

# AGENDA REQUEST FORM CITY OF DANIA BEACH

**Date:** May 8, 2012

**Agenda Item #:**

**Title:** Request for Abatement

**Requested Action:**

Consideration of the Abatement Request for: Prince Washington Jr., 270 NW 14 Way,  
Case #09-1754

**Summary Explanation & Background:**

This was originally cited on 9/15/09 for 10 violations. This went to the Special Magistrate on 3/4/10 for 10 violations. The Special Magistrate issued an order giving the respondent until 6/12/10 to comply or a fine of \$100.00 per day would be levied. At the 10/7/10 hearing the Special Magistrate confirmed the fine as a lien. The property was brought into compliance on 2/25/12. The fine ran from 6/12/10 through 2/25/12, 623 days @ \$100.00 per day = \$62,300.00 plus recording/admin fees of \$249.50, for a total of \$62,549.50. At the 5/3/12 hearing Special Magistrate Mark Berman recommended an abatement of the fine to \$2,700.00 to the City Commission.

**Exhibits (List):**

- (1) Copy of the original violation letter issued.
- (2) Copy of all Final Orders and 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 5/3/12 hearing Special Magistrate Mark Berman recommended an abatement of the fine to \$2,700.00 to the City Commission.

**Commission Action:**

Passed  Failed  Continued  Other

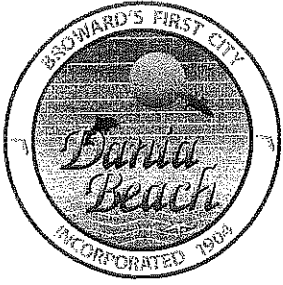
**Comment:**

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City Manager

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City Clerk



# City of Dania Beach

FLORIDA

September 15, 2009

PRINCE WASHINGTON JR  
5733 WILEY ST  
HOLLYWOOD, FL 33023

Case Number: 09-00001754

Location: 270 NW 14 WAY  
Folio: 5042-33-15-0040-  
Legal Description:  
SUN GARDENS FIRST ADD 30-21 B TRACT A E 62.50 LESS S 490 SUN  
GARDENS FIRST ADD 30-21 B TRACT A E 62.50 LESS S 490

Dear PRINCE WASHINGTON JR:

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 October 15, 2009. Failure to comply will result in proceedings against you by the Code Enforcement Special Magistrate, as provided by law. If the violation is corrected and then reoccurs or if the violation is not corrected by the time specified for correction by the Code Inspector, the case may be presented to the Code Enforcement Special Magistrate for imposition of a fine and lien against the property even if the violation has been corrected prior to the hearing.

If you require further information or have any questions about the attached violation(s), please do not hesitate to contact me at 954 924-6810 ext. 3706.

Sincerely,

WARREN OSTROFSKY  
CODE INSPECTOR

I certify that an original hereof was furnished to the above named addressee by:

Certified Mail # 7009 0820 0000 4013 0541 by SM

Also sent regular mail

"Broward's First City"

CASE NUMBER 09-00001754  
 PROPERTY ADDRESS 270 NW 14 WAY

VIOLATION: CE008021127001 QUANTITY: 1  
 DESCRIPTION: DBCC 8-21(a)(2)(g) Win/Door Mn DATE: 9/15/09  
 LOCATION:

ORDINANCE DESCRIPTION :

DBCC 8-21(a)(2)(g) states every window and exterior door shall be reasonably weathertight, maintained without cracks and holes, and in a state of good repair.

CORRECTIVE ACTION REQUIRED :

Insure every window and exterior door is reasonably weathertight, maintained without cracks and holes, and in a state of good repair. Obtain any and all permits and approvals as necessary or required.

VIOLATION: CE008021127002 QUANTITY: 1  
 DESCRIPTION: DBCC 8-21(a)(2)(g) Window Equi DATE: 9/15/09  
 LOCATION:

ORDINANCE DESCRIPTION :

DBCC 8-21(a)(2)(g) states all windows intended for ventilation must be equipped with fully operable hardware and fitted with screens.

CORRECTIVE ACTION REQUIRED :

Insure all windows intended for ventilation are equipped with fully operable hardware and fitted with screens. Obtain any and all permits and approvals as necessary or required.

