



Manatee County Public Safety
 Code Enforcement Division
 2101 47th Terrace East
 Bradenton, FL 34203
 Phone: (941) 748-2071
 www.mymanatee.org

Notice of Violation

Case #: CE2504-0789

Date Issued: 05/15/2025

Time Issued: 8:42 am

Violator(s):	Phone Number:	Relationship:
Mark L Mclean 3120 Smith Ave Bradenton FL 34207 US	N/A	Home Owner
Catherine M Winning 3120 Smith Ave Bradenton FL 34207 US	N/A	Home Owner

Location of Violation: 3120 SMITH AVE

City: BRADENTON

State: FL

Zip Code: 34207

Parcel ID#: 6306200004000-3170712075

Description of Violation

Cite Manatee County Code of Ordinances Section 2-9-107 Accessory structure and uses: Pool with green water.

Violation details: The pool has not been taken care of or maintained and is filled with green water.

Corrective action: Use the appropriate supplies to clean the water or drain the water and fill in the pool.

Correct on or before: 05/29/2025

Officer's Signature:

Jake Fumagalli

Officer's Name Printed: Jake Fumagalli

Officer's Phone Number: (941) 713-7393

Received

Posted at property

Date:

5/15/2025

Print Name:

IF THE VIOLATION(S) IS/ARE NOT CORRECTED, THE CODE ENFORCEMENT OFFICER MAY INSTITUTE FURTHER ACTION BEFORE THE CODE ENFORCEMENT SPECIAL MAGISTRATE OR ISSUE A CITATION OR ISSUE A NOTICE TO APPEAR (NTA). IF YOU WISH TO DISCUSS THIS NOTICE OR SCHEDULE A RE-INSPECTION, PLEASE CALL THE CODE ENFORCEMENT OFFICER AND LEAVE YOUR NAME, CASE NUMBER AND A PHONE NUMBER WHERE YOU CAN BE REACHED.

KAREN MATA 209
MANATEE, COUNTY OF
P.O. Box 1000
Bradenton, FL 34205-1000

USPS CERTIFIED MAIL



9414 8149 0316 5966 2253 86

CE2504-0789, 0792, 0795, 0796, 0799 - NOVs
Mark L Mclean & Catherine M Winning
3120 SMITH AVE
BRADENTON, FL 34207-5560

Shipper Ref: 209

CODE ENFORCEMENT SPECIAL MAGISTRATE
MANATEE COUNTY, FLORIDA

NOTICE OF HEARING

TO: Mark L Mclean & Catherine M Winning
3120 Smith Ave
BRADENTON FL 34207

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

CASE NO. CE2504-0789

To Whom It May Concern:

In accordance with Chapter 2-7 of the County Code of Ordinances and Chapter 162 of the Florida Statutes, a Code Enforcement Special Magistrate has the authority to conduct hearings and impose fines for violations of County Codes and Ordinances.

NOTICE is hereby given that a hearing will be held on **Wednesday, June 24th 2026** at 9:00 AM. at the **Manatee County Administrative Building, 1112 Manatee Ave. W., Bradenton, Florida, in the Board Chambers on the 1st floor**, before a Code Enforcement Special Magistrate, to consider and act upon an alleged violation by you, or on your property as indicated by the enclosed Notice of Violation.

You have the right to attend before the Code Enforcement Special Magistrate to respond to the charges and to present relevant evidence. You may choose to have an attorney represent you before the Special Magistrate, at your own expense. You will have the opportunity to present witnesses and to question the Code Enforcement Officer or other witnesses against you at the hearing. Failure to appear may result in the Special Magistrate making a decision unfavorable to your interests.

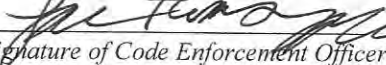
PLEASE GOVERN YOURSELF ACCORDINGLY.

DATE: 6/4/2026

Signature of Respondent/Representative

Respondent/Representative Printed Name

MANATEE COUNTY, FLORIDA
Code Enforcement Division

By: 
Signature of Code Enforcement Officer

Jake Fumagalli
Code Enforcement Officer - Print Name

Public Safety Department
Code Enforcement Division
2101 47th Terrace East
Bradenton, FL 34203

The Board of County Commissioners of Manatee County, Florida, does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of the Board's functions including one's access to, participation in, employment with, or treatment in its programs or activities. Anyone requiring reasonable accommodation for this meeting as provided for in the Americans with Disabilities Act, should contact (941) 742-5800; TDD ONLY (941) 742-5802, wait 60 seconds; FAX (941) 745-3790.

