at Longboat Key Town Commission Chambers, 501 Bay Isles Road, Longboat Key, Florida, concerning a violation of **Chapter 104, Section 104.11(C), Property Maintenance Standards, Exterior Structure, Roofs and Drainage of the Town Code.** (See attached Notice of Violation)

You are hereby ordered to appear before the Code Enforcement Board on that date to answer these charges and to present your side of the case. Failure to appear may result in the Board proceeding in your absence.

Should you be found in violation of the Town Code, the Code Enforcement Board has the power by law to levy fines of up to \$250 a day against you and your property for every day that any violation continues beyond the date set in an order of the Board for compliance.

If you so desire, you have the right to obtain an attorney - at your own expense - to represent you before the Board. You will also have the opportunity to present witnesses as well as question the witnesses against you prior to the Board making a determination.

Please be prepared to present evidence at this meeting concerning the amount of time necessary to correct the alleged violation, should you be found to be in violation of the Town Code. If you wish to have any witnesses subpoenaed or have any other questions, contact the Code Enforcement Officer within the Longboat Key Police Department within five days at (941)-383-3738, Ext. 234.

**CHRISTOPHER ELBON
CODE ENFORCEMENT OFFICER**

Please Note: If any person decides to appeal any decision made by the Board with respect to any matter considered at this hearing, a record of the proceedings will be needed. For such purpose that person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.



**TOWN OF LONGBOAT KEY
CODE ENFORCEMENT DEPARTMENT
5460 GULF OF MEXICO DRIVE
LONGBOAT KEY, FL 34228**

CERTIFIED MAIL – 70020510000340041212
CASE # CE.10975

NOTICE OF CODE VIOLATION

DATE: 01/30/2015

TO: AIRMANN LLC
806 ALEXA DRIVE
MT. STERLING, KY 40353

VIOLATION OF SECTION: 104.11(C) PROPERTY MAINTENANCE STANDARDS
EXTERIOR STRUCTURE –
ROOFS AND DRAINANGE

LOCATION: 549 Hornblower Lane, Longboat Key, FL 34228.

NATURE OF VIOLATION: Damaged roof tile which fails to maintain roof without defect that may admit water.

CORRECTIVE ACTION REQUIRED: Repair or replace roof tile within 30 days of receiving this notice and maintain property in a manner which will not allow violation to reoccur to avoid further Code Enforcement action.

NOTE: If violation is not corrected within the time specified or if reoccurring violation, case will be forwarded to the Code Enforcement Board. If this is a repeat violation, the case may be presented to the code enforcement board even if the violation is corrected within the time specified. **You may be fined up to \$250.00 per day for each day the violation exists or up to \$500.00 per day if the violation is a repeat violation per Florida Statute Ch.162.** If you have any questions regarding this notice please call (941) 383-3738, Ext. 234. Your cooperation is appreciated.

Christopher Elbon
Code Enforcement Officer
Town of Longboat Key



**BEFORE THE CODE ENFORCEMENT BOARD
OF THE TOWN OF LONGBOAT KEY, FLORIDA**

TOWN OF LONGBOAT KEY
A political subdivision of the
State of Florida

Petitioner,

vs.

Case No. CE.10975

AIRMANN LLC
806 ALEXA DRIVE
MT. STERLING, KY 40353

Respondent /

Re Property of: AIRMANN LLC

Legal Description: LOT 4 BLK F COUNTRY CLUB SHORES UNIT 3 SEC 2, as recorded
in the public records of Sarasota County

Street Address: 549 Hornblower Lane, Longboat Key, FL 34228

Parcel ID #: 0010070024

ADMINISTRATIVE ORDER

This matter came before the Town of Longboat Key Code Enforcement Board for Public Hearing on April 13, 2015, at 10:00 a.m., at Town of Longboat Key Commission Chambers, after due notice to the Respondent, and the Board having considered the testimony and evidence presented, does hereby find:

FINDINGS OF FACT:

1. The property, which is the subject of this Code enforcement action, is located at 549 Hornblower Lane, Longboat Key, FL 34228.
2. The legal description of the subject property is: LOT 4 BLK F COUNTRY CLUB SHORES UNIT 3 SEC 2, as recorded in the public records of Sarasota County.
3. The Respondent, AIRMANN LLC, is the owner of the subject property and has been given proper notice of the hearing.
4. The Respondent has a violation of a roof which fails to be maintained in a state of good repair without defect that admits water.
5. The Respondent did not correct the violation prior to the Public Hearing.

CONCLUSIONS OF LAW:

1. The Code Enforcement Board (CEB) is properly convened. Notice has been given and all conditions precedent have been satisfied.

2. Respondent has violated the Town of Longboat Key Code of Ordinances, Chapter 104, Section 104.11(C), PROPERTY MAINTENANCE STANDARDS, EXTERIOR STRUCTURE – ROOFS AND DRAINAGE.

ORDER

The Respondent, AIRMANN LLC, having been found in violation of Section 104.11(C), PROPERTY MAINTENANCE STANDARDS, EXTERIOR STRUCTURE – ROOFS AND DRAINAGE of the Town of Longboat Key Code of Ordinances and is given **14 days from service of notice of this Administrative Order to bring the above referenced property into compliance.**

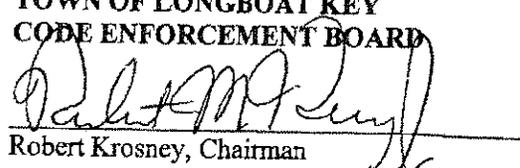
A Public Hearing will be held on May 11, 2015 to determine if the requirements of this order have been met. If Respondent, AIRMANN LLC, has not complied with this order by the date specified above, a fine may be imposed of up to \$250.00 dollars for each day the violation(s) is found to exist after the date ordered above for compliance, in addition to any administrative costs. The Respondent may attend and present evidence at this hearing.

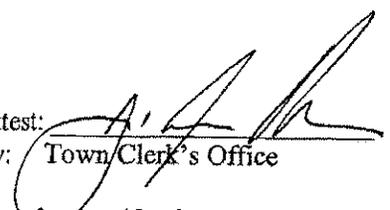
If AIRMANN LLC is cited for the same violation within the next five (5) years, it will be considered a repeat violation and a fine of up to \$500.00 per day for each day the violation continues to exist from the date of first notice may be levied.

Any aggrieved party may appeal this Administrative Order to the Circuit Court in and for Manatee County. Such appeal shall not be a hearing *de novo*, but shall be limited to appellate review of the record created before the Code Enforcement Board. An appeal shall be filed within thirty- (30) days of the execution of this Administrative Order.

Done and ordered this 13th day of April, 2015.

**TOWN OF LONGBOAT KEY
CODE ENFORCEMENT BOARD**


Robert Krosney, Chairman

Attest:
By: 
Town Clerk's Office

I hereby certify that a true copy of the foregoing Administrative Order has been furnished to the Respondent by Regular Mail this 14th day of April, 2015.


Christopher Elbon, Code Enforcement Officer



BEFORE THE CODE ENFORCEMENT BOARD
OF THE TOWN OF LONGBOAT KEY, FLORIDA

USA COPY

TOWN OF LONGBOAT KEY

A political subdivision of the
State of Florida

Petitioner,

vs.

