

# Town of Lake Park

## SPECIAL MAGISTRATE HEARING AGENDA

OCTOBER 4, 2012

10:00 A.M.

Town Hall Commission Chambers

535 Park Avenue

Lake Park, FL 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.*

## REQUESTS FOR ADDITIONAL TIME TO COMPLY WITH FINE REDUCTION ORDERS

### CASE NO. 11020060

#### FEDERAL NATIONAL MORTGAGE ASSOCIATION

LOCATION: 1130 7<sup>TH</sup> STREET  
PCN: 36-43-42-20-01-096-0360  
LEGAL: KELSEY CITY LTS 36 TO 38 INC BLK 96

FINE REDUCTION HEARING DATE: JULY 26, 2012  
ORDERED FINE AMOUNT: \$12,000.00  
ORDERED COMPLIANCE DATE: SEPTEMBER 24, 2012  
EXTENSION REQUEST: OCTOBER 17, 2012

### CASE NO. 11100008

#### FEDERAL NATIONAL MORTGAGE ASSOCIATION

LOCATION: 1130 7<sup>TH</sup> STREET  
PCN: 36-43-42-20-01-096-0360  
LEGAL: KELSEY CITY LTS 36 TO 38 INC BLK 96

FINE REDUCTION HEARING DATE: JULY 26, 2012  
ORDERED FINE AMOUNT: \$6,000.00  
ORDERED COMPLIANCE DATE: SEPTEMBER 24, 2012  
EXTENSION REQUEST: OCTOBER 17, 2012

# **MOTION TO EXTEND TIME FOR COMPLIANCE**

**CASE NO. 12070013**

**PARK AVENUE BBQ & GRILLE OF LAKE PARK, INC.**

LOCATION: 754 PARK AVENUE  
PCN: 36-43-42-20-01-010-0201  
LEGAL: KELSEY CITY LT 20 (LESS E 10 FT) & LTS 21 TO 24 INC BLK 10

ORIGINAL HEARING DATE:	SEPTEMBER 6, 2012
ORDERED COMPLIANCE DATE:	OCTOBER 6, 2012
EXTENSION REQUEST:	NOVEMBER 5, 2012

**TOWN OF LAKE PARK  
NOTICE OF VIOLATION/HEARING**



October 3, 2012

**VIA CERTIFIED MAIL  
AND POSTED TO THE  
PROPERTY**

CASE NO: 12090024

**Jordan, William B.  
620 W. Kalmia Drive, Lake Park, FL 33403  
(additional mailing address: 60 Yacht Club Drive #305, North Palm Beach, FL 33408)**

**Select Portfolio Servicing  
3815 SW Temple, Salt Lake, UT, 84115**

You are hereby notified that an inspection was made at:

**LOCATION: 620 W. Kalmia Drive, Lake Park, Florida 33403  
PCN: 36-43-42-20-03-123-0101**

**The following violation of the Town of Lake Park Code of Ordinances exist on the property:**

- (1) Section 10-73: public nuisance created by the existence or storage of inoperative/junked/abandoned vehicles, boats, jet ski, trailers, other personal property
- (2) Section 54-131: public nuisance created by the accumulation of dead foliage, vegetation, yard trash, garbage, rubble, trash and debris which may harbor vermin, rodents, reptiles, mosquitos or other insects, and non domestic animals
- (3) Section 54-155: requiring those holding a Mortgage and foreclosing on real property to maintain the property
- (4) Section 54-156: requiring those holding a Mortgage and foreclosing on real property to secure the property
- (5) Section 54-159: authorizing the removal of abandoned personal property