An aggrieved party may appeal a final administrative order of the Special Magistrate to the circuit court. Such an appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the Special Magistrate. An appeal shall be filed within 30 days of the execution of the order to be appealed.
Florida Statutes 162.11

Manatee County Special Magistrate

Officer: Jake Fumagalli
Date: 6/24/2026



Case # CE2504-0789

- Jake Fumagalli, Manatee County Code Enforcement Officer, I have been sworn.
- Respondent: Mark L. Mclean & Catherine M. Winning
- Violation address: 3120 Smith Ave., Bradenton, FL 34207
- PID: 6306200004
- Zoning: RSF-6 (Single Family Residential)





Property Record Card

Parcel ID: 6306200004
Ownership: MCLEAN, MARK L; WINNING, CATHERINE M
Owner Type: INDIVIDUAL & JOINT TENANCY & RIGHTS OF SURVIVORSHIP; INDIVIDUAL & JOINT TENANCY & RIGHTS OF SURVIVORSHIP
Mailing Address: MCLEAN, MARK L, WINNING, CATHERINE M, 3120 SMITH AVE, BRADENTON FL 34207-5560
Situs Address: 3120 SMITH AVE, BRADENTON, FL 34207-5560
Jurisdiction: UNINCORPORATED MANATEE COUNTY
Tax District: 0302; CEDAR HAMMOCK FIRE CONTROL DISTRICT
CRA/TIF District: SW; SOUTHWEST COUNTY IMPROVEMENT DISTRICT
Sec/Twp/Rge: 22-35S-17E
Neighborhood: 3250; BAYSHORE GARDENS W OF 26TH ST
Subdivision: 6304900; BAYSHORE GARDENS SECTION 13; LOT 11; BLOCK A; PB 12/8
Parcel Type: REAL PROPERTY
Parcel Created: 09/06/1987
Map Number: 5BS2
FEMA Value: \$189,746 as of January 1, 2025
Land Use: 0100; SINGLE FAMILY RESIDENTIAL
Land Size: 0.2920 Acres or 12,720 Square Feet
Building Area: 2,135 SqFt Under Roof / 1,467 SqFt Living or Business Area / 2,135 SqFt Residential Impervious Area
Living Units: 1
Residential Bldgs: 1



Site Location

General Location: Located off of Florida Blvd and Auburn Ave



Case # CE2504-0789

Violation and Description

- Violation: Section 2-9-107 Accessory Structure and Uses: of the Manatee County Code of Ordinances.
- Violation Description: The pool has not been taken care of or maintained and is filled with green water.



Case # CE2504-0789

Copy of the Code

Sec. 2-9-107. - Accessory structures and uses.



- (a) All accessory structures and uses, including, but not limited to, detached garages, storage sheds, fences and walls, shall be maintained structurally sound and in good condition.
- (b) One portable carport/canopy shall be permitted in a front yard to be used as a carport. Additional portable carports/canopy shall be stored in a side or rear yard and all shall be maintained in good repair and be free of rips and tears.
- (c) All marine structures, including, but not limited to, docks, boat houses, boat lifts, piers, wharfs, bulkheads, seawalls and revetments, shall be maintained in structurally sound and good condition.
- (d) *Swimming pools, hot tubs and spas.*
 - (1) Every swimming pool, hot tub and spa shall be maintained and operated in a clean, safe, and sanitary manner at all times.
 - (2) Swimming pools, hot tubs and spas shall be maintained in working order so that the water remains free and clear of pollutants and debris, the water clarity allows the lowest part of the swimming pool, hot tub or spa to be seen from the deck, and the water quality does not create a breeding ground for mosquitoes or other insects.



