

AGENDA REQUEST FORM CITY OF DANIA

Date: January 10, 2012

Agenda Item #:

Title: Request for Abatement

Requested Action:

Re-Consideration of the Abatement Request for: Roberta H. Hansell, 23 SW 3 Street, CASE # 05-0213

Summary Explanation & Background:

This was originally cited on February 3, 2005 for 6 violations, and was given 30 days to comply. This went to the Code Enforcement Board on 7/06/05 for 6 violations. The Code Enforcement Board issued an order giving the defendant until 8/25/05 to comply or a fine of \$50.00 per day would be levied. At the 10/03/05 hearing, the Code Enforcement Board granted an extension of the fine until 12/02/05. At the 6/12/06 hearing, the fine was confirmed. The property was brought into compliance on 7/02/09. The fines ran from 12/02/05 through 7/02/09, 1308 days @ \$50.00 per day = \$65,400.00. At the 9/04/08 hearing, Special Magistrate Mark Berman granted an authorization to seek foreclosure or sue for money judgment and abated the nuisances. At the September 3, 2009 hearing, Special Magistrate Mitch Kraft recommended an abatement of \$2,500.00 plus city costs for nuisance abatement that was recommended to the City Commission. At the City Commission Abatement hearing on October 22, 2009, the Commission approved the abatement of \$2,500.00 plus city costs for nuisance abatement (totaling \$1,651.71), for a total payment due of \$4,151.71 within 180 days. The defendant was unable to pay and the case was sent back to the Special Magistrate for Authorization to Sue for Money Judgment. At the 12/08/11 hearing the defendant requested a re-consideration of the previous abatement approved (\$4,151.71) to be reinstated and allow payment, which is recommended by Special Magistrate Mark Berman to the City Commission.

Exhibits (List):

- (1) Copy of the original violation letter issued.
- (2) Copy of the Final Order issued and the Supplemental Orders issued by the Special Magistrate.
- (3) Copy of the lien total sheet.

Purchasing Approval:

Source of Additional Information: *(Name & Phone)*

Recommended for Approval By:

At the 12/08/11 hearing the defendant requested a re-consideration of the previous abatement approved (\$4,151.71) to be reinstated and allow payment, which is recommended by Special Magistrate Mark Berman to the City Commission.

Commission Action:

Passed Failed Continued Other

Comment:

City Manager

City Clerk



City of Dania Beach
FLORIDA

February 3, 2005

ROBERTA H HANSELL
23 SW 3RD ST
DANIA BEACH, FL 33004-3925

Case Number: 05-00000213

Location: 23 SW 3 ST
Folio: 5142-03-00-0310
Legal Description:
3-51-42 W 200 OF E 310 OF N 100 OF E1/2 OF SE1/4 OF NE1/4
OF NW1/4

Dear ROBERTA H HANSELL:

You are hereby notified that you are presently in violation of Dania Beach Code of Ordinances. We have attached the ordinance section(s) and corrective actions for your reference.

You are required to correct the violation(s) and call for a re-inspection by March 05, 2005. Failure to comply will result in proceedings against you by the Code Enforcement Board, as provided by law. If you require further information or have any questions about the attached violation(s), please do not hesitate to contact me.

Sincerely,

ERIC BAKER
CODE INSPECTOR

I certify that an original hereof was furnished to the above named addressee by:
Certified Mail # 7003 1350 0005 2993 4460 by DOREEN GRANT

Also sent regular mail

"Broward's First City"

CASE NUMBER 05-00000213
 PROPERTY ADDRESS 23 SW 3 ST

 VIOLATION: CH.8ARTII SEC 8-21 A5A1&2 QUANTITY: 1
 DESCRIPTION: CH.8ARTII SEC 8-21 A5A1&2PAINT DATE: 2/03/05
 LOCATION:

NARRATIVE :
 Pressure clean or paint and maintain building.