Case No. CE.10975

AIRMANN LLC
806 ALEXA DRIVE
MT. STERLING, KY 40353

Respondent /

Re Property of: AIRMANN LLC

Legal Description: LOT 4 BLK F COUNTRY CLUB SHORES UNIT 3 SEC 2, as recorded
in the public records of Sarasota County

Street Address: 549 Hornblower Lane, Longboat Key, FL 34228

Parcel ID #: 0010070024

ADMINISTRATIVE ORDER

This matter came before the Town of Longboat Key Code Enforcement Board for Public Hearing on May 11, 2015, at 10:00 a.m., at Town of Longboat Key Commission Chambers, after due notice to the Respondent, and the Board having considered the testimony and evidence presented, does hereby find:

FINDINGS OF FACT:

1. The above referenced Respondent was found in violation of the Town of Longboat Key Code of Ordinances at a hearing held on April 13, 2015. A copy of the Board's prior Order is attached hereto and incorporated herein as Exhibit "A" (the "Order").
2. The Order required the Respondent to comply by May 4, 2015. The Order was sent to the Respondent by Certified Return Receipt Requested U.S. Mail on April 14, 2015.
3. On April 20, 2015, the Respondent was notified by Certified Return Receipt Requested U.S. Mail, that the Code Enforcement Board would hold a hearing on May 11, 2015, to determine whether the Respondent were in compliance with the Order, and if not, whether to impose a fine and administrative costs.

CONCLUSIONS OF LAW:

1. The Code Enforcement Board (CEB) is properly convened. Notice has been given and all conditions precedent have been satisfied.

2. The prior Order of this Board, dated April 13, 2015 was not complied with by the date set forth in the Order.

ORDER

The Respondent, AIRMANN LLC, having been found in violation of Section 104.11(L), PROPERTY MAINTENANCE STANDARDS, EXTERIOR STRUCTURE – FENCE OR WALL of the Town of Longboat Key Code of Ordinances and is given until June 8, 2015 to bring the above referenced property into compliance.

In the event that the Respondent, AIRMANN LLC, is not in compliance by June 8, 2015, then the Code Enforcement Board imposes a fine in the amount of \$100.00 per day for the period beginning May 11, 2015 and continuing until the property is brought into compliance. Respondent, AIRMANN LLC, shall also be responsible for any administrative costs and recording fees associated with this matter. Additionally, if the property shall remain out of after June 8, 2015, and the violation continues, AIRMANN LLC may be responsible for any fines and administrative costs and recording fees associated with this matter.

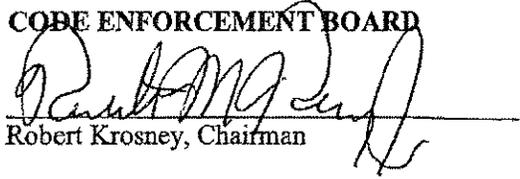
A Public Hearing will be held on June 8, 2015 to determine if the requirements of this order have been met. If Respondent, AIRMANN LLC, has not complied with this order by the date specified above, a fine may be imposed of up to \$250.00 dollars for each day the violation(s) is found to exist after the date ordered above for compliance, in addition to any administrative costs. The Respondent may attend and present evidence at this hearing.

If AIRMANN LLC is cited for the same violation within the next five (5) years, it will be considered a repeat violation and a fine of up to \$500.00 per day for each day the violation continues to exist from the date of first notice may be levied.

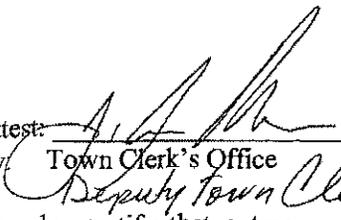
Any aggrieved party may appeal this Administrative Order to the Circuit Court in and for Manatee County. Such appeal shall not be a hearing *de novo*, but shall be limited to appellate review of the record created before the Code Enforcement Board. An appeal shall be filed within thirty- (30) days of the execution of this Administrative Order.

Done and ordered this 11th day of May, 2015.

**TOWN OF LONGBOAT KEY
CODE ENFORCEMENT BOARD**


Robert Krosney, Chairman

Attest:


By: Town Clerk's Office
Deputy Town Clerk.

I hereby certify that a true copy of the foregoing Administrative Order has been furnished to the Respondent by Certified Mail / Return Receipt Requested this 11TH day of May, 2015.


Christopher Elbon, Code Enforcement Officer



**BEFORE THE CODE ENFORCEMENT BOARD
OF THE TOWN OF LONGBOAT KEY, FLORIDA**

TOWN OF LONGBOAT KEY
A political subdivision of the
State of Florida

Petitioner,

vs.

Case No. CE.10975

AIRMANN LLC
806 ALEXA DRIVE
MT. STERLING, KY 40353

Respondent /

Re Property of: AIRMANN LLC

Legal Description: LOT 4 BLK F COUNTRY CLUB SHORES UNIT 3 SEC 2, as recorded
in the public records of Sarasota County

Street Address: 549 Hornblower Lane, Longboat Key, FL 34228

Parcel ID #: 0010070024

ADMINISTRATIVE ORDER

This matter came before the Town of Longboat Key Code Enforcement Board for Public Hearing on April 13, 2015, at 10:00 a.m., at Town of Longboat Key Commission Chambers, after due notice to the Respondent, and the Board having considered the testimony and evidence presented, does hereby find:

FINDINGS OF FACT:

1. The property, which is the subject of this Code enforcement action, is located at 549 Hornblower Lane, Longboat Key, FL 34228.
2. The legal description of the subject property is: LOT 4 BLK F COUNTRY CLUB SHORES UNIT 3 SEC 2, as recorded in the public records of Sarasota County.
3. The Respondent, AIRMANN LLC, is the owner of the subject property and has been given proper notice of the hearing.
4. The Respondent has a violation of a roof which fails to be maintained in a state of good repair without defect that admits water.
5. The Respondent did not correct the violation prior to the Public Hearing.

CONCLUSIONS OF LAW:

1. The Code Enforcement Board (CEB) is properly convened. Notice has been given and all conditions precedent have been satisfied.

2. Respondent has violated the Town of Longboat Key Code of Ordinances, Chapter 104, Section 104.11(C), PROPERTY MAINTENANCE STANDARDS, EXTERIOR STRUCTURE – ROOFS AND DRAINAGE.

ORDER

The Respondent, AIRMANN LLC, having been found in violation of Section 104.11(C), PROPERTY MAINTENANCE STANDARDS, EXTERIOR STRUCTURE – ROOFS AND DRAINAGE of the Town of Longboat Key Code of Ordinances and is given **14 days from service of notice of this Administrative Order to bring the above referenced property into compliance.**

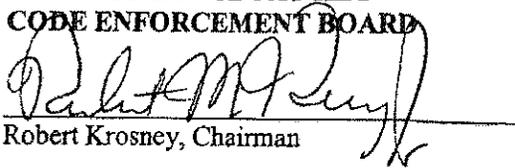
A Public Hearing will be held on May 11, 2015 to determine if the requirements of this order have been met. If Respondent, AIRMANN LLC, has not complied with this order by the date specified above, a fine may be imposed of up to \$250.00 dollars for each day the violation(s) is found to exist after the date ordered above for compliance, in addition to any administrative costs. The Respondent may attend and present evidence at this hearing.

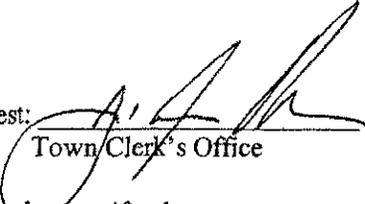
If AIRMANN LLC is cited for the same violation within the next five (5) years, it will be considered a repeat violation and a fine of up to \$500.00 per day for each day the violation continues to exist from the date of first notice may be levied.

Any aggrieved party may appeal this Administrative Order to the Circuit Court in and for Manatee County. Such appeal shall not be a hearing *de novo*, but shall be limited to appellate review of the record created before the Code Enforcement Board. An appeal shall be filed within thirty- (30) days of the execution of this Administrative Order.

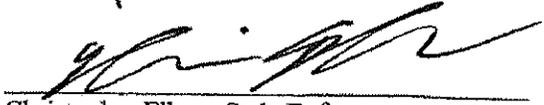
Done and ordered this 13th day of April, 2015.