Exhibit 1

Violation of CCO
Section: 2-9-107

Address: 3120 Smith
Ave. W., Bradenton



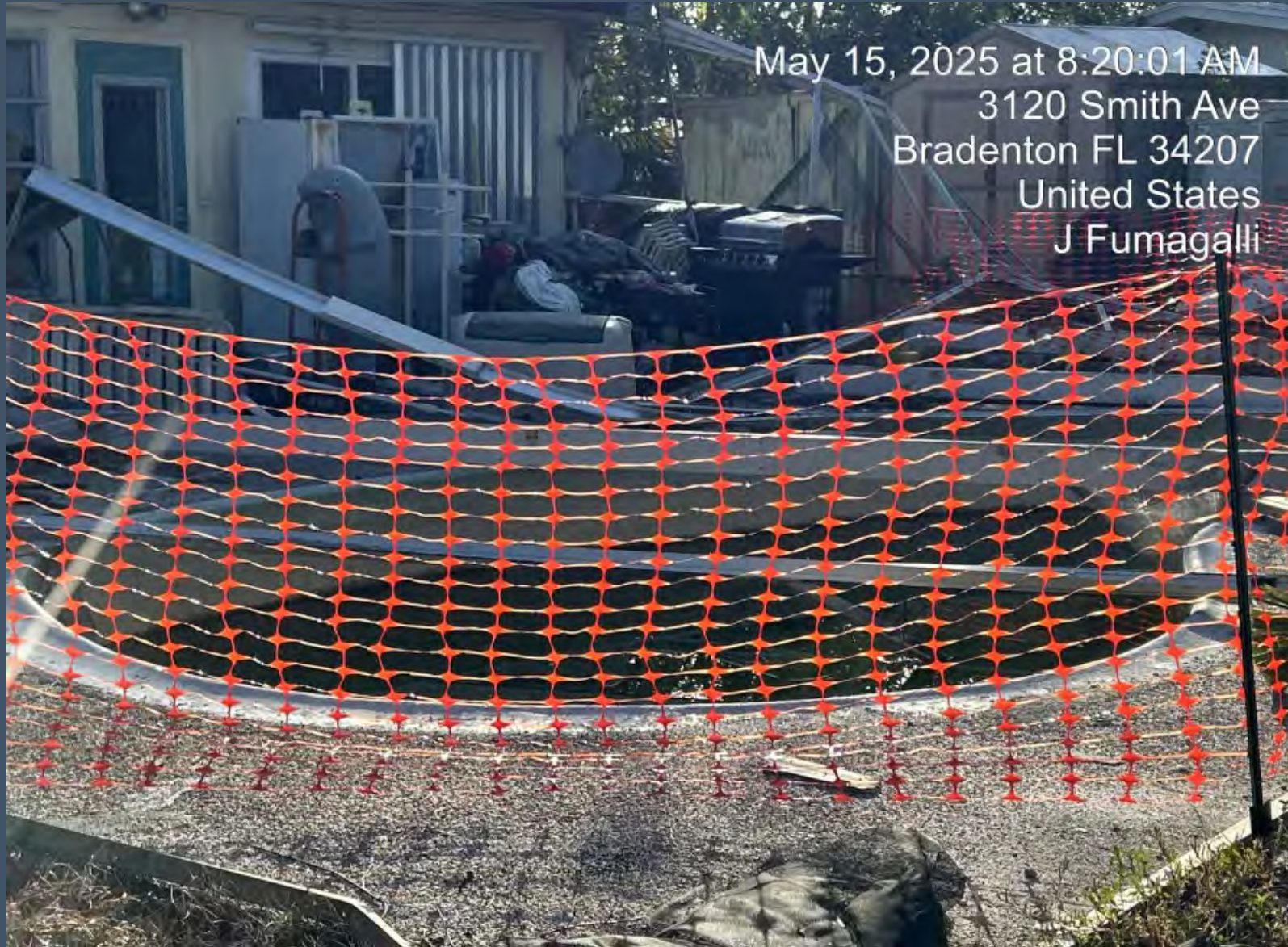
View of the pool water in the backyard.



Exhibit 2

Violation of CCO
Section: 2-9-107

Address: 3120 Smith
Ave. W., Bradenton



View of the pool water in the backyard.



Exhibit 3

Violation of CCO
Section: 2-9-107

Address: 3120 Smith
Ave. W., Bradenton



View of the pool covered with a tarp



Case # CE2504-0789

Case Summary

- Initial Inspection: 4/24/2025
- Notice of Violation was issued on: 5/15/2025
- There have been 25 reinspection's completed for this property.
- I have communicated with the property owner multiple times. He has told me that he is not in the position to fix the pool, and that the property will be sold soon.



Case # CE2504-0789

Case Summary Continued

- The Notice of Violation and Notice of Hearing were posted at the property and at the administration building on 6/04/2026.



