



Meeting Name: Town Council Meeting
Meeting Date: October 25, 2023
Prepared By: F. Davila/D. Dyess
Item Title: Consider Code Enforcement Fine/Lien Reduction

DISCUSSION:

The subject property is a single-family residential property located at 13757 Cocoanut Avenue. The Property Owners of Record are Jared C. Thomas, Susan Thomas, and Norman H. Thomas.

For the Town Council's review, attached is a summary of code enforcement cases regarding the subject property dating back to 2013. Please note that all of the violations were for "work without a Juno Beach Building Permit."

In January, 2022, the Town issued a Notice of Violation (NOV) and Notice of Hearing (NOH) to the property owners (Case No. 22-01-2) for conducting interior renovations, including relocation and installation of windows and sliding glass doors, demolition of existing wall, electrical updates, etc. without first applying for and obtaining a Juno Beach Building Permit.

In August, 2022, the Town issued a Notice of Repeat Violation (NORV) and an NOH to the property owners (Case no. 22-08-71) for continuing to conduct interior renovation work (although there was a stop work order on the property) without a Juno Beach Building Permit.

In January, 2023, the Town issued another NOV and NOH to the property owners (Case No. 23-01-01) for an interior kitchen remodel without a Juno Beach Building Permit.

Please note that all three cases were sent to the Town Special Magistrate, where the property owners had an opportunity to present their case. On all three cases, the Special Magistrate found the property owners in violation of work being performed without a Juno Beach Building Permit as required by Section 105.1 of the Florida Building Code, as incorporated by reference in Section 6-23 of the Town of Juno Beach Code of Ordinances. In addition, the Special Magistrate also found the property owners in violation of Section 2-212 of the Town of Juno Beach Code of Ordinances and Section 162.04(5), Florida Statutes (repeat violation). A copy of the Special Magistrate Order for each case is attached for Council's review.

Within the Special Magistrate's Order, and due to the property owners being found in violation, the Special Magistrate imposed the following fines for each of the cases:

- Case No. 22-01-2

Fine(s) imposed –

\$250.00 per day, beginning February 24, 2022, until a properly completed Town of Juno Beach Building Permit, is submitted to the Town for the interior renovation work determined by the Town to require such a permit.

\$250.00 per day, beginning on the date the Town issues the owner a building permit for such work, and continuing from such date until the date all inspections are passed and all permits are closed.

Costs incurred by the Town –

\$1,246.36 was ordered to be paid to reimburse the Town for its costs incurred for prosecuting the case. The fees include the time of the Special Magistrate and Town Staff.

Fines/Costs breakdown –

\$45,246.36	Certified at August 18, 2022 Special Magistrate Hearing (\$44,000 for fines, and \$1,246.36 for costs incurred by the Town)
\$40,250.00	Certified at January 26, 2023 Special Magistrate Hearing
\$8,750.00	Additional Fines Ending on Compliance Date
\$94,246.36	Total fines certified for Case No. 22-01-2

Please note that the Total amount has not been paid and that the costs incurred by the Town is part of the certified amount.

- Case No. 22-08-71

Fine(s) imposed –

\$500.00 per day, beginning retroactive to August 12, 2022, until a properly completed Town of Juno Beach Building Permit, is submitted to the Town for the interior renovation work undertaken by the owner without a permit.

\$250.00 per day, beginning on the date the Town issues the owner a building permit for such work, and continuing from such date until the date all inspections are passed and all permits are closed.

Costs incurred by the Town –

\$262.50 was ordered to be paid to reimburse the Town for its costs incurred for prosecuting the case. The fees include the time of the Special Magistrate.

Fines/Costs breakdown –

\$49,250.00	Certified at January 26, 2023 Special Magistrate Meeting
\$7,250.00	Additional fines ending on compliance date (certified)
\$56,500.00	Total fines certified for Case No. 22-08-71
\$262.50	Costs incurred by the Town (not certified)

Please note that the Total amount has not been paid and that the cost incurred by the Town is not part of the certified amount.

- Case No. 23-01-01

Fine(s) imposed –

\$500.00 per day, from January 5, 2023 to January 17, 2023, representing the time from the date the Town issued the NOV until the date the Owner submitted a Town of Juno Beach Building Permit application for the interior renovation work undertaken by the owner without a permit.

\$250.00 per day, beginning on the date the Town issues the owner a building permit for such work, and continuing from such date until all inspections are passed and all permits are closed.

Costs incurred by the Town –

\$1,188.60 was ordered to be paid to reimburse the Town for its costs incurred for prosecuting the case. The fees include the time of the Special Magistrate and Town Staff. **Please note that this amount has not been paid and it is not part of the certified or non-certified amounts.**

Fines/Costs breakdown –

\$11,688.60 **Total fines not certified for case No. 23-01-1**

Based on the above calculations, the below monies are owned:

\$150,746.36 **Total amount of fines/costs certified** (includes \$1,246.36 of cost incurred by the Town)

\$11,951.10 **Total amount of fines/costs not certified**

\$1,451.10 **Cost incurred by the Town (not certified)**

Because the recorded liens run in favor of the Town Council, the Council may reduce the amount of the certified fines/costs (\$150,746). Per Code Section 2-217(b)(3), the enforcement board or special magistrate may reduce the amount of the fines/costs (\$11,951.10).

On August 8, 2023, Town Manager Dyess was contacted by Martin Perry, Esquire from Perry & Martin P.A. requesting consideration from the Town Council relative to Code Enforcement fines and liens arising out of the above Code Enforcement Cases. He and his clients wanted to be heard by the Council as it relates to the possible reduction in fines and liens. I spoke with the Town Attorney who advised that the Council has considered code enforcement fine reduction requests in the past; however, it is not a common occurrence.

RECOMMENDATION:

Hear from Mr. Perry and discuss.