



Town of Lake Park

SPECIAL MAGISTRATE HEARING AGENDA

DECEMBER 7, 2017

10:00 A.M.

Town Hall Commission Chambers

535 Park Avenue

Lake Park, Florida 33403

PLEASE TAKE NOTICE AND BE ADVISED: If any interested person desires to appeal any decision of the Special Magistrate with respect to any matter considered at this Hearing, such interested person will need a record of the proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. *Persons with disabilities requiring accommodations in order to participate in the Hearing should contact the Town Clerk's Office by calling 561-881-3311 at least 48 hours in advance in order to request accommodations.*

REQUEST FOR FINE REDUCTION

APPLICANT: RBA HOLDINGS LLC

LOCATION: 518 EVERGREEN DRIVE
PCN: 36-43-42-20-01-062-0070
LEGAL: KELSEY CITY LTS 7 TO 9 INC BLK 62

CASE NO. 04-00760, 04-00761 & 04-00762

ORIGINAL S/M HEARING DATE:	07/13/2004
CODE SECTIONS VIOLATED:	16-2(2); 32-146(h)(11); 32-147(e)(1); FBC 104.1; 30-3(2); 30-3(1)
ORDERED COMPLIANCE DATE:	11/8/2004
ACTUAL COMPLIANCE DATE:	05/01/2017
\$250.00 PER DAY FINE X 4,557 DAYS	\$1,139,250.00
INTEREST	<u>208,480.34</u>

TOTAL: \$1,347,730.34

CASE NO. 15040009

ORIGINAL S/M HEARING DATE:	06/4/2015
CODE SECTION VIOLATED:	54-125(c)(2)
ORDERED COMPLIANCE DATE:	07/06/2015
ACTUAL COMPLIANCE DATE:	03/20/2017
\$100.00 PER DAY FINE X 623 DAYS	\$62,300.00
INTEREST	<u>1,558.63</u>
TOTAL:	\$63,858.63

ORIGINAL S/M HEARING DATE:	06/4/2015
CODE SECTION VIOLATED:	54-125(n)
ORDERED COMPLIANCE DATE:	07/06/2015
ACTUAL COMPLIANCE DATE:	03/20/2017
\$100.00 PER DAY FINE X 623 DAYS	\$62,300.00
INTEREST	1,558.63
TOTAL:	\$63,858.63

<i>TOTAL FINES:</i>	<i>\$124,600.00</i>
<i>TOTAL INTEREST:</i>	<i>3,117.26</i>

GRAND TOTAL FINES + INTEREST:	\$127,717.26
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Town of Lake Park
535 Park Avenue
Lake Park, FL 33403

**SPECIAL MAGISTRATE
HEARING AGENDA
December 7, 2017 10:00 AM**

PLEASE TAKE NOTE AND BE ADVISED that if any interested person desires to appeal any decision made by the Special Magistrate with respect to any matter considered at this Hearing, such interested person may need a verbatim record of the proceedings made, including the testimony and evidence presented at this Hearing.

CALL TO ORDER

SWEARING IN OF ALL WITNESSES

QUASI-JUDICIAL PROCEEDINGS

The Special Magistrate shall have the jurisdiction and authority to hear and decide alleged violations of the Codes and Ordinances enacted by the Town of Lake Park.

Category: NEW CASES

#	Case No.	Date Issue	Req'd Action
1	17080028	8/18/2017	

Owner	Address	Site Address
KING FITNESS OF PALM BEACH INC	904 Park Ave West Palm Beach, FL 33404	904 Park Ave Lake Park, FL 33403

Description

Sec. 28-33
No rental Business Tax Receipt (BTR) for new property owner

PLEASE COMPLETE THE BTR APPLICATION INCLUDING SUBMITTING COPIES OF ALL REQUIRED DOCUMENTATION, PAYMENTS AND INSPECTIONS.

Violations

Ordinance/Regulation	Section	Description	Means Correction	Days Comply
Chapter 28 TAXATION*	Sec. 28-33	Engaging in business without a local business tax receipt upon false representation. It shall be unlawful for any person to engage in any trade, business, profession or occupation within the town without a business tax receipt, or upon a business ta		7

# Case No.	Date Issue	Req'd Action
2 17080027	8/18/2017	

Owner	Address	Site Address
KING FITNESS OF PALM BEACH INC	904 Park Ave West Palm Beach, FL 33404	914 Park Ave Lake Park, FL 33403

Description

Sec. 28-33
No BTR for gym/fitness center

PLEASE COMPLETE THE BTR APPLICATION INCLUDING SUBMITTING COPIES OF ALL REQUIRED DOCUMENTATION, PAYMENTS AND INSPECTIONS.