**TOWN OF LONGBOAT KEY
CODE ENFORCEMENT BOARD**


Robert Krosney, Chairman

Attest:
By:  Town Clerk's Office

I hereby certify that a true copy of the foregoing Administrative Order has been furnished to the Respondent by Regular Mail this 14th day of April, 2015.


Christopher Elbon, Code Enforcement Officer



BEFORE THE CODE ENFORCEMENT BOARD
OF THE TOWN OF LONGBOAT KEY, FLORIDA

TOWN OF LONGBOAT KEY

A political subdivision of the
State of Florida

Petitioner,

vs.

Case No. CE.10975

AIRMANN LLC
806 ALEXA DRIVE
MT. STERLING, KY 40353

Respondent /

Re Property of: AIRMANN LLC

Legal Description: LOT 4 BLK F COUNTRY CLUB SHORES UNIT 3 SEC 2, as recorded
in the public records of Sarasota County

Street Address: 549 Hornblower Lane, Longboat Key, FL 34228

Parcel ID #: 0010070024

ORDER IMPOSING FINE AND LIEN

On June 8, 2015, at 10:00 a.m., at Town of Longboat Key Commission Chambers, the Code Enforcement Board (CEB) of the Town of Longboat Key conducted a duly noticed Public Hearing in regard to the above case. Following receipt of sworn testimony and other evidence, the Board makes the following findings:

FINDINGS OF FACT:

1. The above referenced Respondent was found in violation of the Town of Longboat Key Code of Ordinances at a hearing held on May 11, 2015. A copy of the Board's prior Order is attached hereto and incorporated herein as Exhibit "A" (the "Order").
2. The Order required the Respondent to comply by June 8, 2015. The Order was sent to the Respondent by Certified Return Receipt Requested U.S. Mail on May 14, 2015.
3. On May 16, 2015, the Respondent was notified by Certified Return Receipt Requested U.S. Mail, that the Code Enforcement Board would hold a hearing on June 8, 2015, to determine whether the Respondent was in compliance with the Order, and if not, whether to impose a fine and administrative costs.

CONCLUSIONS OF LAW:

1. The Code Enforcement Board (CEB) is properly convened. Notice has been given and all conditions precedent have been satisfied.

2. The prior Order of this Board, dated May 11, 2015 was not complied with by the date set forth in the Order.
3. The CEB has considered Section 33.10 of the Code of Ordinances in levying any fine, which provides as follows:
 - (2) In determining the amount of the fine, if any, the CEB shall consider the following factors:
 - a. The gravity of the violation;
 - b. Any actions taken by the violator to correct the violation;
 - c. Any previous violations committed by the violator.

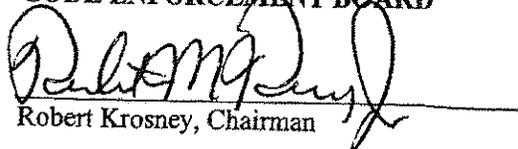
ORDER

Based on the foregoing, the Code Enforcement Board imposes a fine of **\$100.00** per day, for the period beginning **June 8, 2015** and continuing until the property is brought into compliance. Administrative costs incurred by the Town in the prosecution of this matter in the amount of **\$15.76** are hereby imposed. A certified copy of this Order shall be recorded in the Public Records of Sarasota County, where it shall thereafter constitute a lien against any real or personal property owned by the violators and shall include recording fees in the amount of **\$35.50**. Upon petition to the circuit court by the Town, this Order may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the personal property, but such Order shall not be deemed to be a court judgment except for enforcement purposes. **A fine imposed pursuant to this Order shall continue to accrue interest at the highest lawful rate until the violator comes into compliance or until judgment is rendered in a suit to foreclose on a lien created herein, whichever occurs first.**

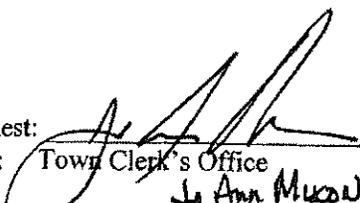
Any aggrieved party may appeal this Order to the Circuit Court in and for Sarasota County. Such appeal shall not be a hearing *de novo*, but shall be limited to appellate review of the record created before the Code Enforcement Board. An appeal shall be filed within thirty (30) days of the execution of this Administrative Order

Done and ordered this 8th day of June, 2015.

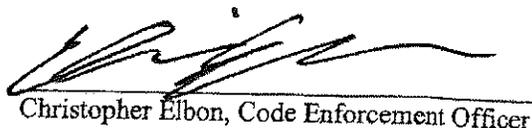
**TOWN OF LONGBOAT KEY
CODE ENFORCEMENT BOARD**


Robert Krosney, Chairman

Attest:

By: 
Town Clerk's Office
Jo Ann Miron

I hereby certify that a true copy of the foregoing Administrative Order has been furnished to the Respondent by Regular Mail this 8th day of June, 2015


Christopher Elbon, Code Enforcement Officer



BEFORE THE CODE ENFORCEMENT BOARD
OF THE TOWN OF LONGBOAT KEY, FLORIDA

USA COPY

TOWN OF LONGBOAT KEY

A political subdivision of the
State of Florida

Petitioner,

vs.

Case No. CE.10975

AIRMANN LLC
806 ALEXA DRIVE
MT. STERLING, KY 40353

Respondent /

Re Property of: AIRMANN LLC

Legal Description: LOT 4 BLK F COUNTRY CLUB SHORES UNIT 3 SEC 2, as recorded
in the public records of Sarasota County

Street Address: 549 Hornblower Lane, Longboat Key, FL 34228

Parcel ID #: 0010070024

ADMINISTRATIVE ORDER

This matter came before the Town of Longboat Key Code Enforcement Board for Public Hearing on May 11, 2015, at 10:00 a.m., at Town of Longboat Key Commission Chambers, after due notice to the Respondent, and the Board having considered the testimony and evidence presented, does hereby find:

FINDINGS OF FACT:

1. The above referenced Respondent was found in violation of the Town of Longboat Key Code of Ordinances at a hearing held on April 13, 2015. A copy of the Board's prior Order is attached hereto and incorporated herein as Exhibit "A" (the "Order").
2. The Order required the Respondent to comply by May 4, 2015. The Order was sent to the Respondent by Certified Return Receipt Requested U.S. Mail on April 14, 2015.
3. On April 20, 2015, the Respondent was notified by Certified Return Receipt Requested U.S. Mail, that the Code Enforcement Board would hold a hearing on May 11, 2015, to determine whether the Respondent were in compliance with the Order, and if not, whether to impose a fine and administrative costs.

CONCLUSIONS OF LAW:

1. The Code Enforcement Board (CEB) is properly convened. Notice has been given and all conditions precedent have been satisfied.

2. The prior Order of this Board, dated April 13, 2015 was not complied with by the date set forth in the Order.

ORDER

The Respondent, AIRMANN LLC, having been found in violation of Section 104.11(L), PROPERTY MAINTENANCE STANDARDS, EXTERIOR STRUCTURE – FENCE OR WALL of the Town of Longboat Key Code of Ordinances and is given until June 8, 2015 to bring the above referenced property into compliance.

In the event that the Respondent, AIRMANN LLC, is not in compliance by June 8, 2015, then the Code Enforcement Board imposes a fine in the amount of \$100.00 per day for the period beginning May 11, 2015 and continuing until the property is brought into compliance. Respondent, AIRMANN LLC, shall also be responsible for any administrative costs and recording fees associated with this matter. Additionally, if the property shall remain out of after June 8, 2015, and the violation continues, AIRMANN LLC may be responsible for any fines and administrative costs and recording fees associated with this matter.

