

TOWN OF JUPITER
CODE COMPLIANCE MAGISTRATE
HEARING AGENDA

July 13, 2016
10:00 AM
Town Council Chambers

PLEASE TAKE NOTICE AND BE ADVISED that if any interested person desires to appeal any decisions made by the 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.

QUASI-JUDICIAL PROCEEDINGS: The Magistrate has the jurisdiction and authority, pursuant to Chapter 162, Florida Statutes, and Town ordinances, to hear and decide alleged violations of the codes and ordinances enacted by the Town of Jupiter, including but not limited to the following codes: building, electrical, fire, gas, landscape, plumbing, sign, zoning, and other similar types of codes which may be adopted by the Town of Jupiter in the future which regulate aesthetics, construction, safety, use of property, or location of any structure on real property in the Town of Jupiter.

OLD BUSINESS:

1.	<u>Case No.:</u> 16-004446	Stipulation and Agreed Order
	Respondent:	961 A1A, LLC
	Address of Violation:	961 N. A1A #300
	Code Section:	B-116.1 Unsafe Buildings/Structures
	Code Section:	21-106 Florida Building Code
	Description of Violation:	Suni-Sands Boathouse, A/K/A Sperry Boathouse, is structurally unsound, is a safety hazard, and should be demolished as no required repairs or rehabilitation of the structure have occurred.

Staff Recommendation:

The Town Attorney, on behalf of the Building Official, is requesting that the Special Magistrate enter an order amending the Stipulation and Agreed Order which was entered on September 9, 2015. The Special Magistrate's Agreed Order required the demolition and removal of the Suni Sands boathouse, or alternatively the repair and rehabilitation of the structure such that in the opinion of the Building Official it is structurally stable and no longer poses a safety hazard. Since September 9, 2015, the owner has not complied with the order to repair and the structure remains. The Building Official deems the structure to still be a safety hazard and requires the complete removal of the structure immediately.

VIOLATION CASES:

1. **Case No.:** 16-003428

Respondent:	Vickie Garcia
Address of Violation:	603 W. Whitney Drive
Code Section:	27-1291(a)(1-3) Parking A
Description of Violation:	Vehicles parked on property in violation of town code requirements.

Staff Recommendation:

Respondent be given until **July 28, 2016** to comply or be fined **\$100.00 per day**, and also be assessed administrative costs.

2. **Case No.:** 16-004446

Repeat Violator

Respondent:	Collin Doane
Address of Violation:	501 N. Loxahatchee Drive
Code Section:	23-87(a)(3) Mowing-turf and weeds
Description of Violation:	Yard is overgrown and requires mowing and maintenance on a regular basis.

Staff Recommendation:

Respondent be found in violation as a **Repeat Violator**; be fined **\$500.00 per day** beginning on June 15, 2016 (the day the violation was first observed by the code officer) and continuing to accrue until the violation is complied; and also be assessed administrative costs.

FINE ABATEMENT REQUESTS:

1. **Case No.:** 12-2523

Respondent:	Martin B. & Alma R. Maglio
Tenant:	The Cariocas Food Service C/O Patricia Elizabeth Mendoza
Address of Violation:	725 N. A1A #C101
Code Section:	4-1 Alcohol sales hours
Description of Violation:	Jupiter police officers observed patrons carrying open containers of beer out of The Cariocas Food Service after 2:30am on Sunday morning, 09/23/12. On Sunday, 09/30/12, police and code compliance officers observed the drinking of alcohol inside the business after 2:30am.
Original Hearing Date:	October 10, 2012
Finding:	Case continued to November at the request of the tenant and her attorney, but with the condition that the personnel cost of \$2,300.00 for the six off-duty police officers who attended the hearing be reimbursed to the Town of Jupiter, payable by October 19, 2012. The amount was agreed to by the tenant after conferring with her attorney, however, payment was not received by the Town.
Final Hearing Date:	November 14, 2012
Finding:	Found respondents as having been in violation; issued a Do Not Repeat Order; fined \$1,000.00 due to the irreparable/irreversible nature of the violation; and assessed administrative costs of \$768.67. The magistrate also affirmed the October order requiring reimbursement to the Town for the off-duty police personnel costs, with all monies due by December 14, 2012.
Fine Total:	Administrative costs were paid on July 5, 2016. The total amount due is \$1,000.00.

2. Case No.: 13-0005

Respondent: Martin B. & Alma R. Maglio
Tenant: The Cariocas Food Service
C/O Patricia Elizabeth Mendoza
Address of Violation: 725 N. A1A #C101
Code Section: 4-1 Alcohol sales hours
Description of Violation: While responding to a report of a battery outside The Cariocas Food Service at 3:23am on Sunday morning, December 30, 2012, a Jupiter police officer observed a patron consuming alcohol after the 2:00AM deadline, and that same patron verbally confirmed he was drinking beer.
Original Hearing Date: February 13, 2013
Finding: Found as having been in violation; issued a Do Not Repeat Order; fined \$3,000.00 due to the irreparable/irreversible nature of the violation; and assessed administrative costs of \$536.84, with all monies due by February 28, 2013.
Fine Total: Administrative costs were paid on July 5, 2016. **The total amount due is \$3,000.00.**

3. Case No.: 13-0459

Respondent: Martin B. & Alma R. Maglio
Tenant: The Cariocas Food Service
C/O Patricia Elizabeth Mendoza
Address of Violation: 725 N. A1A #C101
Code Section: 10-26 Fire Prevention Code
Description of Violation: PBC Fire Rescue observed violations of the fire code at The Cariocas Food Service and the respondents were notified but failed to bring the property into compliance.
Original Hearing Date: March 13, 2013
Finding: Found in violation; given until March 23, 2013 to comply or be fined \$1,000.00 per day; and also assessed administrative costs of \$550.89, due by March 23, 2013.
Fine Total: The tenant departed the premises on January 15, 2014, which complied the violation. The fine had accrued for 297 days to \$297,000.00. Administrative costs were paid on July 5, 2016. **The total amount due is \$297,000.00.**

ANNOUNCEMENT: THE NEXT MAGISTRATE HEARING IS ON AUGUST 10, 2016 AT 10:00 AM.

ADJOURN