

# AGENDA REQUEST FORM CITY OF DANIA BEACH

**Date:** May 12, 2016

**Agenda Item #:**

**Title:** Request for Abatement

**Requested Action:**

Approval of the settlement received for: Scott B. Stuart, Est., 5431 SW 44 AVE, Case # 13-0259

**Summary Explanation & Background:**

This was originally cited on 2/19/13 for 5 violations. This went to the Special Magistrate on 5/2/13 for 5 violations. The Special Magistrate issued an order giving the respondent until 5/22/13 to comply or a fine of \$200.00 per day would be levied. At the 2/16/13 hearing, the Special Magistrate confirmed the fine as a lien. The fine ran from 5/22/13 for items #1, 3, & 4 @ 200 a day. The fines from 7/11/13 for items # 2 and 5 @ \$150.00 per day, combined totaling = \$377,154.00 plus recording/admin fees of \$354 for a grand total of \$ 377,508.00

The City received \$24,131.71 for code fines settlement.

**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 foreclosure sale of the property. The City received \$24,131.71 for a settlement for code fines

**Commission Action:**

Passed  Failed  Continued  Other

**Comment:**

\_\_\_\_\_  
City Manager

\_\_\_\_\_  
City Clerk

**Case Number: 2013-00000259**

**Case Type:**  
Notice of Violation

**Case Description:**  
Initial Case

**Case Start Date:**  
02-19-2013

**Status:** Active  
**Status Date:**

**Default Inspector:**  
Warren Ostrofsky

**Cited Address:**  
5431 SW 44 AVE

**Folio Number:**  
5041-36-10-0290

**Cited Party:**  
Scott B Stuart EST

Note Type	Case Notes	Date
CASE ACTIVITY NOTES	CASE ACTIVITY NOTES	02-25-2013
CASE INSPECTION NOTES	CASE INSPECTION NOTES	02-25-2013
CASE HEARING NOTES	CASE HEARING NOTES	02-25-2013
CASE ACTIVITY NOTES	NOV approved and mailed out on 2/27/13. KM 2/27/13	02-27-2013
CASE INSPECTION NOTES	Per Insp Ostrofsky: case failed reinspection on 3/8/13.&nbsp;&nbsp;&nbsp;Send to next available hearing. KM 3/14/13	03-14-2013
CASE HEARING NOTES	Per Special Magistrate Gordon Linn, at the 5/2/13 hearing, the following was ordered: Compliance by May 22, 2013 for items #1, 3, & 4 or \$200.00 per day fine.&nbsp;&nbsp;&nbsp;Compliance by July 11, 2013 for items # 2 & 5 or \$150.00 per day fine.&nbsp;&nbsp;&nbsp;Authorization to abate the nuisances by securing the pool/spa, removing any stagnant water, and cleaning the trash & debris after May 22, 2013 granted in the interest of public health and safety. \$200.00 administrative fee assessed. KM 5/3/13	05-03-2013
CASE INSPECTION NOTES	Per Insp Ostrofsky: case failed nuisance abatement reinspection on 5/22/13. KM 5/23/13	05-23-2013
CASE INSPECTION NOTES	Per Insp. Urow: case failed inspection on 10/24/13. Sent WO #4109 to Public Services to abate the nuisances. Send to T/S for confirmation of fines. LW 10/25/13	10-25-2013
CASE INSPECTION NOTES	Per T/S results received 12/2/2013: Send to next available hearing for confirmation of fine. LW 12/3/13	12-03-2013
CASE ACTIVITY NOTES	Per Insp. Urow: Work Order #4213 was submitted to Public Services on 12/13/13 to remove debris, secure the fence, treat the pool. LW 12/16/13	12-16-2013
CASE HEARING NOTES	Per Special Magistrate Gordon Linn, at the 2/6/14 hearing: Fine confirmed. LW 2/7/14	02-07-2014
CASE INSPECTION NOTES	Per Insp. Ostrofsky: Case failed foreclosure reinspection 6/10/14. Send to T/S for Authorization to Foreclose or Money Judgment LW 6/11/14	06-11-2014

**Case Activity Comments**

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**Case Violations**

1	8-21(a)(4)(f) Fence / Wall / in disrepair	DBCC 8-21(a)(4)(f) states all fences, walls, and similar enclosures shall be maintained in a state of good repair.		02/19/2013
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.		02/19/2013
3	13-29 Stagnant Water/Mosquitoes	DBCC 13-29 states it is unlawful for any person to have, keep, maintain, cause or permit within the city any collection of standing or flowing water in which mosquitoes breed or are likely to breed, unless such collection of water is treated so as effectually to prevent such breeding.		02/19/2013
4	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.		02/19/2013
5	105-60(F) Required Pool Enclosure	DBLDC 105-60(F) requires swimming pools to be enclosed with either a fence, screen enclosure, or wall. All gates or other means of entrance through the enclosure shall be self-closing and self-latching, and all such gates shall be maintained in a locked condition when the swimming pool is not in use.		02/19/2013