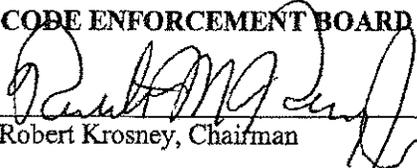
A Public Hearing will be held on June 8, 2015 to determine if the requirements of this order have been met. If Respondent, AIRMANN LLC, has not complied with this order by the date specified above, a fine may be imposed of up to \$250.00 dollars for each day the violation(s) is found to exist after the date ordered above for compliance, in addition to any administrative costs. The Respondent may attend and present evidence at this hearing.

If AIRMANN LLC is cited for the same violation within the next five (5) years, it will be considered a repeat violation and a fine of up to \$500.00 per day for each day the violation continues to exist from the date of first notice may be levied.

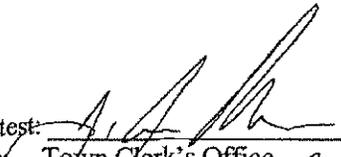
Any aggrieved party may appeal this Administrative Order to the Circuit Court in and for Manatee County. Such appeal shall not be a hearing *de novo*, but shall be limited to appellate review of the record created before the Code Enforcement Board. An appeal shall be filed within thirty- (30) days of the execution of this Administrative Order.

Done and ordered this 11th day of May, 2015.

**TOWN OF LONGBOAT KEY
CODE ENFORCEMENT BOARD**


Robert Krosney, Chairman

Attest:


By: Town Clerk's Office
Deputy Town Clerk

I hereby certify that a true copy of the foregoing Administrative Order has been furnished to the Respondent by Certified Mail / Return Receipt Requested this 11TH day of May, 2015.


Christopher Elbon, Code Enforcement Officer



**BEFORE THE CODE ENFORCEMENT BOARD
OF THE TOWN OF LONGBOAT KEY, FLORIDA**

TOWN OF LONGBOAT KEY

A political subdivision of the
State of Florida

Petitioner,

vs.

Case No. CE.10975

AIRMANN LLC
806 ALEXA DRIVE
MT. STERLING, KY 40353

Respondent /

ORDER OF COMPLIANCE

Re Property of: AIRMANN LLC

Legal Description: LOT 4 BLK F COUNTRY CLUB SHORES UNIT 3 SEC 2, as recorded in the public records of Sarasota County

Street Address: 549 Hornblower Lane, Longboat Key, FL 34228

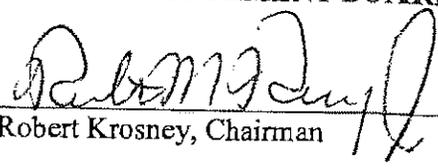
Parcel ID #: 0010070024

1. The above referenced Respondent was found in violation of the Town of Longboat Key Code of Ordinances at a hearing held on May 11, 2015, and was given until June 8, 2015 to bring the above referenced property into compliance. An Administrative Order was sent to the Respondent by Certified U.S. Mail / Return Receipt Requested on May 14, 2015.
2. The Respondent was found to not have complied with the Administrative Order at a hearing held on June 8, 2015, and a fine of \$100.00 per day was imposed beginning on June 8, 2015, and continuing until the property was brought into compliance, to include administrative costs incurred by the Town in the prosecution of this matter in the amount of \$15.76 and recording fees in the amount of \$35.50. The Order Imposing Fine and Lien was sent to the Respondent by Certified U.S. Mail / Return Receipt Requested on June 8, 2015, and recorded in official records with the Sarasota County Clerk of the Circuit Court on June 15, 2015.
3. The above referenced Respondent was found to have brought the property into compliance for this matter as of January 14, 2016.

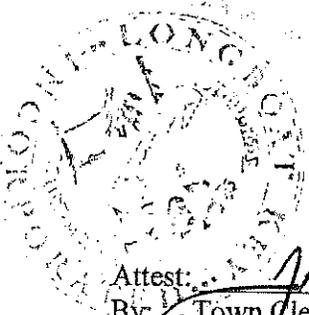
AIRMANN LLC
Order of Compliance
Case No. CE.10975
February 8, 2016
Page 2 of 2

Done and ordered this 8th day of February, 2016.

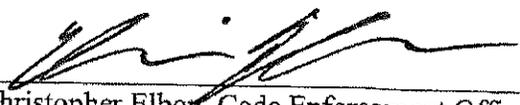
**TOWN OF LONGBOAT KEY
CODE ENFORCEMENT BOARD**



Robert Krosney, Chairman


Attest: _____
By: Town Clerk's Office

I hereby certify that a true copy of the foregoing Order has been furnished to the Respondent by Regular Mail this 8TH day of February, 2016.



Christopher Elbon, Code Enforcement Officer



Case # CE.10975

Respondent: Airmann LLC

549 Hornblower Lane

Case Category: 104.11(C)
Roofs and Drainage



Code of Ordinance 104.11(C)
Roofs and Drainage

**“The roof and flashing shall be sound, tight, and not have defects that admit water...” CoO
*104.11(C)***



§ January 14, 2015 - Observed damaged roof tile. (*Exhibit 1*)



Exhibit 1:
Photo of 549 Hornblower Lane (01/14/2015)





§ January 14, 2015 - Called and spoke with property owner, advising of violation. Property owner stated the violation would be corrected within 14 days.

**§ January 29, 2015 - Reinspected property for compliance. Property remained in violation.
*(Exhibit 2)***



Exhibit 2:
Photo of 549 Hornblower Lane (01/29/2015)





§ January 30, 2015 - Notice of Code Violation generated and sent to property owner via certified mail.

§ February 3, 2015 - Notice of Code Violation received by property owner via certified mail.

**§ March 6, 2015 - Reinspected property for compliance. Property remained in violation.
(Exhibit 3)**



Exhibit 3:
Photo of 549 Hornblower Lane (03/06/2015)





§ March 12, 2015 - Notice of Hearing generated and sent to property owner via certified mail.

§ March 19, 2015 - Notice of Hearing received by property owner via certified mail.

**§ March 31, 2015 - Reinspected property for compliance. Property remained in violation.
*(Exhibit 4)***



Exhibit 4:
Photo of 549 Hornblower Lane (03/31/2015)





§ April 13, 2015 - Public hearing was held and CEB ordered the property to be brought into compliance within 14 days upon receipt of the order.

§ April 20, 2015 - Administrative Order received by property owner via certified mail.

**§ May 6, 2015 - Conducted reinspection of the property. Property remained in violation.
*(Exhibit 5)***



Exhibit 5:
Photo of 549 Hornblower Lane (05/06/2015)





§ May 11, 2015 - Public hearing was held and CEB ordered the property to be brought into compliance by June 8, 2015.

§ May 16, 2015 - Administrative Order received by property owner via certified mail.

**§ June 8, 2015 - Conducted reinspection of the property. Property remained in violation.
*(Exhibit 6)***



Exhibit 6:
Photo of 549 Hornblower Lane (06/08/2015)





§ June 8, 2015 - Public hearing was held and CEB imposed daily fines of \$100.00 per day against the property.

§ June 12, 2015 - Order Imposing Fine received by property owner via certified mail.

§ January 14, 2016 - Conducted reinspection of the property. Property brought into compliance.



§ February 8, 2016 - CEB executed Order of Compliance.

§ September 6, 2016 - Received letter from property owner requesting lien reduction.



TOWN OF LONGBOAT KEY
CODE ENFORCEMENT DEPARTMENT
5460 GULF OF MEXICO DRIVE
LONGBOAT KEY, FL 34228

CASE # CE.11340

NOTICE OF CODE VIOLATION

DATE: 08/20/2015

TO: AIRMANN LLC
806 ALEXA DRIVE
MT. STERLING, KY 40353

VIOLATION OF SECTION: 104.11(E) PROPERTY MAINTENANCE STANDARDS
EXTERIOR STRUCTURE –
STAIRWAYS, DECKS, PORCHES AND
BALCONIES

LOCATION: 549 Hornblower Lane, Longboat Key, FL 34228

NATURE OF VIOLATION: Stairway fails to be maintained in a state of good repair.

