

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

Case No: 23-000481

TOWN OF JUPITER, FLORIDA
Petitioner,

v.

Owner/Occupant (Exempt per FS-119.071)
1255 Holly Cove Dr.
Jupiter, FL 33458

Respondent(s).

PCN: 30-42-41-02-12-000-0010 SUBDIVISION: HOLLY COVE ORB: Exempt per FS-119.071 PAGE: LEGAL: HOLLY COVE LT 1
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ORDER FINDING VIOLATION (COMPLIANCE PRIOR TO HEARING)

THIS MATTER having come to be heard on August 9, 2023 before the CODE COMPLIANCE SPECIAL MAGISTRATE of the Town of Jupiter, and the SPECIAL MAGISTRATE being fully apprised of the circumstances, enters the following order:

FINDINGS OF FACT

1. Respondent is the owner or person in charge of THE REAL PROPERTY AS DESCRIBED ABOVE, and STREET ADDRESS OF 1255 Holly Cove Dr., Jupiter, FL.
2. On May 9, 2023, an inspection of the property was performed by the Town, and at that time the Respondent did maintain conditions on the property as cited in the Notice of Violation issued in this case.
3. Respondent received notice of the code violation cited: Sec. 27-2856(b)(1-3) Permitted parking and was given a reasonable time to correct said violation.
4. While the violation existed past the date for compliance specified in the Notice of Violation, Respondent corrected the violation prior to the hearing.
5. The Town of Jupiter incurred costs in the amount of \$295.90 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 Town of Jupiter is entitled to recover all or any portion of the costs incurred in successfully prosecuting this action.

NOW IT IS THEREFORE ORDERED:

1. As the violation was corrected at the time of the hearing, no fine is imposed at this time.
2. **Respondent is assessed the administrative costs of this action in the amount of \$295.90**, as provided by law, and shall pay the same to the Code Compliance Secretary at 196 Military Trl, Jupiter, FL, on or before **August 25, 2023**.
3. However, should the Respondent come into compliance in accordance with this Order Finding Violation, and subsequently violate the same code section(s), such reoccurrence shall subject the Respondent to a repeat violator fine of **up to \$5,000.00 (\$15,000.00 per day in irreparable violations)** for every day the violation continues thereafter, and also be assessed administrative costs.
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.

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DONE AND ORDERED this 9th day of August, 2023.



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 9th DAY OF August, 2023.



LAURA E. CAHILL
Town Clerk



AFFIDAVIT OF POSTING

Magistrate Order

Case No.: 23-000481
Date Posted: September 14, 2023
Property Owner: PROPERTY OWNER / OCCUPANT
Property Address: 1255 HOLLY COVE DR

Places of Posting: Town Hall
1255 HOLLY COVE DR

(See Attached Copy of Posted Notice)

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority personally appeared, DEVON BROWN, 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

[Handwritten signature of D. Brown]

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

Sworn to and subscribed before me this 14th day of September, 2023.

[Handwritten signature of Dean Milligan Fowler]
Notary Public

