



**Code Compliance
Emergency Code Hearing
Jarvis Hall 4505 N. Ocean Drive**

Code Compliance Hearing

Code Compliance Hearing

Thursday, July 7, 2022, 5:00 PM

Jarvis Hall 4505 N. Ocean Drive

1. CALL TO ORDER, SPECIAL MAGISTRATE TOM ANSBRO

2. SWEARING OF WITNESSES

3. OPENING STATEMENT

4. CODE CASES

4.a. Code Cases

[7-7-2022 Agenda Summary.pdf](#)

[7-7-2022 Agenda Backup.pdf](#)

5. FIRE CASES

5.a. Fire Cases

[7-7-2022 Fire Case 22-1345 Backup.pdf](#)

6. ADJOURNMENT

THE TOWN OF LAUDERDALE-BY-THE-SEA WILL FURNISH APPROPRIATE AUXILIARY AIDS AND SERVICES NECESSARY TO AFFORD INDIVIDUALS AN EQUAL OPPORTUNITY TO PARTICIPATE IN MEETINGS OF THE TOWN COMMISSION. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT AND FLORIDA STATUTE 286.26, PERSONS WITH DISABILITIES NEEDING SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING SHOULD CONTACT THE TOWN CLERK NO LATER THAN TWO (2) DAYS PRIOR TO THE MEETING AT (954) 640-4200 FOR ASSISTANCE.

IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE TOWN COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING, HE/SHE WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSES MAY NEED TO ENSURE THAT A VERBATIM RECORDING OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

PROCEDURES FOR PUBLIC COMMENTS:

Public Comments may address issues that are not on this meeting's agenda, but should relate to the business of the Town, and should not contain personal attacks. If your comment requires follow up, the Town Manager will have a staff person respond to your concerns, and will advise us of the outcome.

The Town Clerk will read off the names of those who have signed up to speak. When your name is called, please come to the podium, state your name for the record, and indicate whether you are a Town resident. Do not state your address. You have up to three minutes to make your comments, but there is no requirement to use the entire time. If you wish to address a particular Commissioner or member of Town Administration, please do so by use of their title.

If you wish to approach the Commission dais to hand out a document or for some other reason, please request permission and state your reason for doing so. All documents to be provided to the Commission should be handed to the Town Clerk for distribution.

These procedures have been developed to assure that the Town Commission meeting time is efficiently used, and that meetings are conducted in a polite and respectful manner. More information on the decorum rules for Town Commission meetings is available in Section 2-23 of the Town Code of Ordinances.

INVOCATION:

The Invocation before each Town Commission meeting is a voluntary service of a private citizen, offered to serve the spiritual needs of the members of the Town Commission and solemnize the meeting. It is not intended to be an opportunity to advance or disparage one faith or belief over another. The views expressed in the Invocation have not been previously reviewed by the Town and do not necessarily represent the beliefs of any Town employee or official. No person is required to be present at or participate in the Invocation, and the decision whether to be present or participate in the Invocation will not affect any person's right to actively participate in the official business of the Town or obtain any benefit from the Town. The Town's written Invocation policy is available on its website, and upon written request to the Town Clerk.



TOWN OF LAUDERDALE-BY-THE-SEA CODE COMPLIANCE HEARING - AGENDA -

*Town Commission Meeting Room (Jarvis Hall)
Thursday • July 7, 2022 • 5:00 PM*

- I. CALL TO ORDER, SPECIAL MAGISTRATE TOM ANSBRO
- II. SWEARING OF WITNESSES
- III. OPENING STATEMENT
- IV. PUBLIC COMMENTS
- V. CODE CASES

Item #	Case #	Property Address	Property Owner	Inspector
1	22-1345	4225 EL MAR DRIVE	K M & BUSCHBAUM INC	S. Paine
2	22030023	2036 COCO PALM PL	SHANAHAN,GEORGE C EST	B. Banyas