VIOLATION: CE008021141001 QUANTITY: 1  
 DESCRIPTION: DBCC 8-21(a)(4)(a) Bldg Cond DATE: 9/15/09  
 LOCATION:

ORDINANCE DESCRIPTION :

DBCC 8-21(a)(4)(a) requires foundations, floors, walls, ceilings, roofs, roof surfaces, windows, doors, and all other building parts to be structurally sound, weather proof, water tight, rodent proof, and kept in a state of good repair.

CORRECTIVE ACTION REQUIRED :

Obtain any and all permits and approvals required to repair any foundations, floors, walls, ceilings, roofs, roof surfaces, windows, doors, and/or other building parts to insure they are structurally sound, weather proof, water tight, rodent proof, and in a state of good repair.

VIOLATION: CE008021145001 QUANTITY: 1  
 DESCRIPTION: DBCC 8-21(a)(4)(e) Elec Cond DATE: 9/15/09  
 LOCATION:

ORDINANCE DESCRIPTION :

CONTINUED

CASE NUMBER 09-00001754  
PROPERTY ADDRESS 270 NW 14 WAY

## ORDINANCE DESCRIPTION :

DBCC 8-21(a)(4)(e) requires all electrical wiring and accessories to be maintained in good, safe working condition and be adequately insulated and protected. No wiring, outlets, or connections shall be left exposed so as to create a hazardous condition.

## CORRECTIVE ACTION REQUIRED :

Insure all electrical wiring and accessories are maintained in good, safe working condition, are adequately insulated and protected, and that no wiring, outlets, or connections are exposed so as to create a hazardous condition.

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VIOLATION: CE008021146002 QUANTITY: 1  
DESCRIPTION: DBCC 8-21(a)(4)(f) Fences/Wall DATE: 9/15/09  
LOCATION:

## ORDINANCE DESCRIPTION :

DBCC 8-21(a)(4)(f) states all fences, walls, and similar enclosures shall be maintained in a state of good repair.

## CORRECTIVE ACTION REQUIRED :

Insure all fences, walls, and similar enclosures are maintained in a state of good repair. Obtain any and all permits and approvals as necessary or required.

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VIOLATION: CE008021151101 QUANTITY: 1  
DESCRIPTION: DBCC 8-21(a)(5)(a)(1) Bldg Mnt DATE: 9/15/09  
LOCATION:

## ORDINANCE DESCRIPTION :

DBCC 8-21(a)(5)(a)(1) states the exterior of all premises and every structure thereon, including all parts of the structure and appurtenance where exposed to public view, shall be maintained in good condition and shall not show evidence of deterioration, weathering, discoloration, ripping, tearing, or other holes or breaks.

## CORRECTIVE ACTION REQUIRED :

Insure the exterior of all premises and every structure thereon, including all parts of the structure and appurtenance where exposed to public view, is in good condition and does not show evidence of deterioration, weathering, discoloration, ripping, tearing, or other holes or breaks. Obtain any and all permits and approvals as necessary or required.

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VIOLATION: CE008021151201 QUANTITY: 1  
DESCRIPTION: DBCC 8-21(a)(5)(a)(2) Paint DATE: 9/15/09  
LOCATION:

ORDINANCE DESCRIPTION :

CASE NUMBER 09-00001754  
 PROPERTY ADDRESS 270 NW 14 WAY

ORDINANCE DESCRIPTION :

DBCC 8-21(a)(5)(a)(2) states all surfaces requiring painting or which are otherwise protected from the elements shall be kept painted or protected, maintained free of graffiti, and be of uniform colors void of any evidence of deterioration.

CORRECTIVE ACTION REQUIRED :

Insure all surfaces requiring painting or which are otherwise protected from the elements are painted or protected, are free of any graffiti, and are uniform in color with no evidence of deterioration.

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 VIOLATION: CE022001000001 QUANTITY: 1  
 DESCRIPTION: DBCC 22-1 Bldg Numbers (Front) DATE: 9/15/09  
 LOCATION:

ORDINANCE DESCRIPTION :

DBCC 22-1 states any building in the city must display the correct street number upon such building.

