



**THE CITY OF MADEIRA BEACH
PUBLIC NOTICE**

The Code Enforcement Special Magistrate, City of Madeira Beach, Florida will hold a meeting at the Madeira Beach Recreation Center, 300 Municipal Drive, Madeira Beach, Florida 33708 to discuss the items of business listed hereon at the time and date indicated below:

**SPECIAL MAGISTRATE
CODE ENFORCEMENT AGENDA**

2:00 P.M. WEDNESDAY, FEBRUARY 10th, 2016 COMMISSION CHAMBERS

A. INTRODUCTION – SPECIAL MAGISTRATE HERBERT E. LANGFORD, JR.

Welcome to the City of Madeira Beach Code Enforcement Special Magistrate Hearings. The Special Magistrate is charged with conducting hearings to determine whether an alleged violation of the City Code has occurred. In order to meet that obligation, all parties or their representatives will be allowed an opportunity to be heard on matters relevant to the alleged violation(s). All witness offering testimony or presenting evidence will be required to swear or affirm that the testimony they provide is the truth.

The order of presentation will begin with the City presenting their evidence of alleged violation(s) and then the Respondent shall present his/her case. Both parties shall have an opportunity to cross-examine all witnesses. The Special Magistrate may question any witnesses.

The clerk will announce the names of the cases from the agenda. When you hear your case called, please respond by coming to the podium with your representative and/or any witness to be sworn. When addressing the Special Magistrate, please speak clearly into the microphone.

B. CALL TO ORDER

C. ADMINISTRATION OF OATH TO RESPONDENTS/WITNESSES

7. NEW BUSINESS

Special Magistrate Case #2016.01	GALVAO, MANUEL (Code Enforcement Case #2015.153)
Respondent/Property Owner; Name & Mailing Address:	GALVAO, MANUEL 5666 BAYVIEW DR SEMINOLE FL 33772-7047
Property Location:	470 129TH AVE E MADEIRA BEACH. FL 33708
Legal & Parcel #:	15-31-15-97866-001-0030
Violation(s)/Charge(s):	<p>1. Sec. 110-201. - Definition; purpose and intent.</p> <p>The R-2, low density multifamily residential district provides for low density multifamily residential correlates with the residential medium (RM) category of the Countywide Plan and, which does allow for a variety of dwelling types.</p> <p>Any use which is not specifically identified as a permitted use, accessory use or special exception use is a prohibited use. Prohibited uses shall include, but are not limited to, short term rentals of a housing unit. As used in this division, the term "short term rental" shall mean any rental of a dwelling unit, or portion thereof, for less than a three-month period.</p> <p>2. Sec. 34-503 – Registration Required.</p> <p>(a) It is unlawful for any person to allow another person to occupy any residential property as a Vacation Rental within the City of Madeira Beach, or offer such rental services within the</p>

Any person who decides to appeal any decision of the City Commission with respect to any matter considered at this meeting will need a record of the proceedings and for such purposes 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. The law does not require the City Clerk to transcribe verbatim minutes; therefore, the applicant must make the necessary arrangements with a private reporter or private reporting firm and bear the resulting expense. In accordance with the Americans with Disability Act and F.S. 286.26; any person with a disability requiring reasonable accommodation in order to participate in this meeting should call 727-391-9951 or fax a written request to 727-399-1131.

	<p>City of Madeira Beach, unless the person has registered the Vacation Rental property with the City of Madeira Beach and the Vacation Rental property has been issued a Certificate of Compliance in accordance with the provisions of this Division.</p> <p>(b) A person may not allow another person to occupy any residential property as a Vacation Rental without the issuance of a Certificate of Compliance if;</p> <ol style="list-style-type: none"> (1) The residential property has an effective and valid license as a Vacation Rental classification of public lodging establishment issued by the Florida Department of Business and Professional Regulations prior to February 28, 2006; and (2) The residential property is not in violation of any section of the code of Ordinances of the City of Madeira Beach; and (3) An application for registration of the residential property as a Vacation Rental has been filed pursuant to Section 34-504 and all applicable fees have been paid; and (4) That said occupancy was scheduled prior to November 10, 2015 as evidenced by a written and valid executed rental agreement or contract provided to the City of Madeira Beach Code Enforcement no later than December 10, 2015.
<p>Reference Materials:</p>	<p>Notice of Hearing Affidavit of Service Statement of Violation Code Violation Notice Photo Evidence</p>

E. OLD BUSINESS

F. ADJOURNMENT

Any person who decides to appeal any decision of the City Commission with respect to any matter considered at this meeting will need a record of the proceedings and for such purposes 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. The law does not require the City Clerk to transcribe verbatim minutes; therefore, the applicant must make the necessary arrangements with a private reporter or private reporting firm and bear the resulting expense. In accordance with the Americans with Disability Act and F.S. 286.26; any person with a disability requiring reasonable accommodation in order to participate in this meeting should call 727-391-9951 or fax a written request to 727-399-1131.