CORRECTIVE ACTION REQUIRED: Repair stairs within 30 days of this notice and maintain property in a manner which will not allow violation to reoccur to avoid further Code Enforcement action. A re-inspection will be conducted on 09/21/2015.

NOTE: If violation is not corrected within the time specified or if reoccurring violation, case will be forwarded to the Code Enforcement Board. If this is a repeat violation, the case may be presented to the code enforcement board even if the violation is corrected within the time specified. **You may be fined up to \$250.00 per day for each day the violation exists or up to \$500.00 per day if the violation is a repeat violation per Florida Statute Ch.162.** If you have any questions regarding this notice please call (941) 361-6411, Ext. 1917. Your cooperation is appreciated.

Christopher Elbon
Code Enforcement Officer
Town of Longboat Key



**TOWN OF LONGBOAT KEY
CODE ENFORCEMENT BOARD**

NOTICE OF HEARING

TO: AIRMANN LLC
806 ALEXA DRIVE
MT. STERLING, KY 40353

CERTIFIED MAIL
70123050000003408704
RETURN RECEIPT REQUESTED

Re: CE.11340 – **Code Enforcement Board Hearing**

The Code Enforcement Board was created pursuant to General Act 80-300, General Laws of Florida, 1980, and Ordinance 81-14, amended by Ordinances 83-4, 85-26, 88-16 and 89-21. The purpose of this Board is to facilitate the enforcement of certain codes of the Town of Longboat Key by creating a board of seven citizens who may quickly and fairly render decisions concerning violations of these codes.

You are hereby formally notified that on the **12th day of October 2015, at 9:00 a.m.** there will be a public hearing at Longboat Key Town Commission Chambers, 501 Bay Isles Road, Longboat Key, Florida, concerning a violation of **Chapter 104; Section 104.11(E); Property Maintenance Standards; Exterior Structure; Stairways, Decks, Porches and Balconies of the Town Code.** (See attached Notice of Violation)

You are hereby ordered to appear before the Code Enforcement Board on that date to answer these charges and to present your side of the case. Failure to appear may result in the Board proceeding in your absence.

Should you be found in violation of the Town Code, the Code Enforcement Board has the power by law to levy fines of up to \$250 a day against you and your property for every day that any violation continues beyond the date set in an order of the Board for compliance.

If you so desire, you have the right to obtain an attorney - at your own expense - to represent you before the Board. You will also have the opportunity to present witnesses as well as question the witnesses against you prior to the Board making a determination.

Please be prepared to present evidence at this meeting concerning the amount of time necessary to correct the alleged violation, should you be found to be in violation of the Town Code. If you wish to have any witnesses subpoenaed or have any other questions, contact the Code Enforcement Officer within the Longboat Key Police Department within five days at (941) 361-6411, Ext. 1917.

CHRISTOPHER ELBON
CODE ENFORCEMENT OFFICER

Please Note: If any person decides to appeal any decision made by the Board with respect to any matter considered at this hearing, a record of the proceedings will be needed. For such purpose that person may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.



**TOWN OF LONGBOAT KEY
CODE ENFORCEMENT DEPARTMENT
5460 GULF OF MEXICO DRIVE
LONGBOAT KEY, FL 34228**

CASE # CE.11340

NOTICE OF CODE VIOLATION

DATE: 08/20/2015

TO: AIRMANN LLC
806 ALEXA DRIVE
MT. STERLING, KY 40353

VIOLATION OF SECTION: 104.11(E) PROPERTY MAINTENANCE STANDARDS
EXTERIOR STRUCTURE –
STAIRWAYS, DECKS, PORCHES AND
BALCONIES

LOCATION: 549 Hornblower Lane, Longboat Key, FL 34228

NATURE OF VIOLATION: Stairway fails to be maintained in a state of good repair.

CORRECTIVE ACTION REQUIRED: Repair stairs within 30 days of this notice and maintain property in a manner which will not allow violation to reoccur to avoid further Code Enforcement action. A re-inspection will be conducted on 09/21/2015.

NOTE: If violation is not corrected within the time specified or if reoccurring violation, case will be forwarded to the Code Enforcement Board. If this is a repeat violation, the case may be presented to the code enforcement board even if the violation is corrected within the time specified. **You may be fined up to \$250.00 per day for each day the violation exists or up to \$500.00 per day if the violation is a repeat violation per Florida Statute Ch.162.** If you have any questions regarding this notice please call (941) 361-6411, Ext. 1917. Your cooperation is appreciated.

Christopher Elbon
Code Enforcement Officer
Town of Longboat Key



**BEFORE THE CODE ENFORCEMENT BOARD
OF THE TOWN OF LONGBOAT KEY, FLORIDA**

TOWN OF LONGBOAT KEY
A political subdivision of the
State of Florida

Petitioner,

vs.

Case No. CE.11340

AIRMANN LLC
806 ALEXA DRIVE
MT. STERLING, KY 40353

Respondent /

Re Property of: AIRMANN LLC

Legal Description: LOT 4 BLK F COUNTRY CLUB SHORES UNIT 3 SEC 2, as recorded
in the public records of Sarasota County

Street Address: 549 Hornblower Lane, Longboat Key, FL 34228

Parcel ID #: 0010070024

ADMINISTRATIVE ORDER

This matter came before the Town of Longboat Key Code Enforcement Board for Public Hearing on October 12, 2015, at 9:00 a.m., at Town of Longboat Key Commission Chambers, after due notice to the Respondent, and the Board having considered the testimony and evidence presented, does hereby find:

FINDINGS OF FACT:

1. The property, which is the subject of this Code enforcement action, is located at 549 Hornblower Lane, Longboat Key, FL 34228.
2. The legal description of the subject property is: LOT 4 BLK F COUNTRY CLUB SHORES UNIT 3 SEC 2, as recorded in the public records of Sarasota County.
3. The Respondent, AIRMANN LLC, is the owner of the subject property and has been given proper notice of the hearing.
4. The Respondent has a violation of a stairway which fails to be maintained in a state of good repair.
5. The Respondent did not correct the violation prior to the Public Hearing.

CONCLUSIONS OF LAW:

1. The Code Enforcement Board (CEB) is properly convened. Notice has been given and all conditions precedent have been satisfied.

2. Respondent has violated the Town of Longboat Key Code of Ordinances, Chapter 104, Section 104.11(E), PROPERTY MAINTENANCE STANDARDS, EXTERIOR STRUCTURE – STAIRWAYS, DECKS, PORCHES AND BALCONIES.

ORDER

The Respondent, AIRMANN LLC, having been found in violation of Section 104.11(E), PROPERTY MAINTENANCE STANDARDS, EXTERIOR STRUCTURE – STAIRWAYS, DECKS, PORCHES AND BALCONIES of the Town of Longboat Key Code of Ordinances and is given until November 10, 2015, to bring the above referenced property into compliance.

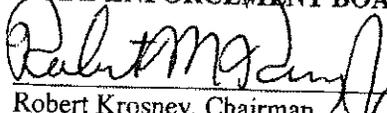
A Public Hearing will be held on November 16, 2015, to determine if the requirements of this order have been met. If Respondent, AIRMANN LLC, has not complied with this order by the date specified above, a fine may be imposed of up to \$250.00 dollars for each day the violation(s) is found to exist after the date ordered above for compliance, in addition to any administrative costs. The Respondent may attend and present evidence at this hearing.