CORRECTIVE ACTION REQUIRED :

Insure the building has and displays the correct street number upon the building and that it is visible from the right of way.

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 VIOLATION: CE028004020101 QUANTITY: 1  
 DESCRIPTION: DBCC 28-4.20(a) Appl of Regs DATE: 9/15/09  
 LOCATION:

ORDINANCE DESCRIPTION :

DBCC 28-4.20(a) states no building shall be erected, added on to, reconstructed or structurally altered, nor shall any building or land be used which does not comply with all the regulations established by this chapter for the district in which the building or land is located.

CORRECTIVE ACTION REQUIRED :

Insure the building or land is in compliance with all requirements of Chapter 28, and that any required permits and/or approvals are obtained for the subject property prior to occupancy and/or use. Contact the inspector listed for further explanations and/or instructions.

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 VIOLATION: CE105001000001 QUANTITY: 1  
 DESCRIPTION: FBC 105.1 Permits Required DATE: 9/15/09  
 LOCATION:

ORDINANCE DESCRIPTION :

FBC 105.1 requires any owner or authorized agent who intends to construct, enlarge, alter, repair, move,

CASE NUMBER 09-00001754  
PROPERTY ADDRESS 270 NW 14 WAY

## ORDINANCE DESCRIPTION :

demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by the Florida Building Code (2004), or to cause any such work to be done, must first make application to the building official (or building department) and obtain the required permit(s).

## CORRECTIVE ACTION REQUIRED :

Obtain any and all permits and approvals required for any and all construction/building activities on the subject property. Contact the inspector listed for further explanations and/or instructions.

# DETAILED INSPECTION REPORT

DATE : 09-09-09
CASE # :
FOLIO-5042-33-15-0040
ADDRESS -270 NW 14 WAY
OWNER-WASHINGTON, PRINCE JR
THE NEW WINDOW THAT WAS INSTALLED NEEDS CITY'S APPROVAL AND PERMIT(S) FOLLOWED BY INSPECTIONS.

**CODE COMPLIANCE SPECIAL MAGISTRATE**  
**CITY OF DANIA BEACH, FLORIDA**

CITY OF DANIA BEACH, a Florida                   :                   CASE # 09-1754  
Municipal Corporation,  
  
      PETITIONER,   :  
  
      vs.   :  
  
PRINCE WASHINGTON JR  
  
      RESPONDENT(S).                                     :

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**FINAL ORDER OF THE DANIA BEACH CODE COMPLIANCE SPECIAL**  
**MAGISTRATE**

This proceeding came on for Formal Hearing on March 4, 2010, after notice. Based upon the evidence presented, the Code Compliance Special Magistrate makes the following findings of fact and conclusions of law:

- a. The Code Compliance Special Magistrate has jurisdiction of the Respondent(s) and the subject matter of this action.
- b. The Respondent(s) or a representative for the Respondent(s) was not present at the hearing.
- c. Respondent(s), Prince Washington Jr., did allow the following code violations to exist at property Respondent(s) owns/own, located at 270 NW 14 Way, Dania Beach, Florida, which property is legally described as: SUN GARDENS FIRST ADD 30-21 B TRACT A E 62.50 LESS S 490 (# 0233 15 0040):
  1. DBCC 8-21 (a) (2) (g) Window and Doors Minimum Standards. Every window and exterior door shall be reasonably weather tight, maintained, without cracks and



holes and in a state of good repair. There are broken, damaged windows that have holes. Damaged or deteriorated windows must be repaired or replaced. A permit is required for any window replacement.

2. DBCC 8-21 (a) (2) (g) states all windows intended for ventilation must be equipped with fully operable hardware and fitted with screens. There are windows without screens.

3. DBCC 8-21 (a) (4) (a) Building Condition Minimum Standards. Requires foundations, floors, walls, ceilings, roofs, roof surfaces, windows, doors and all other building parts to be structurally sound, weather proof, water tight, rodent proof, and kept in a state of good repair. The light fixtures, walls and fascia are in disrepair. The fascia has holes and the walls are exposed.

