

**BEFORE THE CODE ENFORCEMENT AUTHORITY
OF THE CITY OF PENSACOLA, FLORIDA**

**THE CITY OF PENSACOLA,
a Florida municipal corporation, :
by its Code Enforcement Office (436-5500)
Petitioner, :**

vs. :

**LAURA TONETTI HALL, DVM, PA, : Case # 18-129
Respondent(s). :**

CODE VIOLATION ORDER AND SUBSEQUENT AMENDMENTS

The Special Magistrate Judge having heard and considered sworn testimony and other evidence presented in this matter on February 6, 2018, after due notice to the respondent(s), makes the following findings of fact and conclusions of law:

A. FINDINGS OF FACT:

1. The respondent(s) own(s) and/or is (are) in possession of the real property located at 805 East Gadsden Street, Pensacola, Escambia County, Florida, legally described as:

LTS 1 2 3 BLK 84 NEW CITY TRACT OR 6228 P 236 CA 67 TAX ACCT. #140569000.

2. The following described condition exists on the property: there are dogs running and exercising outside this facility which has a conditional use permit which prohibits same and the condition constitutes an apparent violation of the conditional use permit.

3. The date this condition was first observed was December 5, 2017; re-inspection made on February 6, 2018, confirmed the condition still existed on that date.

4. The respondent(s) received notice by:
 the posting of a notice on the property and at City Hall for ten (10) days beginning
 certified mail, return receipt requested,

on January 19, 2018, that the condition constitutes a violation of the Code of the City of Pensacola, Florida, and that a public quasi-judicial hearing thereon would be held before the Special Magistrate Judge beginning at 3:00 p.m. on February 6, 2018, at which hearing the respondent(s) did appear and testify at length.

B. CONCLUSIONS OF LAW:

1. The respondent(s) and the property are in violation of Section(s):

12-2-10 (C)(4)(b)6 & 5(n) of the Code of the City of Pensacola, Florida.
 of the Florida Building Code.
 of the Standard Housing Code.
 of the International Property Maintenance Code.

2. The City prevailed in prosecuting this case before the Special Magistrate Judge. If the City has already incurred costs to date in attempting to abate this violation and has requested that they be determined at this time, the Special Magistrate Judge finds the City's costs to be \$_____. [If the City has not as yet requested that its costs to date, if any, be determined at this time and/or if it later incurs costs to abate this violation, those total costs shall be administratively entered in this blank: \$_____.]

3. The aforesaid violation(s) or the condition causing the violation(s) does (do) not present a serious threat to the public health, safety, or welfare and/but the violation(s) or the condition causing the violation(s) is (are) not irreparable or irreversible in nature.

C. ORDER:

Based on the above and foregoing findings and conclusions, it is hereby

ORDERED that:

1. **The respondent(s) must correct the apparent violation(s) before February 5, 2019, by discontinuing allowing animals to run and exercise outside the pet shop/vet clinic. Immediately after this work has been completed, the respondent(s) must call the City Code Enforcement Office at (850) 436-5500 to schedule a re-inspection of the property to confirm that it has been done to code and/or completed.**

2. In the event this order is not complied with before the above compliance date, **as early as at the City Code Enforcement Authority Meeting and Hearings scheduled to take place beginning at 3:00 P.M. (Central Time) on Tuesday, February 5, 2019, or at any such meeting and hearings thereafter,** without further hearing or notice to the respondent(s), : **A FINE MAY BE ASSESSED AGAINST EACH RESPONDENT AND THE ABOVE-DESCRIBED PROPERTY IN AN AMOUNT UP TO AND INCLUDING TWO HUNDRED FIFTY AND NO/100 DOLLARS (\$250.00) PER DAY for that day and each and every day thereafter any violation continues to exist; and, without further hearing or notice to the respondent(s), A LIEN MAY BE IMPOSED AGAINST ANY AND ALL REAL AND PERSONAL PROPERTY OWNED BY THE RESPONDENT(S) WHICH IS NOT LEGALLY PROTECTED FROM ENCUMBERANCE AND LEVY; AND THE COSTS INCURRED BY THE CITY IN SUCCESSFULLY PROSECUTING THIS CASE MAY BE ASSESSED AGAINST THE RESPONDENT(S).**

3. It is the responsibility of the respondent(s) to contact the above-named City Office prosecuting this case to arrange for re-inspection of the property to verify compliance **AS SOON AS IT IS ACHIEVED.**

4. If the violation(s) is (are) corrected and, thereafter, a City Code Enforcement Officer finds that a repeat violation has occurred, a fine in the amount of up to and including Five Hundred and no/100 Dollars (\$500.00) per day may be assessed against the respondent(s) for each day the repeat violation is found to have occurred by the City Code Enforcement Officer and for each and every day thereafter the repeat violation continues to exist.

5. Pursuant to Sections 162.07 and 162.09, Florida Statutes, without further hearing or notice to the respondent(s), the original or a certified copy of this and/or any subsequent Special Magistrate Judge's order may be recorded in the public records of Escambia County, Florida, and, once recorded, CONSTITUTES NOTICE TO AND MAKES THE FINDINGS OF THIS ORDER BINDING on the respondent(s) and any subsequent purchasers of the property, and any successors in interest or assigns of the respondent(s).

6. Jurisdiction of this matter and the parties is retained to enter such further orders as may be appropriate and necessary.

7. Any aggrieved party hereto, including the City, may appeal this order to the Circuit Court of Escambia County, Florida, within thirty (30) days of the entry of this order.

ENTERED on February 8, 2018, at Pensacola, Florida.

PENSACOLA CODE ENFORCEMENT AUTHORITY

Louis F. Ray, Jr.

(Signature of Special Magistrate Judge)

Louis F. Ray, Jr.

(Printed Name of Special Magistrate Judge)

[SEAL]

STATE OF FLORIDA
COUNTY OF ESCAMBIA

The execution of the foregoing order was acknowledged before me on February 8, 2018, by Louis F. Ray, Jr., as Special Magistrate Judge for the City of Pensacola, Florida, who is personally known to me and who did take an oath.

This original order was prepared by
and ATTESTED to by:

Joanna Walker
Florida Notary Public &
Administrative Officer of the
Code Enforcement Authority of the
City of Pensacola, Florida
Post Office Box 12910
Pensacola, FL 32521-0001
(850) 436-5500

Joanna Walker

(Signature of Notary and Administrative Officer)

Joanna Walker

(Printed Name of Notary & Admin. Officer)

