Town of Melbourne Beach
PUBLIC NOTICE
AGENDA
CODE ENFORCEMENT MAGISTRATE HEARING
TUESDAY, OCTOBER 20, 2026 @ 1:00 PM
COMMUNITY CENTER, 509 OCEAN AVENUE

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. VIOLATION HEARINGS
   A. Case # ECE26-0475
      Violation Address: 1005 Atlantic St, Melbourne Beach, FL 32951
      Violator: SOB of Brevard LLC
      Alleged Violations(s): Section 40-24 Lighting of Existing Structures.
      (a) The following artificial lighting standards shall apply to all existing development:
        (1) Existing artificial light fixtures shall be repositioned, modified or removed so that:
          a. The point source of light or any reflective surface of the light fixture is not directly visible from the beach;
          b. Areas seaward of the frontal dune are not directly or indirectly illuminated; and
          c. Areas seaward of the frontal dune are not cumulatively illuminated.
   B. Case # ECE25-0269
      Violation Address: 409 Third Ave, Melbourne Beach, Florida 32951
      Violator: SMALL, JEFFREY R; SHAVER-SMALL, LEE ANNE
      Alleged Violations(s): **§ 49-61. ATTRACTIVE NUISANCE PROHIBITED.**
        (a) As used in this article, ***ATTRACTIVE NUISANCE*** shall be construed to mean any artificial condition, whether in a building, on the premises of a building of upon an unoccupied job site, which by its nature, location or character would tend to attract and substantially endanger the safety of any minor person. This includes, but is not limited to, unsecured swimming pools, abandoned wells or shafts; excavations; abandoned refrigerators/freezers with doors or motor vehicles with unlocked doors; any structurally unsound fences or structures; lumber, trash/debris, or any other materials which may provide a hazard; or any condition which is determined to be a life safety violation. A ***LIFE SAFETY VIOLATION*** is a violation of the National Fire Protection Association (NFPA) 101, Life Safety Code, as adopted or in effect within the city pursuant to section 633.025, Florida Statutes.
        (b) No person shall have, keep, maintain, cause or permit an attractive nuisance condition on any parcel of land within this town. Having, keeping, maintaining, causing or permitting an attractive nuisance in violation of this section is hereby prohibited and declared to be a public nuisance.
        (Ord. 2009-02, passed 2-18-09)
      Previous Finding of Facts found the property 409 Third Ave in violation of section 49-21 and 49-61. The Town of Melbourne Beach is seeking an Order of Fine/Lien.
4. DISCUSSION ITEMS
5. ADJOURNMENT

Notice: The public is advised that members of the Town Commission may be in attendance and participate in proceedings of this hearing. Attorney General Opinions (AGO) AGO 91-95, AGO 98-14, AGO 2000-68.

PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, THE TOWN HEREBY ADVISES THE PUBLIC THAT: In order to appeal any decision made at this hearing, you will need a verbatim transcript of the proceedings. It will be your responsibility to ensure such a record is made. Such person must provide a method for recording the proceedings verbatim as the Town does not do so. Appeals of any decision of the Special Magistrate by any aggrieved party shall be taken pursuant to Section 162.11, Florida Statutes. In accordance with the Americans with Disability Act and Section 286.26, Florida Statutes, persons needing special accommodations for this meeting shall, at least 5 days prior to the meeting, contact the Office of the Town Clerk at (321) 724-5860 or Florida Relay System at 711.