4. DBCC 8-21 (a) (4) (e) Electrical Condition Minimum Standards. All electrical wiring and accessories must be maintained in good, safe working condition and be adequately insulated and protected. No wiring, outlets, or connections shall be left exposed so as to create a hazardous condition. There is exposed electric wiring by the front door that is creating a hazardous condition.

5. DBCC 8-21 (a) (4) (f) States all fences, garden walls, and similar enclosures shall be maintained in a state of good repair. The fence is broken.

6. DBCC 8-21 (a) (5) (a) (1) Building Maintenance. The exterior of all premises and any structure thereon, including all parts of the structure and appurtenance where exposed to public view, shall be maintained in good condition and shall not show evidence of deterioration, weathering, discoloration, ripping, tearing, or other holes or breaks. The building exterior is weathered, deteriorated and not maintained in good condition.

7. DBCC 8-21 (a) (5) (a) (2) Painting Minimum Standards. All surfaces requiring painting shall be kept painted or protected, maintained free of graffiti, and be of uniform colors devoid of any evidence of deterioration. The exterior surface of the structure such as the fascia is deteriorated and must be painted.

8. DBCC 22-1 Building Numbers. Any building in the city must display the correct street number upon such building. The street number is not displayed on the front of the building.

9. DBCC 28-4.20 (a) Application of Regulations. No building shall be erected, added on to, reconstructed or structurally altered, nor shall any building or land be used which does not comply with all the regulations established by this chapter for the district in which the building or land is located. A window was installed without building and zoning approval.

10. FBC 105.1 Permits Required. Requires any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by the Florida Building Code, or to cause any such work to be done, to first make application to the building department and obtain the required permit(s). There is no permit for the front window.

Upon consideration by the Special Magistrate, it is ORDERED:

1. Respondent(s) has/have been found to be in violation of the above described code sections listed in paragraphs c.(1) through c.(10). A fine of \$100.00 per day will begin running on June 12, 2010.

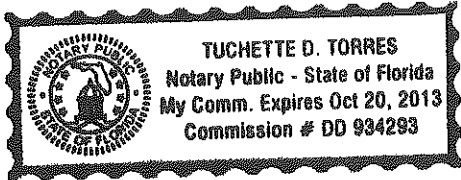
The City of Dania Beach shall have and recover from Respondent(s), for the foregoing violations listed above, a fine of \$100.00 per day beginning June 12, 2010.

**The fine shall continue until the violations come into compliance with the sections of the City Code upon requested inspection. Upon complying, the Respondent(s) MUST notify the City's Code Compliance Department and an officer will inspect the property and notify the Code Compliance Special Magistrate whether Respondent(s) has/have complied. If the Respondent(s) does/do not notify the City's Code Compliance 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. The fine shall constitute a lien upon the real property and personal property of the Respondent(s).**

2. **In addition, the Special Magistrate has also assessed an additional fine of \$100.00 to cover costs incurred by the City in the prosecution of this matter. Said amount is now due, and must be paid prior to the compliance date as ordered. If**

not paid, this fine may also constitute a lien against the above referenced property which may also be actionable by law.

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, on March 22, 2010.



CODE COMPLIANCE SPECIAL MAGISTRATE

By: [Signature]  
Mitch Kraft, Esq.

Notary Seal:

Sworn and subscribed before me on March 22, 2010.

[Signature]  
NOTARY PUBLIC STATE OF FLORIDA

Mitch Kraft is personally known to me.

**CERTIFICATE OF SERVICE**

I CERTIFY that a copy of the foregoing Final Order was mailed to the Respondent(s) on March 22, 2010.