Sec. 24-71 - Base collection service and Sec. 24-142. - Findings

(3) It is further necessary in the implementation of such a comprehensive program to require all persons owning or occupying residential or commercial property within the town to have their solid waste collected and disposed of pursuant to the town's program for same.

No sanitation service for business.

PLEASE OBTAIN CITY SANITATION SERVICE FOR BUSINESS

Violations

Ordinance/Regulation	Section	Description	Means Correction	Days Comply
Chapter 24 SOLID WASTE*	Sec. 24-142	Findings. It is hereby ascertained, determined and declared that: (1) The requiring of all persons owning or occupying improved property within the town to dispose of solid waste and other wastes and discarded property generated on such property		14
Chapter 24 SOLID WASTE*	Sec. 24-71	Base collection service. Base collection service shall include collection and disposal of the volume of containerized garbage, commercial trash and recyclable materials expected to be generated by the property. Said volume may be determined by the t		14
Chapter 28 TAXATION*	Sec. 28-33	Engaging in business without a local business tax receipt upon false representation. It shall be unlawful for any person to engage in any trade, business, profession or occupation within the town without a business tax receipt, or upon a business ta		14

Owner	Address	Site Address
LAJEUNESSE ROSE V	745 GREENBRIAR DR LAKE PARK, FL 33403	745 Greenbriar Dr Lake Park, FL 33403

Description

Sec. 26-5. - Maintenance standards for private swimming pools.

All swimming pools located on private property within the town shall be maintained so as not to constitute a nuisance. For purposes of this section, a nuisance may include, but not be limited to, the existence or accumulation of dirt, algae, scum, or other materials and debris which would render a swimming pool generally unusable for recreational purposes. It shall be the duty of every person or entity owning, leasing, or having an interest in any real property located in the town, upon which a swimming pool is installed, erected or constructed, to maintain the swimming pool in a clean and sanitary condition. Dirt, algae, scum, and other materials and debris shall be removed as often as necessary to maintain good, clean, and sanitary conditions. Swimming pools shall be thoroughly cleaned at least once each week by the use of disinfectant agents, chemicals and/or proper pool cleansing materials, and the water in the pool shall be clear and completely circulated at least twice each week.

PROPERTY POOL WAS OBSERVED WITH AN ACCUMULATION OF ALGAE AND POSING HUMAN HEALTH HAZARD AS A MOSQUITO BREEDING HABITAT.

POOL MUST BE PROPERLY MAINTAINED WITH WATER CIRCULATING AND IN SANITARY CONDITION.

PLEASE REPAIR AND MAINTAIN ALL COMPONENTS OF THE POOL TO RESTORE AND PRESERVE A SANITARY POOL AND REDUCE HEALTH HAZARDS AND NUISANCES.

Sec. 54-74 Additional Landscape and Property Standards.

(1) Developed lots including those swale, swale areas, sidewalks, driveway aprons, and driveways which are adjacent to, or abut a developed lot: (a) Shall be kept free of debris, rubbish, trash or litter. (b) Shall be maintained free of diseased or dead trees and plant materials. (c) Shall be kept free and clear of all exotic invasive pest plant species prohibited by the Florida Department of Environmental Protection. (d) Shall be maintained in a neat and healthy condition, and reasonably free of weeds; any accumulation of decayed, dead or dying vegetative matter; and bare (dead) areas (except that a reasonable bare area may be permitted along a property line to prevent the infringement of growth onto an adjoining property). (e) Lawns shall be maintained no higher than eight inches in height.

PROPERTY LANDSCAPING WAS OBSERVED OVERGROWN

PLEASE CUT AND TRIM ALL SODDED AREAS OF PROPERTY AND MAINTAIN IN NEAT AND HEALTHY CONDITION

Sec. 78-115. - Maintenance

(a) All walls and fences shall be maintained to provide a safe, healthy and finished appearance. There shall be no excessive leaning; gates shall be in working order with a straight and true appearance.

PROPERTY FENCE WAS OBSERVED DEBILITATED AND IN DISREPAIR.