Recommended Action

- Clean and maintain the pool.
- Recommended compliance date is 7/24/2026
- Recommended fine: A fine of \$50.00 per day will be imposed for each day the violation continues beyond the compliance deadline ordered by the Special Magistrate, until full compliance is achieved.



Case # CE2504-0789

Evidence Submittal

- Case photographs
- Ownership: Property Appraiser Card
- Copy of this presentation



Case # CE2504-0789

Conclusion

- Mr. Sowa, I request the relief as stated in my recommended action
- This concludes my presentation.



CODE ENFORCEMENT SPECIAL MAGISTRATE
MANATEE COUNTY, FLORIDA

MANATEE COUNTY, FLORIDA,
Complainant,

CASE NO. CE2504-0789

vs.

Mark L. Mclean & Catherine M. Winning,
Respondent.

COMPLIANCE ORDER

THIS CAUSE came on for hearing before the Code Enforcement Special Magistrate of Manatee County, Florida, on June 24, 2026, after due notice to Respondent, and the Special Magistrate having heard testimony under oath, received evidence and heard argument, thereupon issues this Order of Referral Order as follows:

FINDINGS OF FACT

1. Respondent(s), **Mark L. Mclean & Catherine M. Winning**, whose mailing address is 3120 Smith Ave., Bradenton, FL 34207 are the owner(s) or person(s) in charge of the property located at **3120 Smith Ave., Bradenton FL 34207**, and identified in the Manatee County Property Appraiser's records as **PIN 6306200004**.
2. Respondent(s) was/were properly served with a Notice of Violation in accordance with Section 162.12, Florida Statutes and Section 2-7-3 of the County Code of Ordinances. Respondent(s) was/were was not/were not present at the hearing
3. The violation: **(CCO) Section 2-9-107 Accessory structure and uses** - The pool has not been taken care of or maintained and is filled with green water.
4. The Notice of Violation states that the violation must be corrected on or before May 29, 2025.
5. As of June 24, 2026, the condition described in paragraph 3 herein remains uncorrected.

CONCLUSIONS OF LAW

1. Respondent(s) by reason of the foregoing, is/are in violation of **Section 2-9-107** in that the respondent(s) has/have a pool has not been taken care of or maintained and is filled with green water. Respondent(s) has/have failed to remedy the aforesaid violation(s).
2. Respondent(s) is/are subject to the provisions of Chapter 162, Part I, Florida Statutes and Chapter 2-7 of the County Code of Ordinances.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, and pursuant to the authority granted in Chapter 162, Florida Statutes and 2-7-25 of the Manatee County Code of Ordinances, it is hereby ORDERED:

1. THAT the Respondent(s) correct(s) the aforesaid violation. **Clean and maintain the pool.**
2. THAT in the event the aforesaid violation is not corrected **on or before July 24, 2026**, a fine of \$50.00 per day shall be imposed against the Respondent(s) for each day the violation(s) has/have continued past the compliance date ordered. This fine shall continue to accrue until Respondent(s) come(s) into compliance with this Order.

CODE ENFORCEMENT SPECIAL MAGISTRATE
MANATEE COUNTY, FLORIDA

CE2504-0789

3. If the required corrective action is not taken as ordered **on or before July 24, 2026**, a certified copy of this Order shall be recorded in the public records of Manatee County, Florida and shall constitute a lien against the above-described property and upon any other real or personal property owned by Respondent(s) pursuant to Section 162.09, Florida Statutes, and Section 2-7-27 of the Manatee County Code of Ordinances.
4. That this Order is self-executing upon an Affidavit of Non-compliance being filed with the Clerk of the Circuit Court of Manatee County,

DONE AND ORDERED this 24 day of June 2026.

Manatee County Code Enforcement,
Special Magistrate


Special Magistrate (Signature)
Print Name: Walter Sowa

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Compliance Order has been filed for the record on June 24, 2026 and has been furnished to the Respondent (s),

- Personally, on this 24 day of June 2026.**
 By US Mail on this 24 day of June 2026.

Code Enforcement Administrative Specialist
Manatee County

By: 
Administrative Specialist (Signature)
Print Name: Karen Mata

Code Enforcement Division
PO Box 1000
Bradenton, FL 34206

Attention: It is **your** responsibility to notify Code Enforcement at **941-748-2071** to verify that the violation has **been** brought into compliance.