If AIRMANN LLC is cited for the same violation within the next five (5) years, it will be considered a repeat violation and a fine of up to \$500.00 per day for each day the violation continues to exist from the date of first notice may be levied.

Any aggrieved party may appeal this Administrative Order to the Circuit Court in and for Sarasota County. Such appeal shall not be a hearing *de novo*, but shall be limited to appellate review of the record created before the Code Enforcement Board. An appeal shall be filed within thirty- (30) days of the execution of this Administrative Order.

Done and ordered this 12th day of October, 2015.

**TOWN OF LONGBOAT KEY
CODE ENFORCEMENT BOARD**


Robert Krosney, Chairman

Attest:

By: 
Town Clerk's Office

Ann Mixon, Deputy Town Clerk

I hereby certify that a true copy of the foregoing Administrative Order has been furnished to the Respondent by Regular Mail this 12TH day of October, 20 15.


Christopher Elbon, Code Enforcement Officer



BEFORE THE CODE ENFORCEMENT BOARD
OF THE TOWN OF LONGBOAT KEY, FLORIDA

TOWN OF LONGBOAT KEY
A political subdivision of the
State of Florida

Petitioner,

vs.

Case No. CE.11340

AIRMANN LLC
806 ALEXA DRIVE
MT. STERLING, KY 40353

Respondent /

Re Property of: AIRMANN LLC

Legal Description: LOT 4 BLK F COUNTRY CLUB SHORES UNIT 3 SEC 2, as recorded
in the public records of Sarasota County

Street Address: 549 Hornblower Lane, Longboat Key, FL 34228

Parcel ID #: 0010070024

ORDER IMPOSING FINE AND LIEN

On November 16, 2015, at 9:00 a.m., at Town of Longboat Key Commission Chambers, the Code Enforcement Board (CEB) of the Town of Longboat Key conducted a duly noticed Public Hearing in regard to the above case. Following receipt of sworn testimony and other evidence, the Board makes the following findings:

FINDINGS OF FACT:

1. The above referenced Respondent was found in violation of the Town of Longboat Key Code of Ordinances at a hearing held on October 12, 2015. A copy of the Board's prior Order is attached hereto and incorporated herein as Exhibit "A" (the "Order").
2. The Order required the Respondent to comply by November 10, 2015. The Order was sent to the Respondent by Certified Return Receipt Requested U.S. Mail on October 12, 2015.
3. On October 21, 2015, the Respondent was notified by Certified Return Receipt Requested U.S. Mail, that the Code Enforcement Board would hold a hearing on November 16, 2015, to determine whether the Respondent was in compliance with the Order, and if not, whether to impose a fine and administrative costs.

CONCLUSIONS OF LAW:

1. The Code Enforcement Board (CEB) is properly convened. Notice has been given and all conditions precedent have been satisfied.

2. The prior Order of this Board, dated October 12, 2015 was not complied with by the date set forth in the Order.
3. The CEB has considered Section 33.10 of the Code of Ordinances in levying any fine, which provides as follows:
 - (2) In determining the amount of the fine, if any, the CEB shall consider the following factors:
 - a. The gravity of the violation;
 - b. Any actions taken by the violator to correct the violation;
 - c. Any previous violations committed by the violator.

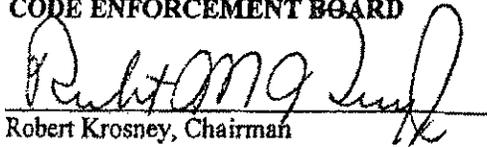
ORDER

Based on the foregoing, the Code Enforcement Board imposes a fine of \$50.00 per day, for the period beginning November 12, 2015 and continuing until the property is brought into compliance. A certified copy of this Order shall be recorded in the Public Records of Sarasota County, where it shall thereafter constitute a lien against any real or personal property owned by the violators and shall include recording fees in the amount of \$35.50. Upon petition to the circuit court by the Town, this Order may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the personal property, but such Order shall not be deemed to be a court judgment except for enforcement purposes. A fine imposed pursuant to this Order shall continue to accrue interest at the highest lawful rate until the violator comes into compliance or until judgment is rendered in a suit to foreclose on a lien created herein, whichever occurs first.

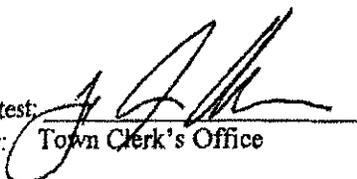
Any aggrieved party may appeal this Order to the Circuit Court in and for Sarasota County. Such appeal shall not be a hearing *de novo*, but shall be limited to appellate review of the record created before the Code Enforcement Board. An appeal shall be filed within thirty (30) days of the execution of this Administrative Order

Done and ordered this 16th day of November, 2015.

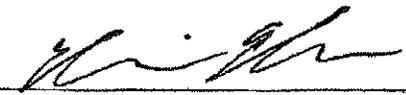
TOWN OF LONGBOAT KEY
CODE ENFORCEMENT BOARD


Robert Krosney, Chairman

Attest:

By: 
Town Clerk's Office

I hereby certify that a true copy of the foregoing Administrative Order has been furnished to the Respondent by Regular Mail this 16TH day of November, 2015.


Christopher Elbon, Code Enforcement Officer



**BEFORE THE CODE ENFORCEMENT BOARD
OF THE TOWN OF LONGBOAT KEY, FLORIDA**

TOWN OF LONGBOAT KEY

A political subdivision of the
State of Florida

Petitioner,

vs.

Case No. CE.11340

AIRMANN LLC
806 ALEXA DRIVE
MT. STERLING, KY 40353

Respondent /

Re Property of: AIRMANN LLC

Legal Description: LOT 4 BLK F COUNTRY CLUB SHORES UNIT 3 SEC 2, as recorded
in the public records of Sarasota County

Street Address: 549 Hornblower Lane, Longboat Key, FL 34228

Parcel ID #: 0010070024

ADMINISTRATIVE ORDER

This matter came before the Town of Longboat Key Code Enforcement Board for Public Hearing on October 12, 2015, at 9:00 a.m., at Town of Longboat Key Commission Chambers, after due notice to the Respondent, and the Board having considered the testimony and evidence presented, does hereby find:

FINDINGS OF FACT:

1. The property, which is the subject of this Code enforcement action, is located at 549 Hornblower Lane, Longboat Key, FL 34228.
2. The legal description of the subject property is: LOT 4 BLK F COUNTRY CLUB SHORES UNIT 3 SEC 2, as recorded in the public records of Sarasota County.
3. The Respondent, AIRMANN LLC, is the owner of the subject property and has been given proper notice of the hearing.
4. The Respondent has a violation of a stairway which fails to be maintained in a state of good repair.
5. The Respondent did not correct the violation prior to the Public Hearing.

CONCLUSIONS OF LAW:

1. The Code Enforcement Board (CEB) is properly convened. Notice has been given and all conditions precedent have been satisfied.

AIRMANN LLC
Administrative Order
Case No. CE.11340
October 12, 2015
Page 2 of 2

2. Respondent has violated the Town of Longboat Key Code of Ordinances, Chapter 104, Section 104.11(E), PROPERTY MAINTENANCE STANDARDS, EXTERIOR STRUCTURE – STAIRWAYS, DECKS, PORCHES AND BALCONIES.

ORDER

The Respondent, AIRMANN LLC, having been found in violation of Section 104.11(E), PROPERTY MAINTENANCE STANDARDS, EXTERIOR STRUCTURE – STAIRWAYS, DECKS, PORCHES AND BALCONIES of the Town of Longboat Key Code of Ordinances and is given until November 10, 2015, to bring the above referenced property into compliance.

