

LRM OUTCOME MEMORANDUM

TO: Robin Hough, Code Enforcement Manager
FROM: Linda Blackburn, Assistant County Attorney
DATE: May 21, 2025
SUBJECT: LRM 2025-395 (Received May 7, 2025 at 11:09 AM)

You have requested the institution of an action sounding in the enjoinder of a nuisance pursuant to Fla. Stat. §§ 60.05, 60.06 and 823.05, and more specifically a judicially approved “injunction to remove unsafe buildings and junk on property located at 830 SE 159th Terrace, Silver Springs, FL 34488 (Parcel ID 32489-062-00), as all known owners are deceased.

Factual Background:

Pursuant to the Property Appraisers records, the Property was previously owned by Christal Norris and Carl Norris, who are now both deceased. Pursuant to Code Enforcement Records, the property is currently being occupied by individuals who have no ownership rights in the property, cause continued code violations and cannot clear certain violations because they lack the ability to obtain proper permitting to repair, replace or demolish the primary residential structure deemed unsafe.

Previously, violations concerning the accumulation of junk and debris were abated at a cost to the County (Code Enforcement Case 927705, repeat violation Case 971720) when it was discovered that the primary structure appeared to be unsafe. On March 19, 2025, Marion County’s Building Official executed documentation confirming that the structure is deemed unsafe (Code Enforcement Case 979735). Notice to the Occupants of the Property were immediately notified by Code Enforcement providing hand-delivery of Code Enforcement and the Building Official’s documentation via hand-delivery on March 20, 2025. A second notice was posted at the property on March 31, 2025, and mailed on April 1, 2025. No response was received, no action was taken, there continues to exist on the property unsafe buildings/structures, and the occupants of the property continue to accumulate junk and debris despite prior abatement.

Various neighbors in the community have complained about the transient nature and criminal conduct of the various occupants on the property, the accumulation of junk, the burning of trash and other issues. It is known that three individuals, Eric Kevin Lee, Alice Gail Thatcher, and Michael Lee Kesecker, all of whom have extensive criminal records, occupy the unsafe structures on the property and continue to violate Marion County Code.

Legal Considerations:

Section 5.5-31, Marion County Code of Ordinances, adopts section 116, Florida Building Code, and provides that “*Unsafe building abatement.* All buildings, structures, electrical, gas, mechanical or plumbing systems which are unsafe, unsanitary, or do not provide adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use, constitute a hazard to safety or health, are considered unsafe buildings or service systems. All such unsafe buildings, structures or service systems are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the provisions of the Marion County Code.

Section 16-92, Marion County Code of Ordinances, prohibits the maintenance of unserviceable vehicles and the accumulation of junk except for junk stored in enclosed litter receptacles or collection containers, or completely enclosed buildings; junk which will not fit into standard-sized litter receptacles or curbside containers and which is set out at curbside for no more than ninety-six (96) hours for collection and removal; junk stored in a lawfully established and maintained junkyard or solid waste management facility; and accumulations of vegetative wastes in an agricultural zoning district.

Section 8-33, Marion County Code of Ordinances, prohibits the burning of any “tires, rubber material, Bunker C residual oil, asphalt, roofing material, tar, railroad cross-ties, other creosoted lumber, plastics, garbage, or trash other than yard trash and household paper products is prohibited except as provided in F.S. Chs. 590, 823, 877, 51-2, 62-256.”

In as much as the owners are deceased and the current occupants are continuing to occupy the unsafe structures on the property and are continuing to violate Marion County Code of Ordinances, thereby creating a danger to the health and safety of the surrounding community, as well as annoying, disturbing and injuring the surrounding residential community, there exists a nuisance on this property (as defined in Fla. Stat. § 823.05), and the County stands in a position to be able to request judicial action to enjoin the nuisance.

Conclusion:

I share staff’s assessment that until the County removes the unsafe structures which are attracting non-owner occupants and other negative elements, the property and the surrounding residential community will continue to deteriorate. I also agree that due to there being no living property owners, the additional safeguard of having judicial oversight to enjoining the nuisance is preferable to simple abatement.

Accordingly, and in conformance with prior and similar legal actions, I recommend the matter be placed on BOCC’s agenda for review of the matter and approval of this specific type of action being allowed to proceed through the court to remedy the nuisance.