CITY OF MADEIRA BEACH

COMMUNITY SERVICES – CODE ENFORCEMENT
300 MUNICIPAL DRIVE ♦ MADEIRA BEACH, FLORIDA 33708
(727) 391-9951 EXT. 244 ♦ FAX (727) 399-1131



SPECIAL MAGISTRATE NOTICE OF VIOLATION

DATE: 11-25-2015

GALVAO, MANUEL
5666 BAYVIEW DR
SEMINOLE FL 33772-7047

IN REFERENCE TO THE FOLLOWING:

470 129TH AVE E
MADEIRA BEACH, FL 33708

INSPECTION DATE: 11-25-2015

PARCEL NUMBER: 15-31-15-97866-001-0030

LEGAL DESCRIPTION: WILLIAM'S, BILL MADEIRA HARBOR SUB 3RD ADD BLK 1, LOT 3

SPECIAL MAGISTRATE – CODE ENFORCEMENT CASE #2015.153

Dear Property Owner/Occupant:

An inspection of your property revealed a violation(s) of the City Code of Ordinances. The following violations were found to exist;

Ordinance:

1. Sec. 110-201. - Definition; purpose and intent.

The R-2, low density multifamily residential district provides for low density multifamily residential correlates with the residential medium (RM) category of the Countywide Plan and, which does allow for a variety of dwelling types.

Any use which is not specifically identified as a permitted use, accessory use or special exception use is a prohibited use. Prohibited uses shall include, but are not limited to, short term rentals of a housing unit. As used in this division, the term "short term rental" shall mean any rental of a dwelling unit, or portion thereof, for less than a three-month period.

2. Sec. 34-503 – Registration Required.

(a) It is unlawful for any person to allow another person to occupy any residential property as a Vacation Rental within the City of Madeira Beach, or offer such rental services within the City of Madeira Beach, Unless the person has registered the Vacation Rental property with the City of Madeira Beach and the Vacation Rental property has been issued a Certificate of Compliance in accordance with the Provisions of this Division.

(b) A person may not allow another person to occupy any residential property as a Vacation Rental Without the issuance of a Certificate of Compliance if;

(1) The residential property has an effective and valid license as a Vacation Rental classification Of public lodging establishment issued by the Florida Department of Business and Professional Regulations prior to February 28, 2006; and

(2) The residential property is not in violation of any section of the code of Ordinances of the City Of Madeira Beach; and

(3) An application for registration of the residential property as a Vacation Rental has been filed Pursuant to Section 34-504 and all applicable fees have been paid; and

(4) That said occupancy was scheduled prior to November 10, 2015 as evidenced by a written and valid executed rental agreement or contract provided to the City of Madeira Beach Code Enforcement no later than December 10, 2015.

Violation Text:

RENTING PROPERTY SHORT-TERM IN VIOLATION OF (R-2)

Action Required:

CEASE SHORT TERM RENTING AND/OR COMPLY WITH CODE. CURRENT TENNANTS RENTING FROM -11-21-2015 TO 11-29-2015

The violation(s) must be corrected by **12-04-2015**. If the violation(s) are not remedied and discontinued, you will receive a notice to appear for a hearing before the Madeira Beach Special Magistrate for failure to correct the violation(s).

If you should have any questions or concerns, please do not hesitate to contact me.

