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NOTICE OF CODE ENFORCEMENT ADMINISTRATIVE HEARING

THE CITY OF MEXICO BEACH

CASE NO: 1

v.

ALLEGED VIOLATOR: Howard McClain

CITATION NO: 01

ADDRESS: PO Box 486
Adel, GA 31620

1. Pursuant to Section 7.10 of The Land Development Code of The City of Mexico Beach (CITY), the Mexico Beach Special Master hereby notifies you that your appearance is required at a Hearing to be held to resolve Code violation 7.11.01, 7.11.04 served on you by the City Code Enforcement Officer Ms. Kathy Lyons on July 8, 2020. This hearing will be held at the Mexico Beach Public Works Department at 1 PM on January 15, 2021.
2. Description of Code Violation: unsafe dwelling removed from its foundation by Hurricane Michael onto the property of another. This dwelling not only poses a public nuisance, but it also endangers public welfare and interferes with the property rights of another.
3. Failure to attend the hearing will be considered an admission of guilt, and the Special Master will make a finding based on the preponderance of the evidence of record. Failure to attend the hearing may result also in additional civil penalties and the costs borne by the CITY to administer the proceedings.
4. Requests for continuances will not be considered unless a request showing good cause is received by the Special Master at least five (5) calendar days prior to the date set for the hearing.
5. Respondent may be represented by an attorney, may present witnesses on his behalf, and may electronically record the proceedings at his own expense.

6. Hearing Procedures.

- a) All hearings shall be open to the public.
- b) Each case will be presented by the Code Enforcement Officer, the City Administrator, or their designee.
- c) All testimony will be given under oath and proceedings will be recorded electronically.
- d) The hearing will be quasi-judicial in order and need not be conducted according to formal rules of evidence. However, fundamental due process will be observed and govern the proceedings. Any evidence may be admitted if the Special Master finds it competent and reliable, regardless of common or statutory law to the contrary,
- e) The Code Enforcement Officer and all witnesses shall be sworn in and testimony given under oath. Each party has the right to call and examine witnesses, introduce evidence, cross-examine opposition witnesses on any matter relevant to the issues at hand even if the matter was not covered in direct examination, impeach any witness, and to rebut evidence against them.
- f) Each party, beginning with the Code Enforcement Officer, is permitted to give brief opening and closing statements.
- g) The Special Master shall make findings based on evidence of record. Findings will be on the preponderance of evidence presented. The fact-finding determination of the Special Master shall be limited to whether the alleged violation did in fact occur and, if so, whether the person named in the Notice of Violation is responsible. Based on this determination, the Special Master shall either reverse, modify, or affirm the Notice of Violation issued by the Code Enforcement Officer and issue an order affording the proper relief.
- g) If the Special Master reverses the decision of the Code Enforcement Officer, the named violator will not be liable for payment of the civil penalty. If the Special Master affirms the decision of the Code Enforcement Officer, the Special Master will issue an order and shall determine a reasonable time period within which the correction of the violation must be made in order to preclude the imposition of continuing violation penalties.
- h) If the violation presents a serious threat to public health, safety, and welfare or if the violation is irreparable or irreversible in nature, the Special Master shall recommend that the CITY immediately undertake all reasonable efforts to abate the violation and bring the property into compliance with the code. For other violations which constitute a public nuisance under the Land Development Code or City Code, the Special Master may authorize the City's abatement of the nuisance following the failure of the violator to correct the violation within the time ordered. The violator will be responsible for the


reasonable cost of abatement in addition to the civil and administrative penalties included in the Special Master's hearing order.

i) A copy of the hearing order will be filed in public records.

j) If the violator fails to comply with the hearing order issued by the Special Master, the CITY may file a lien against the property, collect the cost of abatement and any other cost permissible under law by special assessment placed on the tax roll, institute proceedings in a court of competent jurisdiction to compel the violator to comply with the hearing order, initiate a new code enforcement case with additional penalties, or any use any combination of the above.

k) An aggrieved party may appeal a hearing order issued by the Special Master to the Fourteenth Judicial Circuit of Bay County.

7. Questions should be addressed to the CITY'S Code Enforcement Officer, Ms. Kathy Lions, and/or pages 7-19 to 7-26 of The Mexico Beach Land Development Code found on the CITY'S website.



James E Bush
Special Master