ORDINANCE DESCRIPTION :
 Violation of Chapter 8, Article II - Property Standards;
 Section 8-21(a) (5)(a), (1)&(2); Minimum Standard for
 dwellings, hotels and rooming houses. Maintenance and
 appearance standards. The exterior of all premises and
 every structure thereon, including all parts of the
 structure and apurtenance where exposed to the public view,
 shall be maintained in good condition and shall not show
 evidence of deterioration, weathering, or discoloration.
 All surfaces requiring painting or which are otherwise
 protected from the elements shall be kept painted or
 protected. Painted surfaces shall be maintained free of
 graffiti, peeling paint and with uniform colors void of any
 evidence of deterioration.

 VIOLATION: CH.8, ART.II, SEC.8-21A2G QUANTITY: 1
 DESCRIPTION: CH.8, ART.II, SEC.8-21A2G DATE: 2/03/05
 LOCATION:

NARRATIVE :
 All windows intended for ventilation must be equipped with
 fully operable hardware and fitted with screens to protect
 against mosquitoes and other insects.

ORDINANCE DESCRIPTION :
 Violation of Chapter 8, Article II - Property Standards;
 Section 8-21(a) (2) (g). Minimum Standards for Dwellings,
 Hotels, and Rooming Houses. Requirements for Ventilation.
 Every window and exterior door shall be reasonably
 weathertight, maintained without cracks and holes and in a
 good state of repair. All windows intended for ventilation
 must be equipped with fully operable hardware and fitted
 with screens to protect against mosquitoes or other insects.

 VIOLATION: CH 22, SEC 22-1 QUANTITY: 1
 DESCRIPTION: CH 22, SEC 22-1 DATE: 2/03/05
 LOCATION:

NARRATIVE :
 Address must be displayed on the building/house.

ORDINANCE DESCRIPTION :
 Violation of Chapter 22; Streets and Sidewalks;
 Section 22-1, Buildings to be numbered. All buildings

CASE NUMBER 05-00000213
 PROPERTY ADDRESS 23 SW 3 ST

ORDINANCE DESCRIPTION :

in the city must display the correct street number
 upon such building.

 VIOLATION: CH 13, SEC. 13-26 WEEDS & QUANTITY: 1
 DESCRIPTION: CH 13, SEC. 13-26 WEEDS & UNDE DATE: 2/03/05
 LOCATION:

NARRATIVE :

All accumulation and unattended weeds, trees or plant life
 must be cleaned and removed from the property.

ORDINANCE DESCRIPTION :

Violation of Chapter 13, Section 13-26; Weeds and
 Undergrowth. Property declared a public nuisance and must
 be placed into good condition. The existence of excessive
 accumulation of unattended growth of weeds, undergrowth or
 other dead or living plant life upon any lot, tract or
 parcel of land within one hundred (100) feet of any improved
 property within the city to the extent and in the manner
 that such lot, tract or parcel may adversely affect and/or
 impair the economic welfare of adjacent properties is
 hereby prohibited and declared to be a public nuisance.

 VIOLATION: CH.13,ART.II,SEC.13-34ABC QUANTITY: 1
 DESCRIPTION: CH.13,ART,II,SEC.13-34 A ,B,C DATE: 2/03/05
 LOCATION:

NARRATIVE :

All trash, garbage, litter or other misc. debris must be
 removed from property. All grass and/or weeds, trees,
 shrubs and hedges must be cut, including the abutting
 rights-of-way and property maintained.

ORDINANCE DESCRIPTION :

Violation of Chapter 13, Health & Sanitation, Article II,
 Section 13-34, Prohibitions, (a), (b), (c). It shall be
 unlawful for any owner or operator of premises within the
 City to allow the accumulation or to accumulate any garbage,
 litter, stagnant water, trash, untended vegetation, or to
 allow any discoloration, or any nuisance as defined in
 section 13-21 upon the property. Each Owner or Operator of
 property within the City shall keep such property, and the
 adjoining unpaved portions of the public rights-of-way,
 swales and canal banks clean and free from any accumulation
 of garbage, trash, or litter. The owners and operators of
 all improved property within the city shall not permit
 untended vegetation upon such property, and the adjoining
 portions of the rights-of-way, swales and canal banks.