7009 0080 0001 0484 9112

CERTIFIED MAIL #

[Signature]  
CODE COMPLIANCE  
SPECIAL MAGISTRATE CLERK

CC: First Class Standard Mail

sm

**CODE COMPLIANCE SPECIAL MAGISTRATE**

**CITY OF DANIA BEACH, FLORIDA**

CITY OF DANIA BEACH, a Florida           :           CASE # 09-1754  
Municipal Corporation,  
  
      PETITIONER,                            :           FINAL ORDER  
  
          vs.                                    :  
  
PRINCE WASHINGTON JR  
  
      RESPONDENT(S).                     :

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**SUPPLEMENTAL ORDER /CLAIM OF LIEN**

The CITY OF DANIA BEACH CODE COMPLIANCE SPECIAL MAGISTRATE, having received the notice and testimony of Code Officer Warren Ostrofsky, on the City's Motion to Confirm Fine held on October 7, 2010, and based on the evidence, the Code Compliance Special Magistrate enters the following findings of fact and order:

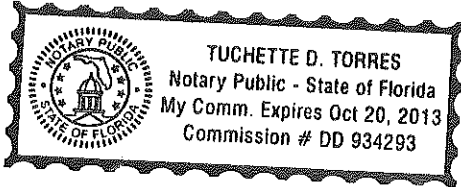
1. The Respondent(s) or a representative for the Respondent(s) was not present at the hearing.
2. That the Code Compliance Special Magistrate did issue on March 4, 2010, a Final Order in the above-captioned case commanding the Respondent(s), Prince Washington, Jr., to bring the violations specified in the Final Order into compliance on or before June 12, 2010, or pay a fine in the amount of \$100.00 per day for each day of non-compliance thereafter.
3. The violations found by the Code Compliance Special Magistrate and entered in the Final Order occurred on the following described real property located at 270 NW 14 WAY, Dania Beach, which property is legally described as: SUN GARDENS FIRST ADD 30-21 B TRACT A E 62.50 LESS S 490 (# 0233 15 0040).
4. Respondent(s) did not comply with the Final Order on or before June 12, 2010. There are violations stated in the Final Order which still exist on the Property.

5. The fine stated in the Final Order is confirmed and ratified and shall accrue at the per diem rate specified until such time as the Respondent(s) has/have complied with the Final Order. Upon complying, **the Respondent(s) MUST notify** the City's Code Compliance Department and an officer will inspect the property and notify the Code Compliance Special Magistrate whether Respondent(s) has/have complied.

6. 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 Respondent(s).

DONE and ORDERED at Dania Beach, Broward County, Florida, on

October 15, 2010.



CODE COMPLIANCE SPECIAL MAGISTRATE

By:

*[Signature]*  
Mark E. Berman, Esq.

Notary Seal:

Sworn and subscribed before me on  
October 15 2010.

*[Signature]*  
NOTARY PUBLIC STATE OF FLORIDA

Mark E. Berman is personally known to me.

**CERTIFICATE OF SERVICE**

I CERTIFY that a copy of the foregoing Supplemental Order/Claim of Lien was mailed to the Respondent(s) on October 15, 2010.

CERTIFIED MAIL # 7010 1060 0000 13715965

*[Signature]*  
CODE COMPLIANCE  
SPECIAL MAGISTRATE CLERK

CC: First Class Standard Mail

tt

Return to: Mark Bates  
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  
 954-924-6800 Ext. 3662

OWNER: PRINCE WASHINGTON, JR.

FOLIO: 0233-15-0040

LEGAL: SUN GARDENS FIRST ADD 30-21 B TRACT A E 62.50 LESS S 490

ADDRESS: 270 NW 14 WAY

CODE ENFORCEMENT ORDER LIEN					CEB 09-1754		RECORDED		RELEASED	
Start Date	Through Date	Lien Amount	# of Days	TOTAL FINE	Record Fee	BOOK	PAGE	BOOK	PAGE	DATE
6/12/2010	2/25/2012	\$100.00	623	\$62,300.00	\$249.50	47458	908-913	47846	389-395	10/19/2010
					Total					4/13/2011

Property compiled on 2/25/12

REVISED 5/8/2012

ESTIMATED COST OF RECORDING FEES		
1	PAGES CERTIFIED COPY COVER	10.00
4	PAGES FINAL ORDER	34.00
2	PAGES SUPPLEMENTAL ORDER	17.00
2	PAGES RELEASE OF LIEN	18.50
	ADM. FEE RECORDING LIEN	40.00
	ADM. FEE RECORDING RELEASE	30.00
	ADM. FEE - SPECIAL MAGISTRATE FINE	100.00
		<b>249.50</b>