

TOWN OF JUPITER, FLORIDA
CODE COMPLIANCE MAGISTRATE
210 Military Trail, Jupiter, FL 33458
Ph: 561-741-2477

Case No: 21-000002

TOWN OF JUPITER, FLORIDA
Petitioner,
v.
Ellen V. Carson
3 Clark Ln.
Jupiter, FL 34477

PCN 30-43-41-06-00-002-0250
SUBDIVISION:
ORB: 02588 PAGE: 0782
LEGAL: 6-41-43, S 80 FT OF N 99.74 FTOF W 190.88 FT OF
E 290.88 FT OF S 1/2 OF GOV LT 2

Respondent(s).

ORDER FINDING VIOLATION

THIS MATTER having come before the Code Compliance Magistrate on **February 10, 2021**, and who, having heard the testimony of the parties, and having considered the evidence presented by the parties; and having been fully apprised of the circumstances, does find as follows:

FINDINGS OF FACT

1. The above Respondent is the owner or occupant of THE PROPERTY AS DESCRIBED ABOVE, and STREET ADDRESS of 3 Clark Ln., Jupiter, Florida.
2. On **January 4, 2021**, an inspection of the property was performed by the Town, and at that time, and continuing through today the Respondent did maintain conditions on the property as cited in the Notice of Violation issued in this case.
3. The Town of Jupiter incurred costs in the amount of **\$336.82** in prosecuting this case.

CONCLUSIONS OF LAW

1. By reason of the foregoing, the Respondent is in violation of the Codes as cited in the Notice of Violation, and is therefore subject to the provisions of Chapter 8 of the Town of Jupiter Code, under the authority of Chapter 162 of Florida Statutes, as both may be amended from time to time.
2. The Findings of Fact support, by a preponderance of the evidence, that Respondent violated **Section 13-41(a)** of the Town of Jupiter's Code of Ordinances or the Florida Building Code, as cited.
3. The Town of Jupiter is entitled to recover all or any portion of the costs incurred in successfully prosecuting this action.

COMPLIANCE

1. IT IS HEREBY ORDERED that Respondent shall comply with the above Section(s) of the Florida Building Code and/or of the Town of Jupiter's Code of Ordinances, as follows:

a. **On or before February 25, 2021, Respondent shall come into compliance with the above-cited section of the Town Code.** Upon compliance the Respondent(s) shall request an inspection by contacting the Town's Code Compliance Office at 210 Military Trail, or by calling (561) 741-2477. A request for inspection must be made at least one (1) day prior to the requested inspection.

b. The Special Magistrate finds that pursuant to Section 162.09(1) and 162.07(4), Fla. Stat., the violation(s) and/or the condition(s) causing the violation(s) that exist on the property as charged in the Notice of Violation present a serious threat to the public health, safety, and welfare, will continue to present such a threat, and will possibly worsen if the violation(s) is not corrected on or before the date for compliance specified in this Order. In the event that the Respondent fails to correct the violation(s) within the time specified herein for compliance, a fine in the amount of **\$200.00 per day** is hereby imposed until the violation(s) is corrected. In


addition, pursuant to the authority provided in Section 162.09(1) and 162.07(4), Fla. Stat., the Town is authorized to take all reasonable actions, including the making of any necessary repairs, which are required to bring the property into compliance with the code section(s) that have been violated in this case. In the event that the Town incurs expenses and/or professional fees to correct the violation(s), the reasonable costs (and fees) incurred by the Town to bring the property into compliance shall be charged to the Respondent and included together with the fine and the Town's administrative costs imposed herein. If the fine, administrative costs, and/or the expenses incurred by the Town to correct the violation are not paid to the Town, a certified copy of this Order may be recorded in the public records of Palm Beach County, and thereafter shall constitute a lien against the land on which the violation(s) exists and on any other real and personal property owned by the Respondent. The correction of any violation by the Town does not create a continuing obligation on the part of the Town to maintain and/or repair the property. Furthermore, if after compliance of the violation(s) is achieved, a repeat violation of the same code section(s) occurs on the property, the Respondent shall be subject to the imposition of the statutory repeat violation penalty, notwithstanding any action taken by the Town to remedy the initial violation.