Sincerely,
Deputy Chris Kohmann

Code Enforcement Officer
Telephone: (727) 391-9951 x 295

Method of Delivery: Certified Mail Regular Mail

PLEASE NOTIFY THIS OFFICE AS SOON AS THE VIOLATION(S) IS CORRECTED

***NOTE:** You are hereby notified to correct the attached violation(s) and notify the above signed Code Enforcement Officer within the time limits specified. Failure to comply will result in charges being filed against you with the Special Magistrate of the City of Madeira Beach which may result in a potential fine of up to \$250.00 per day. Repeat violators can be fined up to \$500.00 per day. Such charges will be a lien upon the real and/or personal property of the violator and may be collected pursuant to law. The City is also entitled to collect all costs incurred in recording and satisfying a lien against the property.*



CITY OF MADEIRA BEACH

COMMUNITY SERVICES – CODE ENFORCEMENT
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SPECIAL MAGISTRATE AFFIDAVIT OF SERVICE

CITY OF MADEIRA BEACH, FLORIDA
300 MUNICIPAL DRIVE
MADEIRA BEACH, FL 33708
Petitioner

Case # 2015.153

Vs.

GALVAO, MANUEL
5666 BAYVIEW DR
SEMINOLE FL 33772-7047
Respondent

RE: Property: 470 129th Ave E., Madeira Beach, FL 33708. **Parcel #:** 15-31-15-97866-001-0030

AFFIDAVIT OF SERVICE

I, Chris Kohmann, Community Policing Officer of the City of Madeira Beach, upon being duly sworn, deposed and says the following:

That pursuant to Florida Statue 162.12,

On the 19th day of January, 2016, I mailed a copy of the attached **NOTICE OF HEARING/ORDER** via certified Mail, Return Receipt requested.

On the 19th day of January, 2016, I mailed a copy of the attached **NOTICE OF HEARING/ORDER** via First Class Mail.

On the 19th day of January, 2016, I posted a copy of the attached **NOTICE OF HEARING/ORDER** on the property located at 470 129th Ave E. Madeira Beach FL. Parcel # 15-31-15-97866-001-0030 in the City of Madeira Beach.

On the 19th day of January, 2016, I caused the attached **NOTICE OF HEARING/ORDER** to be posted at the Municipal Government Offices, 300 MUNICIPAL DR, Madeira Beach; and that said papers remain posted at the Municipal Government Offices for a period of not less than ten days from the date of posting.

Chris Kohmann, Community Policing Officer

State of Florida

County of Pinellas

Before me on 19th day of January, 2016, personally appeared Chris Kohmann who executed the foregoing instrument and who is personally known to me.

Notary

SEAL



CITY OF MADEIRA BEACH

COMMUNITY SERVICES – CODE ENFORCEMENT
300 MUNICIPAL DRIVE ♦ MADEIRA BEACH, FLORIDA 33708
(727) 391-9951 EXT. 244 ♦ FAX (727) 399-1131



SPECIAL MAGISTRATE AFFIDAVIT OF SERVICE

CITY OF MADEIRA BEACH, FLORIDA
300 MUNICIPAL DRIVE
MADEIRA BEACH, FL 33708
Petitioner

Case # 2015.153

Vs.

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CITY OF MADEIRA BEACH

COMMUNITY SERVICES – CODE ENFORCEMENT
300 MUNICIPAL DRIVE ♦ MADEIRA BEACH, FLORIDA 33708
(727) 391-9951 EXT. 244 ♦ FAX (727) 399-1131



SPECIAL MAGISTRATE NOTICE OF HEARING

CITY OF MADEIRA BEACH, FL
300 MUNICIPAL DRIVE
MADEIRA BEACH, FL 33708
Petitioner,

vs.

CASE # 2015.153

GALVAO, MANUEL
5666 BAYVIEW DR
SEMINOLE FL 33772-7047
Respondent,

RE: PROPERTY: 470 129th Ave E., Madeira Beach, FL 33708. **Parcel #:** 15-31-15-97866-001-0030

YOU ARE HEREBY FORMALLY NOTIFIED that at 2:00 pm on WEDNESDAY the 10TH day of FEBRUARY, 2016, there will be a public hearing at the Madeira Beach City Hall, 300 Municipal Drive, Madeira Beach, Florida 33708, concerning the following:

Violation Detail

Sec. 110-201. - Definition; purpose and intent

The R-2, low density multifamily residential district provides for low density multifamily residential correlates with the residential medium (RM) category of the Countywide Plan and, which does allow for a variety of dwelling types.

Any use which is not specifically identified as a permitted use, accessory use or special exception use is a prohibited use. Prohibited uses shall include, but are not limited to, short term rentals of a housing unit. As used in this division, the term "short term rental" shall mean any rental of a dwelling unit, or portion thereof, for less than a three-month period.