PLEASE OBTAIN ALL FENCE REPAIR/REPLACEMENT PERMITS AS NEEDED AND REPAIR, REPLACE OR REMOVE THE DAMAGED FENCE.

LACK OF COMPLIANCE AND ANY OUTSTANDING VIOLATIONS PAST A RE-INSPECTION DATE WILL RESULT IN CASE BEING BROUGHT TO A HEARING BEFORE SPECIAL MAGISTRATE AND

Violations

Ordinance/Regulation	Section	Description	Means Correction	Days Comply
Chapter 26 SWIMMING POOLS*	Sec. 26-5	Maintenance standards for private swimming pools. All swimming pools located on private property within the town shall be maintained so as not to constitute a nuisance. For purposes of this section, a nuisance may include, but not be limited to, the		7
Chapter 54 BUILDINGS AND BUILDING REGULATIONS*	Sec. 54-74	Additional Landscape and Property Standards. (1) Developed lots including those swale, swale areas, sidewalks, driveway aprons, and driveways which are adjacent to, or abut a developed lot: (a) Shall be kept free of debris, rubbish, trash or		7
Chapter 78 ZONING*	Sec. 78-115	Maintenance. (a) All walls and fences shall be maintained to provide a safe, healthy and finished appearance. There shall be no excessive leaning, gates shall be in working order with a straight and true appearance. (b) All walls and fences s		7

# Case No.	Date Issue	Req'd Action
4 17100039	10/24/2017	

Owner	Address	Site Address
LAJEUNESSE ROSE V	745 GREENBRIAR DR LAKE PARK, FL 33403-2520	745 Greenbriar Dr, Lake Park, FL 33403

Description

Sec. 68-3 Prohibited outdoor storage in residential zoning districts.

- ONE VEHICLE (SILVER SUZUKI VITARA) WITHOUT A VALID TAG WAS OBSERVED PARKED ON PROPERTY.

ALL VEHICLES MUST BE PROPERLY REGISTERED WITH TAG AFFIXED TO VEHICLE AT ALL TIMES. PLEASE DISPLAY PROPER/CURRENT VEHICLE TAG OR REMOVE VEHICLE FROM PROPERTY

- OLD 55-GAL DRUM, TRASH, CONSTRUCTION AND OTHER DEBRIS WAS OBSERVED IN FRONT AND SIDE YARD OF PROPERTY

PLEASE REMOVE ALL TRASH, DEBRIS FROM YARD AND REMOVE OR PROPERLY STORE ALL CONSTRUCTION MATERIALS SCREENED FROM VIEW

Sec. 54-1 DISPLAY OF STREET NUMBER REQUIRED

All buildings within the town shall have affixed to the front of same the street number assigned thereto in accordance with the following criteria:

(1) Residential buildings. Numerals at least six inches high of a contrasting color with the background where it is affixed. Must be affixed on, immediately above or immediately to the side of the principal building entrance and clearly visible from the street

STREET NUMBERS WERE OBSERVED PAINTED OVER WITH HOUSE PAINT AND NOT CLEARLY VISIBLE.

PLEASE RE-PAINT OR REPLACE THE STREET NUMBERS TO SIZE AND COLOR CLEARLY VISIBLE FROM THE STREET

LACK OF COMPLIANCE AND ANY OUTSTANDING VIOLATIONS PAST A RE-INSPECTION DATE WILL RESULT IN CASE BEING BROUGHT TO A HEARING BEFORE SPECIAL MAGISTRATE AND MAY RESULT IN MONETARY FEES AND PENALTIES.

Violations

Ordinance/Regulation	Section	Description	Means Correction	Days Comply
Chapter 54 BUILDINGS AND BUILDING REGULATIONS*	Sec. 54-1 DISPLAY OF STREET NUMBER REQUIRED	All buildings within the town shall have affixed to the front of same the street number assigned thereto in accordance with the following criteria: (1) Residential buildings. Numerals at least six inches high of a contrasting color with the backg		6
Chapter 68 OUTDOOR STORAGE*	Sec. 68-3	Prohibited outdoor storage in residential zoning districts. Outdoor storage on a site zoned for single-family or duplex residences is subject to the following conditions and restrictions: (1) Automobiles, pickup trucks, light vans and/or motorcyc		6
Total	NEW CASES			4
Total Hearing				4