 VIOLATION: CH.8,ART.II,,SEC.8-21B4A QUANTITY: 1
 DESCRIPTION: CH.8,ART.II,SEC.8-21(B)(4)A DATE: 2/03/05
 LOCATION:

NARRATIVE :

CONTINUED

CASE NUMBER 05-00000213
PROPERTY ADDRESS 23 SW 3 ST

NARRATIVE :

Obtain roof permit and replace damaged roof material which is in a state of disrepair. Make roof watertight and eliminate the blighting influence condition causing a reduction of value to surrounding properties.

ORDINANCE DESCRIPTION :

Violation of Chapter 8, Article II, Property Standards; Section 8-21 (b)(4)a. General Requirements for all dwellings, dwelling units, hotels, hotel Units, rooming houses, and rooming units. Foundations, floors, walls, ceilings, roofs, windows and doors and all other building parts shall be structurally sound, weather-proof, watertight and rodentproof, and shall be kept in a good state of repair. Roof surfaces shall be watertight.

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8-30-05
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CODE ENFORCEMENT BOARD
CITY OF DANIA BEACH, FLORIDA

CITY OF DANIA BEACH, a Florida : CASE # 05-0213
municipal corporation

PLAINTIFF, : FINAL ORDER

vs. :

ROBERTA H. HANSELL

DEFENDANT :

ORDER OF THE DANIA BEACH CODE ENFORCEMENT BOARD

This proceeding came on for Formal Hearing on July 6, 2005, after notice. Upon the evidence presented, the Board makes the following findings of fact:

- a. The board has jurisdiction of the Defendant and the subject matter of this action; and
- b. Defendant, Roberta H. Hansell, did allow the following code violations to exist at property Defendant owns located at 23 SW 3 Street, Dania Beach, Florida, which property is legally described as: 3-51-42 W.200 OF E 310 OF N 100 OF E1/2 OF SE1/4 OF NE1/4 OF NW1/4 (# 1203 00 0310):
 - 1. Chapter 22; Streets and Sidewalks; Section 22-1, Buildings to be numbered. The street address is missing from a building on the property. Failure to place correct street address on a building on the subject property.

2. Chapter 13, Section 13-26; Weeds and Undergrowth. There is an accumulation of untended weeds and/or plant life on the property. Failure to clean and remove all untended weeds and/or plant life from the subject property.
3. Chapter 13, Health & Sanitation, Article II, Section 13-34, Prohibitions, (a)(b)(c). There is trash, garbage, litter or other miscellaneous debris on the subject property and grass, and/or weeds, trees, shrubs and hedges must be cut, including the abutting rights-of-way. Failure to remove all trash, garbage, litter or other miscellaneous debris and cut grass, and/or weeds, trees, shrubs and hedges, including the abutting rights-of-way.
4. Chapter 8, Article II – Property Standards; Section 8-21 (a)(5)(a), (1) & (2); Minimum Standards for dwellings, hotels, and rooming houses. Maintenance and appearance standards. Failure to pressure clean or paint a building on the subject property which is discolored and has mildew.
5. Chapter 8, Article II, Property Standards; Section 8-21 (b)(4)a. General requirements for all dwellings, dwelling units, hotels, hotel units, rooming houses, and rooming units. The roof on a building on the subject property is in disrepair and is covered by a blue tarp. Failure to repair or replace roof which is in disrepair. A permit may be required.

Upon consideration thereof, the motion was made and carried. It is, thereupon ORDERED:

1. Defendant, Roberta H. Hansell:
 - (a) has been found to be in violation of the above described code sections listed in paragraphs b.(1) through b.(3). A fine of \$50.00 per day will begin running 30 days from the date this order is signed by the Chairperson of the Board.