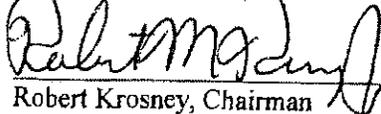
A Public Hearing will be held on November 16, 2015, to determine if the requirements of this order have been met. If Respondent, AIRMANN LLC, has not complied with this order by the date specified above, a fine may be imposed of up to \$250.00 dollars for each day the violation(s) is found to exist after the date ordered above for compliance, in addition to any administrative costs. The Respondent may attend and present evidence at this hearing.

If AIRMANN LLC is cited for the same violation within the next five (5) years, it will be considered a repeat violation and a fine of up to \$500.00 per day for each day the violation continues to exist from the date of first notice may be levied.

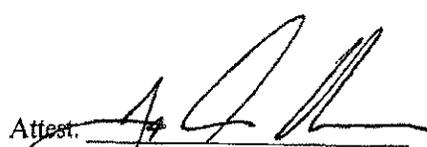
Any aggrieved party may appeal this Administrative Order to the Circuit Court in and for Sarasota County. Such appeal shall not be a hearing *de novo*, but shall be limited to appellate review of the record created before the Code Enforcement Board. An appeal shall be filed within thirty- (30) days of the execution of this Administrative Order.

Done and ordered this 12th day of October, 2015.

**TOWN OF LONGBOAT KEY
CODE ENFORCEMENT BOARD**


Robert Krosney, Chairman

Attest:

By:  Town Clerk's Office

Anna Mixon, Deputy Town Clerk

I hereby certify that a true copy of the foregoing Administrative Order has been furnished to the Respondent by Regular Mail this 12th day of October, 2015.


Christopher Elbon, Code Enforcement Officer



**BEFORE THE CODE ENFORCEMENT BOARD
OF THE TOWN OF LONGBOAT KEY, FLORIDA**

TOWN OF LONGBOAT KEY

A political subdivision of the
State of Florida

Petitioner,

vs.

Case No. CE.11340

AIRMANN LLC
806 ALEXA DRIVE
MT. STERLING, KY 40353

Respondent /

ORDER OF COMPLIANCE

Re Property of: AIRMANN LLC

Legal Description: LOT 4 BLK F COUNTRY CLUB SHORES UNIT 3 SEC 2, as recorded in the public records of Sarasota County

Street Address: 549 Hornblower Lane, Longboat Key, FL 34228

Parcel ID #: 0010070024

1. The above referenced Respondent was found in violation of the Town of Longboat Key Code of Ordinances at a hearing held on October 12, 2015, and was given until November 10, 2015 to bring the above referenced property into compliance. An Administrative Order was sent to the Respondent by Certified U.S. Mail / Return Receipt Requested on October 12, 2015.
2. The Respondent was found to not have complied with the Administrative Order at a hearing held on November 16, 2015, and a fine of \$50.00 per day was imposed beginning on November 12, 2015, and continuing until the property was brought into compliance, to include recording fees in the amount of \$35.50. The Order Imposing Fine and Lien was sent to the Respondent by Certified U.S. Mail / Return Receipt Requested on November 16, 2015, and recorded in official records with the Sarasota County Clerk of the Circuit Court on June 30, 2016, Instrument # 2016081543.
3. The above referenced Respondent was found to have brought the property into compliance for this matter as of June 21, 2016.

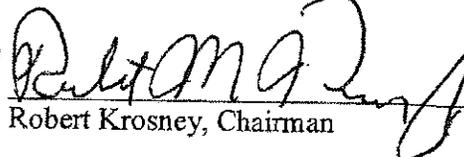
AIRMANN LLC
Order of Compliance
Case No. CE.11340
July 11, 2016
Page 2 of 2

4. A certified copy of this Order shall be recorded in the Public Records of Sarasota County, and shall include recording fees in the amount of \$18.50.

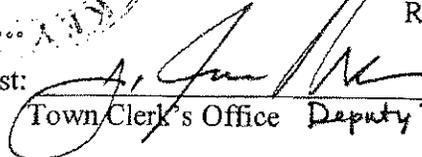
Done and ordered this 11th day of July, 2016.



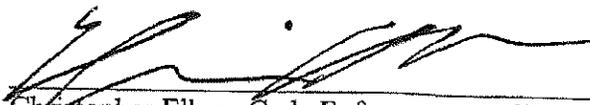
**TOWN OF LONGBOAT KEY
CODE ENFORCEMENT BOARD**


Robert Krosney, Chairman

Attest:


By: Town Clerk's Office Deputy Town Clerk, Jo Ann Mixon

I hereby certify that a true copy of the foregoing Order has been furnished to the Respondent by Certified U.S. Mail / Return Receipt Requested and Regular First-Class U.S. Mail on July 11, 2016.


Christopher Elbon, Code Enforcement Officer



Case No. CE.11340

Airmann LLC

549 Hornblower Lane

***Stairways, Decks, Porches and Balconies
104.11(E)***



Stairways, Decks, Porches and Balconies ***104.11(E)***

“Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.” CoO
104.11(E)



§ August 20, 2015 - Observed stairs which failed to be maintained in a state of good repair.
(Exhibits 1-3)



Exhibit 1:
Photo of 549 Hornblower Lane (08/20/2015)





Exhibit 2:

Photo of 549 Hornblower Lane (08/20/2015)





Exhibit 3:

Photo of 549 Hornblower Lane (08/20/2015)





§ August 20, 2015 - Notice of Code Violation sent to property owner.

§ September 21, 2015 - Reinspected property. Property remained in violation. (*Exhibit 4*)



Exhibit 4:
Photo of 549 Hornblower Lane (09/21/2015)





§ **October 1, 2015 - Notice of Hearing sent to property owner.**

§ **October 6, 2015 - Reinspected property. Property remained in violation. (*Exhibits 5-6*)**



Exhibit 5:
Photo of 549 Hornblower Lane (10/06/2015)





Exhibit 6:

Photo of 549 Hornblower Lane (10/06/2015)





§ October 12, 2015 - CEB found property in violation and issued Administrative Order to bring property into compliance by or before November 10, 2015.

§ October 16, 2015 - Administrative Order received by property owner via Certified Mail with Return Receipt.



§ **October 26, 2015 - Received letter from property owner requesting a 60-day extension to bring the property into compliance. CEB denied property owner's request at November 16, 2015 CEB meeting.**

§ **November 12, 2015 - Reinspected property. Property remained in violation. (*Exhibits 7-8*)**



Exhibit 7:
Photo of 549 Hornblower Lane (11/12/2015)





Exhibit 8:

Photo of 549 Hornblower Lane (11/12/2015)





§ November 16, 2015 - Public hearing was held and CEB imposed daily fines of \$50.00 per day against the property.

§ November 20, 2015 - Order Imposing Fine received by property owner via certified mail.

§ February 2, 2016 - PZB received permit application to repair stairway.



§ June 21, 2016 - PZB reinspected stairway and passed final inspection.

§ July 11, 2016 - CEB executed Order of Compliance.

§ July 15, 2016 - Order of Compliance received by property owner via certified mail.

§ September 6, 2016 - Received letter from property owner requesting lien reduction.



806 Alexa Drive
Mount Sterling, KY 40353
859-498-0232

September 1, 2016

Mr. Jack Duncan
Town Manager
Town of Longboat Key
5460 Gulf of Mexico Drive
Longboat Key, FL 34228

Re Property of: AIRMANN LLC
549 Hornblower Lane, Longboat Key, FL
Parcel ID# 0010070024

Dear Mr. Duncan;

Early in 2015 I was notified that there were issues with the above referenced property being maintained to the standards of the Town of Longboat Key particularly the fencing. At that time, I began to contact various agencies that could fix and repair these issues. My business and main residence is in Kentucky and so most of my interaction with these agencies has been through phone calls and emails. Because I wanted to find a company that was reliable and trustworthy, I spent a great deal of time also contacting people I knew in the area for advice.