Ordinance/Regulation	Section
<p><b>Chapter 10 ENVIRONMENT</b></p>	<p><b>Sec. 10-73 Declaration of public nuisance:</b> The location or presence of any junked vehicle or abandoned, wrecked or derelict property on any lot, tract or parcel of land, or portion thereof, public or private, improved or unimproved, occupied or unoccupied, within the town shall be deemed a public nuisance and it shall be unlawful (...)</p>
<p><b>Chapter 54 BUILDINGS AND REGULATIONS</b></p>	<p><b>Sec. 54-131 Nuisance declared:</b> It is hereby declared and determined by the town commission, that the following shall each individually, or in any combination, be considered nuisances when they exist upon a lot in the town: (1) Accumulations of waste, yard trash, or rubble and debris; (...)</p> <p><b>Sec. 54-155 Maintenance requirements:</b> (a) In addition to the requirements of this division, properties subject to the provisions of this division shall be maintained in accordance with the town's relevant nuisance, minimum housing, landscaping, building, and other code regulations. (b) Improved or vacant properties subject to this division shall be kept free of weeds, overgrown brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspapers, circulars, flyers, notices, except those required by federal, state, or local law, discarded personal items including, but not limited to, furniture, clothing, large and small appliances, printed material or any other items that give the appearance that the property is abandoned or is not being maintained by the property owner.</p>

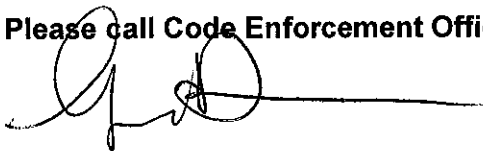
**Sec. 54-156 Security requirements:** a) Residential buildings subject to this division shall be maintained in a secure manner so as not to be accessible to unauthorized persons. (b) A "secure manner" shall include, but not be limited to, the closure and locking of windows, doors, gates and other openings of such size that may allow a child to access the interior of the property and/or structure. Broken windows shall be secured by re-glazing or boarding of the window. (...)

**Sec. 54-159 Removal of abandoned personal property authorized:** a) It shall be a violation of the town's Code for any person or entity to abandon personal property, or permit personal property to be left outside of a structure on a property subject to this division. Abandoned personal property is hereby declared to be a public nuisance, the abatement of which is necessary to preserve the public health, safety and general welfare. (b) Upon a determination by an enforcement officer that a property is vacant and that personal property has been abandoned upon the property, the enforcement officer shall make a reasonable effort to ascertain the name and address of the person or entity responsible for abandoning said personal property. The enforcement officer's citation of the property owner for personal property which has been left on a property shall constitute a presumption that the personal property is, or was, the personal property of the owner of the real property and that a prima facie case has been established that the personal property has been abandoned, subject to rebuttal at a hearing before the town's special magistrate. (...)

These violations **PRESENT A SERIOUS THREAT TO THE PUBLIC HEALTH, SAFETY AND WELFARE.** Because the violations cited hereinabove pose a serious threat to the public health, safety, and general welfare, this case is being noticed for a hearing before the Special Magistrate on **October 4, 2012** pursuant to the authority contained in Section 162.06(4), Fla. Stat. and Section 9-36 of the Lake Park Code of Ordinances. The Town intends to request that the Special Magistrate make a finding that the above cited violations exist and request an Order from the Special Magistrate: (1) finding that a public nuisance does exist, and to authorize the Town staff and or its agents to immediately abate the code violations which constitute a public nuisance and pose an immediate and serious threat to the public's health, safety and general welfare, (2) to find violations of Sections 54-155, 54-156, and 54-159 which require the holder of a Mortgage who files a Lis Pendens and/or Foreclosure to register the with the Town and to secure and maintain the property by removing any abandoned or junk personal property whether it be the owner's or not, and any dead foliage, vegetation, yard trash, garbage, rubble/trash/debris, and to correct broken/inoperative windows fencing gates, on the property; (3) to assess the expenses the Town incurs in abating the public nuisance; to provide a reasonable time for compliance as to those violations not deemed to be a public nuisance and assess such fines and costs as are reasonable.

The above cited violations of the Town Code will be presented to the Town's Special Magistrate on October 4, 2012 at 10:00am in the Town of Lake Park Commission Chambers located at 535 Park Avenue, Lake Park, FL, 33403.

**Please call Code Enforcement Officer Greg Durgin at (561) 881-3321 with any questions.**



**Gregory Durgin**  
**Code Compliance Officer**