

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

Case No: 24-000208

TOWN OF JUPITER, FLORIDA
Petitioner,

v.

Bernard P. Notaro Jr.
508 N. Loxahatchee Dr.
Jupiter, FL 33458

Respondent.

CFN 20250020472
OR BK 35516 PG 552
RECORDED 1/27/2025 2:54 PM
Palm Beach County, Florida
Joseph Abruzzo, Clerk
Pgs: 552 - 554; (3pgs)

PCN: 30-42-41-01-07-006-0021
SUBDIVISION: PINE GARDENS IN PB 2 P 77, PB 11 P 28 &
PB 12 P 21
ORB: 28882 PAGE: 1612
LEGAL: PINE GARDENS SUB S 30 FT OF LT 2 & LT 3 BLK 6

ORDER FINDING VIOLATION

THIS MATTER having come before the Code Compliance Magistrate on May 8, 2024, 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, finds as follows:

FINDINGS OF FACT

1. The above Respondent is the owner or occupant of THE PROPERTY AS DESCRIBED ABOVE, and STREET ADDRESS of 508 N. Loxahatchee Dr., Jupiter, Florida.
2. On February 6, 2024, 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 \$349.80 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 Sec. 21-168(a) Watertight / weatherproof building 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 of the Florida Building Code and/or of the Town of Jupiter's Code of Ordinances, as follows:

- a. On or before June 8, 2024, Respondent shall come into compliance with the above-cited section of the Town Code. Upon compliance the Respondent shall request an inspection by contacting the Town's Code Compliance Office at 196 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. If Respondent fails to comply with the requirements of this subsection, there is hereby levied a fine in the amount of \$100.00 per day thereafter, for each and every day of non-compliance; and also levied are administrative costs in enforcing this action, pursuant to Chapter 162, Florida Statutes. No further hearing shall be required for the entry of such fine and costs. In addition, all fines and costs become liens on the property of the Respondents.
2. Should the Respondents come into compliance in accordance with this Order Finding Violation, and subsequently violate the same code section, such reoccurrence shall subject the Respondent to a repeat violator fine of up to \$5,000 **(\$15,000.00 per day irreparable violations) for every day of violation continues thereafter, and also be assessed administrative costs.
3. Respondent is assessed the administrative costs of this action in the amount of \$349.80, as provided by law, and shall pay the same to the Code Compliance Secretary at 196 Military Trail, Jupiter, Florida, on or before June 8, 2024.
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 8th day of May, 2024.



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 May, 2024.



LAURA E. CAHILL
Town Clerk



AFFIDAVIT OF POSTING

Magistrate Order

Case No.: **24-000208**
Date Posted: **March 04, 2025**
Property Owner: **BERNARD P NOTARO JR**
Property Address: **508 N LOXAHATCHEE DR**

Places of Posting: **Town Hall**
508 N LOXAHATCHEE DR

(See Attached Copy of Posted Notice)

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority personally appeared, **DAVE KING**, 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

Dave King

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

Sworn to and subscribed before me this *4th* day of *March*, 2025.

Dean Fowler
Notary Public