2. Should the Respondent(s) come into compliance in accordance with this Order Finding Violation, and subsequently violate the same code section(s), such reoccurrence shall subject the Respondent(s) to a repeat violator fine of up to **\$5,000.00 per day** for every day of violation, plus administrative costs.


3. Respondents are assessed the administrative costs of this action in the amount of \$336.82, as provided by law, and shall pay the same to the Code Compliance Secretary at 210 Military Trail, Jupiter, Florida, on or before February 25, 2021.

4. The Respondent may submit a written request for a hearing to challenge the fine imposed by this Order within 15 days from the date of this Order. If a hearing challenging the amount of the fine assessed is requested, testimony as to the existence of the violation is not permitted; rather the hearing is limited to the amount of the fine and costs assessed by this Order, and why a lien to recover the fines and costs should not have been authorized by this Order. The Respondent shall bear the burden of demonstrating why the fines and costs assessed herein should not constitute a Final Order Assessing Fine and authorizing the imposition of a Lien against the property. If the Respondent fails to timely make such a request, and the violation remains, the Order shall constitute a FINAL ORDER ASSESSING A FINE. The Town may record a certified copy of the Order in the Public Records of Palm Beach County, Florida, which shall constitute a lien against the Respondent's real and/or personal property and any other real or personal property owned by the Respondent; and at any time more than THREE MONTHS after its recordation the Town is hereby authorized to foreclose on the Lien of the Town against the real and/or personal property owned by the Respondent.

DONE AND ORDERED this 10 day of February, 2021.


LEONARD G. RUBIN
Magistrate

I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF THE ORIGINAL ORDER OF THE SPECIAL MAGISTRATE AS MAINTAINED IN THE OFFICIAL RECORDS OF THE TOWN OF JUPITER.
WITNESS MY HAND, THIS 17th DAY OF February, 2021.


LAURA CAHILL
Town Clerk



AFFIDAVIT OF POSTING

Magistrate Order

Case No.: 21-000002
Date Posted: February 17, 2021
Property Owner: ELLEN V CARSON
Property Address: 3 CLARK LN

Places of Posting: Town Hall
3 CLARK LN

(See Attached Copy of Posted Notice)

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority personally appeared, **PAUL RUDDOCK**, a duly-designated Code Compliance Officer of the Town of Jupiter, who, after being duly sworn by me under oath, deposes and says:

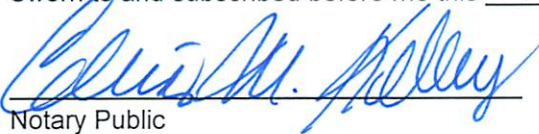
1. Prior to posting this notice, the undersigned has reviewed the file of this matter and has determined that a bona fide attempt was made to hand-deliver or mail notice to the alleged violator.
2. This Affidavit of Posting shall serve to meet the notice requirements of Section 162.12, Florida Statutes.
3. This property was posted for at least ten (10) days in two (2) locations, the first being upon the property where the code violation is alleged to exist, the address of which is listed herein above, and the second being at the Jupiter Town Hall, 210 Military Trail, Jupiter, Florida 33458, in accordance with Section 162.12(2)(b), F.S. The undersigned affiant submits this affidavit as proof of compliance with the requirements of Section 162.12(2)(b), F.S.

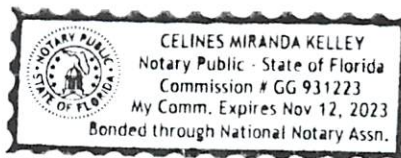
FURTHER AFFIANT SAYETH NOT

 #1194

Personally appeared before me the undersigned authority, and acknowledged that (he)/(she) did execute the foregoing affidavit.

Sworn to and subscribed before me this 17 day of February, 2021.


Notary Public



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Notary Public

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State of Florida
Commission # 011111

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State of Florida
Commission # 011111

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