



Town of Lake Park

SPECIAL MAGISTRATE HEARING AGENDA

AUGUST 3, 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 APPEAL OF PARKING CITATION

PARKING CITATION NO. 0845 – CODE OFFICER GIERCZAK

ORDER FOR ABATEMENT OF NUISANCE

CASE NO. 15050010

PROPERTY OWNER: BARBARA MCKENZIE-EVERETT
LOCATION: 755 DATE PALM DRIVE
PCN: 36-43-42-20-01-055-0250
LEGAL: KELSEY CITY LTS 25 TO 27 INC BLK 55

ORIGINAL S/M HEARING DATE: 08/06/2015

CODE SECTIONS VIOLATED: 68-3/10-32
ORDERED COMPLIANCE DATE: 09/04/2015
\$250.00 DAILY FINE ACCRUING



**SPECIAL MAGISTRATE
HEARING AGENDA
August 3, 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	17050010	5/8/2017	

Owner	Address	Site Address
VO TRANG	1065 CENTER STONE LN RIVIERA BEACH, FL 33404	645 Date Palm Dr Lake Park, FL 33403

Description

PROHIBITED VEHICLE LAWN PARKING/STORAGE. 2 VEHICLES REQUIRE VALID TAGS AFFIXED, OPERATIVE CONDITION, PARKED ON PERMITTED DRIVEWAY SURFACE OR BE REMOVED OFF THE PROPERTY. REMOVE COMMERCIAL FLATBED TRAILER OFF PROPERTY. REPAIR DAMAGED FENCING, REMOVE PALLET DEBRIS LEANING ON FENCING. FILL POTHOLE WITHIN DRIVEWAY.

Violations

Ordinance/Regulation	Section	Description	Means Correction	Days Comply
Chapter 54 BUILDINGS AND BUILDING REGULATIONS*	Sec. 54-71	Property maintenance standards. general. (a) Applicability. These regulations shall apply to all private property, including all buildings and structures within the town. (b) General regulations. (1) All buildings and structures, both		14
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		14

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	5
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	14

# Case No.	Date Issue	Req'd Action
2 17060033	6/20/2017	

Owner	Address	Site Address
QUISENBERRY ROGER F	5421 S FLAGLER DR WEST PALM BEACH, FL 33405	1610 Flagler Blvd 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 cleansed 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.

LACK OF COMPLIANCE AND ANY OUTSTANDING VIOLATIONS PAST A RE-INSPECTION DATE OF 6/26/17 WILL RESULT IN CASE BEING BROUGHT TO A HEARING BEFORE SPECIAL MAGISTRATE AND MAY RESULT IN MONETARY FEES AND PENALTIES.

This violation was investigated based on a complaint regarding unsanitary pool maintenance, bee swarms observed on property creating a nuisance and health hazard to public, and damaged property fence.

The violations of Sec. 16-2 (nuisance resulting from bee infestation) and 78-115 (fence damage) could not be cited here as they were cited on 8/16/2016 and presented before the Special Magistrate on 11/3/2016.

No compliance has been observed to date for either of the previously-cited violations thus resulting in on-going accumulation of daily fines and property liens as per the Special Magistrate Final Order.

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		6

# Case No.	Date Issue	Req'd Action
3 17060037	6/21/2017	

Owner	Address	Site Address
MIA REAL RENTALS II LLC	5301 N FEDERAL HWY STE 185 BOCA RATON, FL 33487	207 Bayberry Dr Lake Park, FL 33403

Description

Sec. 54-100 Permits.

A/C UNIT WAS INSTALLED WITHOUT PROPER PERMITS IN PLACE.

PLEASE OBTAIN ALL PERMITS AS NEEDED

LACK OF COMPLIANCE AND ANY OUTSTANDING VIOLATIONS PAST A RE-INSPECTION DATE OF 6/28/17 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. 54-100	Permits. Any owner, authorized agent, or contractor who desires to construct, enlarge, alter, repair, move, demolish, or change a residential building or structure, or to cause such work to be done, shall first make application to the community deve		7

# Case No.	Date Issue	Req'd Action
4 17050028	5/15/2017	

Owner	Address	Site Address
LAKE PARK APARTMENTS LLC	624 SHORE RD NORTH PALM BEACH, FL 33408	805 Bayberry Dr Lake Park, FL 33403 1

Description

Sec. 54-71. - Property maintenance standards, general.
(b) General regulations.

(2) All driveways, sidewalks, and parking areas shall be maintained reasonably free of discoloration or deterioration, including potholes.

Observed was parking lot in disrepair with holes and stains throughout.

PLEASE OBTAIN ALL NECESSARY PERMITS PRIOR TO RESURFACING/REPAIRING THE PARKING LOT AREA.

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- Sec 78-142(c)(10)(f)(5) – wheel stops throughout parking lot were observed broken

PLEASE REMOVE/REPAIR/REPLACE ALL BROKEN WHEEL STOPS THROUGHOUT THE LOT

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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:

(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).

Observed was debilitated lawn

PLEASE REHABILITATE OR REPLACE ALL OF THE DEBILITATED SOD ON PROPERTY.