In deciding upon a company, I felt I needed to be as thorough and diligent in my choice as was necessary to bring this property to standard. It was never my intention to delay or disregard any of the Code Violations however, I had no idea or control over how long these repairs would take. Once I hired the company, I found out the fence had to be surveyed, designed, manufactured and installed. Also, we had various set backs with labor and management absences. The repairs on the roof and porch took much longer than anticipated.

I am appealing the fines that have been set forth by the Town of Longboat Key. I feel that I have completed every issue and have used the highest quality of materials to bring the property above standard. The time spent to achieve this was longer than the time specified but, the result is something better than what could have been done in 30 days. I have a large investment in this property and no one more than me appreciates the beauty of this home.

Enclosed are our previous communications with the Town of Longboat Key concerning this matter.

Please advise.

Sincerely,

James R. Mann
Airmann LLC
859-498-0232
mannchrysler@bellsouth.net

4Encl.



806 Alexa Drive
Mount Sterling, KY 40353
859-498-0232

October 22, 2015

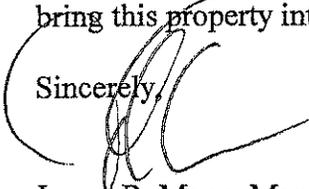
Robert Krosney, Chairman
Code Enforcement Department
Town of Longboat Key
5460 Gulf of Mexico Drive
Longboat Key, FL 34228

RE: Case No. CE.11340
549 Hornblower Lane
Longboat Key, FL 34228
Parcel ID# 0010070024

Mr. Krosney;

Airmann LLC is in receipt of the Administrative Order issued October 12, 2015 concerning the violation of Section 104.11 at the above referenced address. In order to completely comply to this order we are requesting a sixty (60) day extension effective from the date of October 12, 2015. We have currently began repair on the fence by Mullet's Aluminum and would like to be able to have everything completely repaired by December 12th, 2015. Please advise as to your decision concerning this matter so that we may begin repairs to bring this property into compliance.

Sincerely,


James R. Mann, Managing Member
Airmann LLC
859-498-0232
mannchrysler@bellsouth.net

cc: Town Clerk

ADVENTURE HOT TUBS & POOLS

2100 17th Street
Sarasota, FL 34234

Service Order

Service Order ID: 2572
Customer ID: 1727
Employee ID: Greg

Ordered 5/21/2015, Invoiced 5/27/2015

James Mann
549 Hornblower Ln
Longboat Key, FL 34228

Service Location:
James Mann
549 Hornblower Ln
Longboat Key, FL 34228
Home (859) 585-3044

Phone: * (859) 585-3044, CREDIT CARD ON FILE

Qty	Item	Warranty	Unit Price	Total
1	SQ FL UR 1.5HP 115/230V	<input type="checkbox"/>	\$319.48	\$319.48
1	SEAL ASSEMBLY PS1000	<input type="checkbox"/>	\$6.30	\$6.30
1	CART 100SQFT 59054200	<input type="checkbox"/>	\$91.16	\$91.16
1	Labor, hourly rate for pool repairs	<input type="checkbox"/>	\$95.00	\$95.00
6.3	Labor, hourly rate for pool repairs Acid washing	<input type="checkbox"/>	\$95.00	\$598.50

<i>Deposits / Invoices</i>	<i>Terms: Due On Receipt</i>
05/21/2015 Deposit - American Express - ***1009 - Auth 147464 Not Swiped	\$300.00
05/27/2015 Service Invoice 2572-1	\$1,137.55
05/27/2015 Applied Deposit to Invoice 2572-1	-\$300.00

Sub Total	\$1,110.44
Taxes	\$27.11
Total	\$1,137.55
Deposits	\$0.00
Invoices	-\$1,137.55
Order Balance	\$0.00

Request

Dale's To Do, Drain
Acid Wash
Fill Pool

Report any equipment issues

Replace Pump Motor and filter cartridge

Services Performed

Completed	Pool Repair - Pool Down	Date
05/28/2015	Drained pool and acid washed.	
	Installed motor, seal & filter element. Started pool. Installed new hose on autofill.	

2100 17th Street, Sarasota, FL 34234, (941) 923-7100

Customer Signature _____

Date _____

Contract

"Specializing in Quality Workmanship"

LIC. #SC000087 / CC0057430 / C00100725



6345 MCINTOSH ROAD
SARASOTA, FL 34238
(841) 371-3502
FAX (941) 378-5678
www.mulletsaluminum.com

CONTRACT SUBMITTED TO Randy Mann		PHONE 859) 498-0232	DATE 06-03-2015
STREET 549 Hornblower Lane		JOB NAME	
CITY, STATE AND ZIP CODE Longboat Key, FL, 34228		JOB LOCATION	
ATTENTION	DATE OF PLANS	JOB PHONE	
		mannchrysler@bellsouth.net	

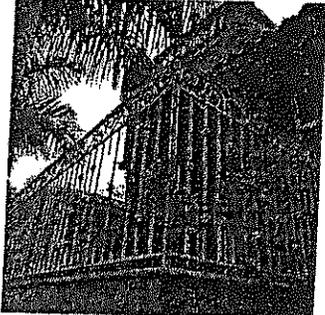
We hereby submit specifications and estimates for:

Installation Welded Aluminum Railing at pool area.
This will be to current building code.

1. Rail system installs with 3/4" x 3/4" square picket vertically and spaced with openings no greater than 4".
2. Rail height to be 36" with Diale top cap.
3. Railing posts are 1.4" x 1.8". Posts are mounted in concrete
4. Color of all aluminum to be powder coated white
5. Includes custom bent scrolls and turned solid knuckles.
6. Includes matching gate with necessary hardware and top pull latch
7. All fasteners to be stainless.
8. All installations are performed by Mullet's Aluminum employees (no sub contractors).
9. Includes all necessary worker's compensation, general liability insurance,
10. Includes one year warranty on labor.

5580.00

Materials, Labor, \$ 11260.00



Contractor to furnish material and labor - complete in accordance with above specifications, for the sum of:

Payment to be made as follows: _____ dollars (\$ _____)

50% deposit, Balance upon completion

DEP. \$ _____ CHK. # _____ BAL. \$ _____

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standards practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon airtight, accidents or delays beyond our control. Owner to carry fire, liability and other necessary insurance. Our workers are fully covered by Worker's Compensation Insurance.

Authorized Signature: Keith Augsburg
Note: This Contract may be withdrawn by us if not accepted within 15 days.

IN-HOME SALE OR SERVICE NOTICE OF CANCELLATION

After 3 business days cancelled contracts are subject to 2% cancellation fee in addition to costs incurred. You may cancel this transaction, without any penalty or obligation, within three (3) business days from the date originally signed. To cancel this transaction, mail or deliver a signed and dated copy of this cancellation notice or any other written notice, or send a telegram to Mullet's Aluminum Products, Inc., 6345 McIntosh Rd., Sarasota, FL, 34238, Phone (841) 371-3502, Fax (941) 378-5678.

Acceptance of Contract - The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

A monthly service charge of 1.5% will be added to all Past Due Accounts. If it becomes necessary to effect collection, I agree to pay actual amount plus interest, attorney fees and court costs.

Signature: _____
Printed Name & Title: _____

Date of Acceptance: _____

Mr Chris Elba

The progress we have made in repairing the pool and fence has been slow.

The fence co. has made ~~the~~ bid on repairing the fence. The fence was to be hand made or welded together. They did not say it was going to be 8 weeks after I start the down payment to them. I regard your wishes to be ~~just~~ ~~the~~ that! I will keep you informed as progress made

Thank you
James Elba

2 copies of repair on pool
fence estimate



End of Agenda Item