

TOWN OF HIGHLAND BEACH, FLORIDA
CODE ENFORCEMENT BOARD

TOWN OF HIGHLAND BEACH, FLORIDA,

Petitioner,

v.

TIMOTHY FISCHER
64 Laurel Drive
Smithtown, NY 11787

Case No: 2022-12-008

PCN: 24-43-47-04-02-002-0221

Respondent.

LEGAL: BEL LIDO TH PT OF LT 22 K/A
UNITS 1 & 2 BLK 2

ORDER FINDING VIOLATION

THIS MATTER having come before the Code Enforcement Board on February 14, 2023, and having heard the testimony of the parties, and having considered the evidence presented by the parties, and having been fully appraised of the circumstances, the Board does find as follows:

FINDINGS OF FACT

1. Respondent is the owner of the property located at 1123 Highland Beach Drive 1, Highland Beach, Florida, as described above.
2. By Notice of Violation, the Town advised Respondent that he was in violation of Section 110.5 and 110.6 of the Florida Building Code (as incorporated by reference into the Town Code of Ordinances) for work performed outside the scope of issued permits and failure to request inspections.
3. Respondent was not in attendance.
4. All required notices were served in compliance with Section 162.12, Florida Statutes, and Section 2-106 of the Town Code of Ordinances.
5. The testimony and evidence presented at the hearing demonstrated that the violation remained on the Property as of the date of the hearing.

CONCLUSIONS OF LAW

1. By reason of the foregoing, Respondent is in violation of the Town Code of Ordinances and is therefore subject to the provisions of Article V, Chapter 2, of the Code of Ordinances of the Town of Highland Beach, under the authority of Chapter 162 of the Florida Statutes, as both may be amended from time to time.
2. Respondent remains in violation of the Code sections cited above.

COMPLIANCE

1. IT IS HEREBY ORDERED that Respondent shall comply with the above section of the Town of Highland Beach's Code of Ordinances as follows:

a. Respondent shall comply with the Town Code within fourteen (14) days of the date of the hearing **or by February 28, 2023.**

b. Should Respondent fail to bring the Property into compliance by the date specified above, **a fine in the amount of \$250.00** shall be assessed against Respondent for each day the Property remains in violation past the date set for compliance.

c. No further action shall be required for the entry of such fine.

2. Respondent is further ordered to reimburse the Town in the amount of \$250.00 for administrative costs incurred in prosecuting the case before the Board, which shall be included in the Lien amount. Said costs shall be paid by the date set for compliance.

3. Should Respondent violate the same code section cited herein, such reoccurrence may subject the Respondent to a repeat violator fine of up to \$500.00 per day for every day of the violation, plus administrative costs in enforcing the action, pursuant to Chapter 162, Florida Statutes.

4. Respondent may submit a written request for a hearing to challenge this Order prior to its recordation as a Lien provided Respondent does so within thirty (30) days from the date this Order was executed. If Respondent fails to comply with the Town Code within the specified deadline and timely request such a hearing in writing to the Town, the Town may record a certified copy of such Order in the Public Records of Palm Beach County, Florida, and thereafter the Order shall constitute a Lien against the real and/or personal property owned by Respondent. If such a hearing is requested, the Town shall notify Respondent of the hearing date by regular and certified mail. Respondent is not entitled to a rehearing of the case, and there shall be no presentation of evidence as to the existence or non-existence of the violation. Instead, Respondent shall Show Cause why this Order should not be recorded as a Lien in the Public Records of Palm Beach County, Florida.

DONE AND ORDERED this 15th day of Feb 7, 2023.



Myles Schlam, Chair
Code Enforcement Board

Copies Furnished to:

Respondent