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Sec. 54-74. - Additional landscape and property standards.

(1) (a) Shall be kept free of debris, rubbish, trash or litter.

Observed was garbage and litter throughout property lot.

PLEASE REMOVE AND PROPERLY DISPOSE OF ALL LITTER AND GARBAGE.

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Sec. 16-10. - Property maintenance.

Observed was debilitated sod on swale.

PLEASE REHABILITATE OR REPLACE THE DEBILITATED SOD ON PROPERTY SWALE.

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Sec. 54-125. - General requirements for the exterior and interior of structures.

(e) Stairs, porches and appurtenances. Every inside and outside stair, porch and any appurtenance thereto shall be safe to use and capable of supporting the load that normal use may cause to be placed thereon and shall be kept in sound condition and good repair.

Observed were stairways (2) in disrepair.

PLEASE REPAIR ALL DAMAGED SECTIONS OF THE STAIRS. PLEASE OBTAIN ALL NECESSARY PERMITS PRIOR TO BEGINNING OF REPAIRS.

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Sec. 54-125. - General requirements for the exterior and interior of structures.

(c) Roofs.

(2) All portions, additions or sections of a roof including, but not limited to, fascia, eaves, soffit, sheathing, rafter tails, barge rafter, vent screening, gutters, downspouts, roof jacks, lead or metal flashing, shall be complete with all trim strips, moldings, brackets, braces and supports in accordance with common building practices. No item shall display signs of deterioration, abuse or improper installation that could be construed to affect the purpose of that item or cause damage to the immediate area or roof structure, that could allow dampness or admit rain to the interior of that building.

Observed was one soffit in disrepair.

PLEASE REPAIR AND REPLACE ALL PORTIONS OF SOFFIT AS NEEDED.

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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.

Observed was fence in disrepair.

PLEASE REPLACE, REPAIR OR REMOVE ALL DAMAGED SECTIONS OF FENCES THROUGHOUT PROPERTY.

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LACK OF COMPLIANCE AND ANY OUTSTANDING VIOLATIONS PAST A RE-INSPECTION DATE OF 06/15/2017 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 16 OFFENSES*	Sec. 16-10	Property Maintenance. (a) It shall be unlawful for the owner, occupant, lessee, or person in control of any land including the swales, sidewalks, driveways, alleys, driveway aprons, or curbs, which abut, or are adjacent or contiguous to the proper		31
Chapter 54 BUILDINGS AND BUILDING REGULATIONS*	Sec. 54-125	General requirements for the exterior and interior of structures. (a) Foundation. The building foundation system shall be maintained in a safe manner and capable of supporting the load which normal use may cause to be placed thereon. (b) Ext		31
Chapter 54 BUILDINGS AND BUILDING REGULATIONS*	Sec. 54-71	Property maintenance standards. general. (a) Applicability. These regulations shall apply to all private property, including all buildings and structures within the town. (b) General regulations. (1) All buildings and structures, both		31
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		31
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		31

excessive leaning; gates shall be in working order with a straight and true appearance.
 (b) All walls and fences s

Chapter 78 ZONING* Sec. 78-142

Off-street parking and loading.
 (a) Purpose and intent. It is the intent of this section to provide for the health, safety, welfare and convenience of the public by requiring each development to provide minimum lands to accommodate the parking, l

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# Case No.	Date Issue	Req'd Action
5 17060043	6/28/2017	

Owner	Address	Site Address
POWLETTE KEITH I & SANDRA / HELP AGENCY OF FLORIDA INC.	332 PARK AVE LAKE PARK, FL 33403	332 Park Ave Lake Park, FL 33403

Description

Sec. 28-33 Engaging in business without a local business tax receipt upon false representation.

HELP AGENCY OF FLORIDA INC operating without BTR

Please complete all requirements of Town of Lake Park Business Tax Receipt application by 7/5/2017.

LACK OF COMPLIANCE AND ANY OUTSTANDING VIOLATIONS PAST A RE-INSPECTION DATE OF 7/5/17 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 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
6 17060035	6/20/2017	

Owner	Address	Site Address
POWLETTE KEITH I & SANDRA / HELP AGENCY OF FLORIDA INC.	332 PARK AVE LAKE PARK, FL 33403	332 Park Ave Lake Park, FL 33403

Description

Sec. 54-122 Facilities required.

It was observed and verified with Seacoast and FPL that this property is being occupied without connected utilities.

PLEASE CONNECT ALL REQUIRED UTILITIES TO THE PROPERTY OR CEASE AND DESIST USAGE OF THE PROPERTY AND PREMISES.

LACK OF COMPLIANCE AND ANY OUTSTANDING VIOLATIONS PAST A RE-INSPECTION DATE OF 6/26/17 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. 54-122	Facilities required. (a) Sanitary facilities. Every dwelling unit shall contain not less than a kitchen sink, lavatory, tub or shower, and a water closet all in good working condition and properly connected to an approved water and sewer system.		6
Total	NEW CASES			6
Total Hearing				6