The City of Dania Beach shall have and recover from Defendant, Roberta H. Hansell, for the foregoing violations listed in paragraphs b.(1) through b.(3), a fine of \$50.00 per day, to begin running 30 days from the date this order is signed by the Chairperson of the Board.

Return to: Patricia Varney, Finance Director
City of Dania Beach
100 W. Dania Beach Blvd.
Dania Beach, FL 33004

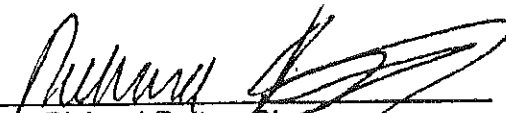
(b) has been found to be in violation of the above described code sections listed in paragraphs b.(4) and b.(5). A fine of \$50.00 per day will begin running 90 days from the date this Order is signed by the Chairman of the Board.

The City of Dania Beach shall have and recover from Defendant, Roberta H. Hansell, for the foregoing violations listed in paragraphs b. (4) and b.(5), a fine of \$50.00 per day, to begin running 90 days from the date this order is signed by the Chairperson of the Board.

The fine shall continue until said violations come into compliance with said sections of the City Code upon requested inspection. Upon complying, the Defendant must notify the City's Code Enforcement Department and an officer will inspect the property and notify the Code Enforcement Board whether Defendant has complied. If the Defendant does not notify the City's Code Enforcement Department, an officer will not inspect the property and the fine will continue to be imposed each day until a code officer is notified, inspects the property and determines the property to be in compliance with this order. Said fine shall constitute a lien upon the real property and personal property of the Defendant.

In the event this Final Order is recorded as a lien, a charge will be imposed to record the Final Order and any lien satisfaction. ORDERED at Dania Beach, Broward County, Florida, this 26 day of July, 2005.

DANIA BEACH CODE ENFORCEMENT BOARD

By: 
Richard Beltor, Chairperson

Return to: Patricia Varney, Finance Director
City of Dania Beach
100 W. Dania Beach Blvd.
Dania Beach, FL 33004

FINAL ORDER
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Notary Seal:

Sworn and subscribed before me this
26 day of July 2005.

Gloria J. Brandes
NOTARY PUBLIC STATE OF FLORIDA

Richard Bettor is personally known to me.



Gloria J Brandes
My Commission DD187260
Expires May 10, 2007


Return to: Patricia Varney, Finance Director
City of Dania Beach
100 W. Dania Beach Blvd.
Dania Beach, FL 33004

FINAL ORDER
#05-0213
PAGE 5

CERTIFICATE OF SERVICE

I CERTIFY that a copy of the foregoing Final Order was mailed to the Defendant,
Robert H. Hansell, this 26 day of July, 2005.

CERTIFIED MAIL 7004 2510 0003 0645 9077


GLORIA J. BRAUDES
CODE ENFORCEMENT BOARD CLERK

APPROVED AS TO FORM AND CORRECTNESS


TIM RYAN, SPECIAL CITY ATTORNEY

Also sent first class mail

Return to: Patricia Varney, Finance Director
City of Dania Beach
100 W. Dania Beach Blvd.
Dania Beach, FL 33004

**CODE ENFORCEMENT BOARD
CITY OF DANIA BEACH, FLORIDA**

CITY OF DANIA BEACH, a Florida
Municipal corporation

CASE # 05-0213

PLAINTIFF,

FINAL ORDER

vs.

DEFENDANT

ROBERTA H. HANSELL

SECOND SUPPLEMENTAL ORDER/ CLAIM OF LIEN

The City of Dania Beach Code Enforcement Board ("Board") 100 West Dania Beach Boulevard, Dania Beach, Florida 33004, having received the testimony and affidavit of Code Inspector Eric Baker, on the City's Motion to Confirm Fine held on the 12th day of June 2006 and based on the evidence, the Board enters the following findings of fact and order:

1. That the Board did issue on the 26th day of July 2005, a two part Final Order in the above captioned case commanding the defendant, Roberta H. Hansell, to bring the violations specified in said Final Order into compliance on or before 8/25/05 and 10/24/05, or pay a fine in the amount of \$50.00 per day for each day of non compliance thereafter. The board
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entered a Supplemental Order extending the compliance date on the violations to 12/02/05.

