

AGENDA REQUEST FORM CITY OF DANIA BEACH

Date: May 5, 2016 **Agenda Item #:**

Title: Request for Abatement

Requested Action:

Approval of the settlement received for: Elaine Law, 250 SW 7 ST,
Case # 12-0133

Summary Explanation & Background:

This was originally cited on 2/4/12 for 9 violations. This went to the Special Magistrate on 9/6/12 for 6 violations. The Special Magistrate Mark Berman issued an order giving the respondent until 10/16/12 to comply or a fine of \$200.00 per day would be levied. At the 3/7/13 hearing, the Special Magistrate Gordon Linn confirmed the fine as a lien. The fine ran from 10/16/12 through 12/15/14, 790 days @ \$200.00 per day = \$158,000.00 plus recording/admin fees of \$216.00, for a total of \$158,216.00. The City received a total settlement of \$2,500.00 for code fines.

Exhibits (List):

- (1) Copy of the history report.
- (2) Copy of the lien sheet

Purchasing Approval:

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

Recommended for Approval By:

This is a request to accept the settlement offer received by the City due to the sale of the property. The City received a total settlement of \$2,500.00 for code fines.

Commission Action:

Passed Failed Continued Other

Comment:

City Manager

City Clerk

CASE INSPECTION NOTES	Per SM Hearing of 4/2/15, send to Commission Abatement hearing on 6/3/15 LW 4/3/15	04-03-2015
CASE HEARING NOTES	Per the Commission at the 6/3/15 Commission Abatement Hearing the following was ordered: Abatement of \$7,500.00 granted to be paid by 8/3/15 LW 6/4/15	06-04-2015

Case Activity Comments

INITIAL - INITIAL INSPECTION	02-04-2012
HISTORICAL - DMS Violation Letter	02-28-2012
REINSPECTION - REINSPECTION	03-29-2012

Case Violations

1	8-21(a)(5)(a)(1) Building Maintenance	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.	ACTIVE	02/04/2012
2	8-21(a)(5)(a)(2) Paint Maintenance	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.	ACTIVE	02/04/2012
3	13-34(a) Nuisance Accumulation	DBCC 13-34(a) states it is unlawful for any owner or operator of premises within the city to allow the accumulation of or to accumulate any garbage, litter, trash, stagnant water, untended vegetation, or to allow any discoloration, or any nuisance as defined in section 13-21 upon the premises.	ACTIVE	02/04/2012
4	13-34(b) Property & R/W Maintenance	DBCC 13-34(b) states 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/or canal banks clean and free from any accumulation of garbage, trash, and litter.	ACTIVE	02/04/2012
5	13-34(c) Untended Vegetation	DBCC 13-34(c) states the owners and operators of all improved property within the city shall not permit untended vegetation upon such property and the public rights of way, swales, and/or canal banks. Untended vegetation includes all grass, weeds, and underbrush in excess of eight (8) inches in height from the ground, and any overgrown vines and similar other vegetation.	ACTIVE	02/04/2012
6	13-74(c) Garbage/Trash receptacles in R/W	DBCC 13-74(c) states all garbage carts and all other receptacles shall be removed from the right of way and from the front yard no later than dusk of the day of collection.	ACTIVE	02/04/2012
7	15-1 BTR/License Required	DBCC 15-1 states it is unlawful for any person to engage in, manage or allow anyone on the person's property to engage in or manage any business in the city without having a business tax receipt (previously referred to as a license) from the city.	ACTIVE	02/04/2012
8	100-40(D) Prohibited Use	DBLDC 100-40(D) states any use not specifically listed as a permitted use or a special exception use for the subject property's zoning district is prohibited.	ACTIVE	02/04/2012

9	FBC 105.1 Permits Required	FBC 105.1 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 (2007 ed.), 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).	ACTIVE	02/04/2012
---	----------------------------	--	--------	------------

City of Dania Beach

100 W. Dania Beach Blvd.
 Dania Beach, FL 33004
 954-924-6810

ELAINE LAW
 1203-06-0660
 DANIA HEIGHTS EXT 5-19 B LOT 13 BLK 5
 250 Southwest 7 Street, Dania Beach, Florida

ENFORCEMENT ORDER LIEN						CEB 12-0133		RECORDED			RELEASED	
Through	Lien	# of	TOTAL	Record		BOOK	PAGE	DATE	BOOK/INSTRUMENT	PAGE	DATE	
Date	Amount	Days	FINE	Fee	Total							
5/18/2016	\$200.00	1,310	\$262,000.00	\$216.00	\$262,216.00	49644	1360-1367	3/28/2013	113701625	1 OF 1	5/18/2016	

and 12/15/14

5/24/2016

COST OF RECORDING FEES

PAGES	CERTIFIED COPY COVER	10.00
PAGES	FINAL ORDER	32.00
PAGES	SUPPLEMENTAL ORDER	34.00
PAGES	RELEASE OF LIEN	
ADM. FEE	RECORDING LIEN	40.00
ADM. FEE	RECORDING RELEASE	
ADM. FEE	- SPECIAL MAGISTRATE FINE	100.00
		216.00