

**TOWN OF HAVERHILL
MINUTES
SPECIAL MAGISTRATE
HEARING
November 8, 2023**

Present: Special Magistrate William P. Doney, Code Enforcement Officer Joseph Petrick, Town Attorney John Foster, Town Administrator Tracey Stevens, and Deputy Town Clerk Jean Wible.

I. CALL TO ORDER:

The meeting was called to order at 9:02 A.M. by Special Magistrate William P. Doney.

II. APPROVAL OF MINUTES:

Special Magistrate Doney approved the minutes of September 6, 2023.

III. SWEARING IN OF WITNESSES:

Special Magistrate Doney administered Oath to Code Enforcement Officer Joseph Petrick.

**CODE ENFORCEMENT REPEAT VIOLATION, FINE ASSESSMENT AND
STATUS HEARINGS:**

CASE NO. 23-00027

DESARMES SONNI & DESARMES EDZER

942 N. HAVERHILL ROAD

HAVERHILL, FL 33415

PCN: 22-42-43-36-00-000-3280

LEGAL DESCRIPTION: 36-43-42, S 75 FT OF N 468.55 FT OF W 231 FT OF NW ¼
(LESS W 54.50 HAVERHILL RD R/W)

NATURE OF VIOLATION: Chapter 38 Section 38-9 Parking of vehicles and boats in residential districts Chapter 58 Article IX Division 14 Section 58-584 Maintenance and appearance standards for all real property.

Code Enforcement Officer (CEO) Joseph Petrick testified this case was in reference to a multi-family property in violation of Code Section 38-9, storing of a large commercial box truck on the property and Code Section 58-584, overgrowth of weeds, vegetation, trash, and debris on the property. He stated that on August 11, 2023, he spoke with Respondent, Edzer (Ed) Desarmes after mailing the courtesy notice via certified mail to the address listed on Property Appraiser website. The courtesy notice gave the Respondent ten (10) days to comply by removing the box truck, trash, debris, and weed & vegetation overgrowth. It was agreed upon at this meeting that the Respondent would remove the box truck within sixty (60) days and the vegetation overgrowth, trash and debris would be removed within four (4) days.

CEO Petrick wanted it noted on the record that a rooster was seen on the property on August 11, 2023. He stated that he had placed it on the courtesy notice although it was not part of this code case. The Respondent stated the rooster did not belong to the property.

CEO Petrick reinspected the property on October 11, 2023, after the sixty (60) day time frame had expired, and found the box truck remained along with some trash and debris. He stated the overgrowth of vegetation was cut somewhere between August 11, 2023, and October 11, 2023, but had grown back.

On October 11, 2023, CEO Petrick issued a Notice of Violation (NOV) and Notice of Hearing (NOH), and both were sent via certified mail to the address listed on the Property Appraiser website, posted on the property, and posted on the Code Enforcement board at Town Hall. The NOV required compliance within ten (10) days. He stated he had spoken with the Respondent on the same day the notices were issued, and the Respondent requested until December 2023, to remove the box truck and stated he would stay on top of keeping the property cut and cleaned. CEO Petrick advised him of today's hearing date.

CEO Petrick submitted all pictures taken by him into evidence to Special Magistrate Doney.

CEO Petrick testified that on November 6, 2023, he observed the property in compliance with all items listed on the Notice of Violation.

CEO Petrick stated the Town was asking for a Finding of Fact in this case.

Respondents Edzer and Sonnie Desarmes did not attend today's hearing.

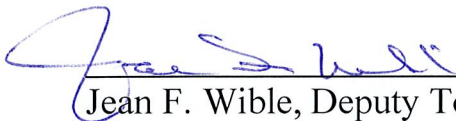
Special Magistrate Doney found the property was brought into compliance with Sections 38-9 and 58-584 of the Code of Ordinances of the Town of Haverhill, but compliance was not achieved within the time specified in the Notice of Violation. A Finding of Fact order was entered.

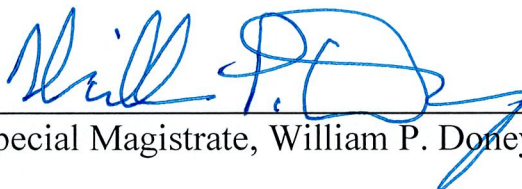
Should Respondents violate the same Section of the Code again, Respondents may be subject to a fine of up to \$500.00 per day. Additionally, the Code Inspector is not required to give a reasonable time to correct the repeat violation and the case may be presented to the Special Magistrate even if the repeat violation has been corrected prior to the Special Magistrate hearing.

ADJOURNMENT

The hearing was adjourned at 9:08 A.M.

Minutes prepared by Deputy Town Clerk Wible and adopted by Special Magistrate Doney on December 6, 2023.


Jean F. Wible, Deputy Town Clerk


Special Magistrate, William P. Doney