SEC. 34-503. – Registration required

- (a) It is unlawful for any person to allow another person to occupy any residential property as a Vacation Rental within the City of Madeira Beach, or offer such rental services within the City of Madeira Beach, unless the person has registered the Vacation Rental property with the City of Madeira Beach and the Vacation Rental property has been issued a Certificate of Compliance in accordance with the provisions of this division.
- (b) A person may not allow another person to occupy any residential property as a Vacation Rental without the issuance of a Certificate of Compliance if;

- 1) The residential property has an effective and valid license as a Vacation Rental classification of public lodging establishment issued by the Florida Department of Business and Professional Regulations prior to February 28, 2006; and
- 2) The residential property is not in violation of any section of the code of ordinances of the City of Madeira Beach; and
- 3) An application for registration of the residential property as a Vacation Rental has been filed pursuant to section 34-504 and all applicable fees have been paid; and
- 4) That said occupancy was scheduled prior to November 10, 2015 as evidenced by a written and valid executed rental agreement or contact provided to the City of Madeira Beach Code Enforcement no later than December 10, 2015.

You are hereby ordered to appear before the Madeira Beach Special Magistrate on that date to answer these charges and to present your side of the case. Failure to appear may result in the Special Magistrate proceeding in your absence.

Should you be found in violation of the above code, the Special Magistrate has the power by law to levy fines of up to \$500.00 per day against you and your property for every day that any violation continues beyond the date set in an order of the Special Magistrate for compliance.

If the violation is corrected and then recurs, or if the violation is not corrected by the time specified by the Code Enforcement Officer for correction, the case may be presented to the Madeira Beach Special Magistrate even if the violation has been corrected prior to the Special Magistrate hearing.

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

Please be prepared to present evidence at this meeting concerning the time frame necessary to correct the alleged violation, should you be found in violation of the City Code.

If you wish to have any witnesses subpoenaed or have any other questions, please contact the Assistant to Code Enforcement of the City of Madeira Beach within five (5) days at 300 Municipal Drive, Madeira Beach, Florida 33708, telephone number (727) 391-9951 x 244.

Your failure to respond to the previously issued Notice of Violation has resulted in costs of prosecution of this case.

PLEASE NOTE: Should any interested party seek to appeal any decision made by the Special Magistrate with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings, and for such purpose, he/she may need to insure that a verbatim record of the proceedings is made which record includes the testimony and evidence upon which the appeal is to be based per Florida Statute 286.0105.

I HEREBY CERTIFY that a copy of the foregoing Notice of Hearing was mailed to Respondent(s) by certified mail, return receipt requested.

Dated this _____ day of January, 2016

Chris Kohmann, Code Enforcement Officer



CITY OF MADEIRA BEACH

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300 MUNICIPAL DRIVE ♦ MADEIRA BEACH, FLORIDA 33708
(727) 391-9951 EXT. 244 ♦ FAX (727) 399-1131



SPECIAL MAGISTRATE STATEMENT OF VIOLATION/REQUEST FOR HEARING

Name and address of violator(s):

CASE NO: 2015.153

DATE: 01-19-2016

GALVAO, MANUEL

5666 BAYVIEW DR

SEMINOLE FL 33772-7047

RE: Property: 470 129th Ave E. Madeira Beach, FL 33708. **Parcel #:** 15-31-15-97866-001-0030

Code(s) which have been violated:

Violation Detail

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1. On 11/24/15, I made contact with renter Julie Wiles from West Virginia. She rented the home from 11/21/15 – 11/29/15 for \$2,300. Listing was found on VRBO.COM.
2. A notice of violation letter was mailed out on 11/25/15 with a re-inspection date of 12/04/15.
3. On 12/26/15, Deputy Bley made contact with renter Donna Stone from Missouri. She rented the home from 12/24/15 – 01/03/16 for \$1850. Listing was found on Homeaway.com.
4. A magistrate hearing was set for February 10, 2016 2:00 PM.

I DO HEREBY SWEAR THAT THE ABOVE FACTS ARE TRUE TO THE BEST OF MY KNOWLEDGE. I REQUEST A HEARING ON THE ABOVE VIOLATION(S) BY THE MADEIRA BEACH SPECIAL MAGISTRATE OF THE CITY OF MADEIRA BEACH.

Deputy Chris Kohmann, Community Policing Officer