2. That said violations occurred on the following described real property situate, lying and being in Broward County, Florida, to wit: 3-51-42 W 200 OF E 310 OF N 100 OF E 1/2 OF SE 1/4 OF NE 1/4 OF NW 1/4 (# 1203 00 0310).
3. That the Defendant, Roberta H. Hansell, did not comply with the Final Order and Supplemental Order on or before the date specified therein.
4. It is the order of this Board that the fine specified in said Final Order is hereby confirmed and ratified and shall accrue at the per diem specified until such time as the defendant, Roberta H. Hansell, shall comply with said Final Order. Upon complying, the defendant shall notify the City's Code Enforcement Department and an officer will inspect the property and notify the Code Enforcement Board whether defendant has complied.
5. It is the order of this Board that the fine shall constitute a lien against the above described real property and it shall be a lien against any other real or personal property owned by defendant.

DONE AND ORDERED at Dania Beach, Broward County, Florida, this 5
Day of July, 2006.

DANIA BEACH CODE ENFORCEMENT BOARD

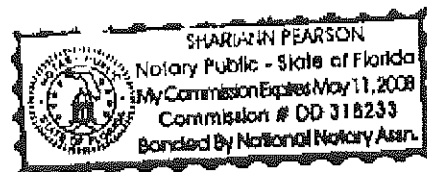
By: *Richard Bettor*
Richard Bettor, Chairman

Sworn to and subscribed before me this 5 day of July, 2006,
By Richard Bettor, who is personally known to me.

Sharizah Pearson
NOTARY PUBLIC STATE OF FLORIDA

Return to: Patricia Varney
Finance Director
City of Dania Beach
100 West Dania Beach Blvd.
Dania Beach, FL 33004

2



CERTIFICATE OF SERVICE

I CERTIFY that a copy of the foregoing Supplemental Order/Claim of Lien
was mailed to the Defendant, Roberta H. Hansell, this 5 day of
July, 2006.

CERTIFIED MAIL # 7003 1680 0002 5106 4977

Shariam Pearson
ACTING CODE ENFORCEMENT
BOARD CLERK

APPROVED AS TO FORM AND CORRECTNESS

[Signature]
TIMOTHY M. RYAN, SPECIAL CITY ATTORNEY

Also sent regular mail

Return to: Patricia Varney
Finance Director
City of Dania Beach
100 West Dania Beach Blvd.
Dania Beach, FL 33004

CODE COMPLIANCE SPECIAL MAGISTRATE

CITY OF DANIA BEACH, FLORIDA

CITY OF DANIA BEACH, a Florida : CASE # 05-0213
Municipal Corporation,

PETITIONER, : FINAL ORDER

vs. :

ROBERTA H HANSELL,

RESPONDENT. :

SUPPLEMENTAL ORDER TO ABATE NUISANCE

This proceeding came on for Formal Hearing on September 4, 2008, after notice. Upon the evidence presented, the Code Compliance Special Magistrate makes the following findings of fact:

- a. The Code Compliance Special Magistrate has jurisdiction of the Respondent and the subject matter of this action;
- b. At a Formal Hearing on July 6, 2005, the Code Compliance Special Magistrate determined that Respondent, Roberta H Hansell, did allow the code violations stated in the Final Order dated July 26, 2005, to exist at property Respondent owns located at 23 SW 3 Street, Dania Beach, Florida, which property is legally described as: 3-51-42 W 200 OF E 310 OF N 100 OF E1/2 OF SE1/4 OF NE1/4 OF NW1/4 (# 1203 00 0310). Upon consideration thereof, the motion was made and carried. It is thereupon

ORDERED:

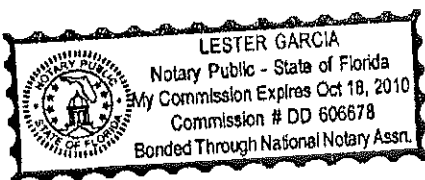
1. Respondent, Roberta H Hansell:
 - (a) has been found to be in violation of the code sections listed in paragraphs b.(1) through b.(5) in the Final Order dated July 26, 2005. A fine of \$50.00 per day was scheduled to commence on August 25, 2005, for the violations listed in paragraphs b.(1) through b.(3) and a fine of \$50.00 per day to commence on October 24, 2005, for

the violations listed in paragraphs b.(4) and b.(5). Pursuant to the Special Magistrate's Order dated October 14, 2005, the date for compliance on all of the violations was extended to December 2, 2005, and the fines were confirmed by the Final Order dated July 5, 2006.

(b) The violations of Code Sections 13-34 (a) (b) and (c) present a serious threat to the public health, safety and welfare due since there is a large colony of feral cats on the property and there is an accumulation of cat waste emitting a foul odor and attracting flies. In addition, there are tree branches or other foliage extending beyond the property and obscuring the view of a roadway sign. If Respondent does not correct the violations listed by September 26, 2008, the City is directed to remove the violations by removing all feral cats and cat waste from the property, boarding up or otherwise closing all openings at the base of the building, and cutting back and trimming all tree branches and foliage obscuring the roadway sign. The City's reasonable cost for corrective action shall be charged to Respondent, along with the fine imposed in the Final Order dated July 26, 2005.

(b) Except as expressly amended herein, the Code Compliance Final Order in this case dated July 26, 2005, shall remain in full force and effect.

ORDERED at Dania Beach, Broward County, Florida, this 3 day of OCTOBER, 2008.




Notary Seal:

Sworn and subscribed before me this
3 day of OCTOBER 2008.

CODE COMPLIANCE SPECIAL MAGISTRATE

By:


Mark E. Berman, Esq.


NOTARY PUBLIC STATE OF FLORIDA

Mark E. Berman is personally known to me.

Return to: Patricia Varney, Finance Director
City of Dania Beach
100 West Dania Beach Blvd.
Dania Beach, FL 33004

Final Order
#05-0213
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CERTIFICATE OF SERVICE

I CERTIFY that a copy of the foregoing Supplemental Order to Abate Nuisance was mailed to the Respondent, Roberta H Hansell, this 3 day of OCTOBER, 2008.

CERTIFIED MAIL # 7008 1140 0003 1257 6892



CODE COMPLIANCE
SPECIAL MAGISTRATE CLERK

CC: First Class Standard Mail
If

Return to: Patricia Vamey, Finance Director
City of Dania Beach
100 West Dania Beach Blvd.
Dania Beach, FL 33004

City of Dania Beach

100 W. Dania Beach Blvd.
 Dania Beach, FL 33004
 954-924-3662

OWNER: HANSELL, ROBERTA
 FOLIO: 1203-00-0310
 LEGAL: 3-51-42 W 200 OF E 310 OF N 100 OF E1/2 OF SE1/4 OF NE1/4 OF NW1/4
 ADDRESS: 23 SW 3 ST

CODE ENFORCEMENT ORDER LIEN					CEB 05-0213				
Start Date	Through Date	Lien Amount	# of Days	TOTAL FINE	Record Fee	BOOK	PAGE	DATE	RELEASED
12/2/2005	7/2/2009	\$50.00	1,308	\$65,400.00	\$185.00	42547	1268-1273	8/7/2006	
Total					\$67,236.71	42547	1274-1277	8/7/2006	

THIS PROPERTY IS IN COMPLIANCE AS OF 7/2/2009

REVISED 1/10/2012

ESTIMATED COST OF RECORDING FEES		
6	PAGES FINAL ORDER	52.50
4	PAGES CLAIM OF LIEN	35.50
3	PAGES RELEASE OF LIEN	27.00
	ADM. FEE RECORDING LIEN	40.00
	ADM. FEE RECORDING RELEASE	30.00
		<hr/>
		185.00