VI.ADJOURNMENT

CASE TYPE	Nuisance	DATE ESTBL	3/23/2022	STATUS	Open
ADDRESS	2036 COCO PALM PL, LAUDERDALE BY THE SEA, FL 33062	INSPECTOR	Bethany Banyas	STATUS DATE	7/5/2022 12:00:00 AM

1. CASE 22030023

CASE DATA:	ORIG. CASE CERT. MAIL NUMBER	I. OF F. MEETING DATE	
	TYPE OF SERVICE	Verified	PROSECUTION COSTS \$50.00
	DAYS TO COMPLY	14	COMMENTS FINAL ORDER
			At the June 23, 2022 Special Magistrate Hearing, the Magistrate ordered the property to correct all violations by July 7, 2022 or a fine of \$200 per day, per violation will begin to accrue thereafter on July 8, 2022. The Magistrate ordered the Town to post the property with the executed Final Order and to mitigate the hazards of the fence and the stagnant pool immediately following. Any cost for these mitigating actions is to be billed to the property owner, along with applicable administrative fees, and placed as a lien on the property if not timely paid. The mitigating actions shall be: 1) Put a mesh or similar screening along the curtilage of the property to guard the fence opening/s and 2) Put algicide/insecticide tablets in the pool on a continuing basis at the Town's discretion in order to help control the mosquito population. The Magistrate assessed a \$50 hearing cost which is now due. The property will return to the July 28, 2022 Special Magistrate Hearing for certification.
	INSPECTION DATE	7/7/2022	COMMENTS - IMPOSITION OF FINE
	COMPLIED DATE		
	SCHEDULED HEARING DATE	7/7/2022	
	FINAL ORDER MEETING DATE	6/23/2022	
	FINAL ORDER COMPLY BY DATE	7/7/2022	
NOTICE NAMES:	SHANAHAN,GEORGE C EST	Owner	
	2036 COCO PALM PL LAUDERDALE BY THE SEA, FL 33062		

VIOLATIONS:	#	DATE	DESCRIPTION	STATUS	DATE RESOLVED
	1	7/7/2022	Chapter 6 - Building and Building Regulations Section 6-36(f). General structural specifications. Every accessory structure shall be kept in a clean and sanitary condition, free from rodents, vermin and infestations. Fences, garden walls and similar enclosures shall be maintained in a good state of repair.	Not in Compliance	
	2	7/7/2022	Chapter 6 - Building and Building Regulations Section 6-38(b) - Responsibility of owners and/or operators. The owner and/or operator of any property shall jointly and severally: Maintain the property so as to prevent the accumulation of stagnant water thereon;	Not in Compliance	
	3	7/7/2022	Chapter 6 - Building and Building Regulations Section 6-38(c) - Responsibility of owners and/or operators. The owner and/or operator of any property shall jointly and severally: Be responsible for the extermination of any rodents, vermin or pests.	Not in Compliance	

4 7/7/2022	Chapter 6 - Building and Building Regulations Section 6-41(a)(18) - Maintenance of exterior of premises. The exterior of buildings and structures and all property shall be kept free of all nuisances, and any hazards to the safety of occupants, customers, pedestrians and other persons utilizing the premises and free of unsanitary conditions and any of the foregoing shall be promptly removed and abated by the owner or operator. It shall be the duty of the owner or operator to keep the premises free of hazards which include, but are not limited to, the following: Overgrowth of any vegetation on the property. Vegetation shall be considered overgrown if it grows beyond the property line and the adjacent property owner objects or, in the case of any grass groundcover, if it grows beyond the height of six inches;	Not in Compliance
5 7/7/2022	Chapter 6 - Building and Building Regulations Section 6-41(a)(2) - Maintenance of exterior of premises. The exterior of buildings and structures and all property shall be kept free of all nuisances, and any hazards to the safety of occupants, customers, pedestrians and other persons utilizing the premises and free of unsanitary conditions and any of the foregoing shall be promptly removed and abated by the owner or operator. It shall be the duty of the owner or operator to keep the premises free of hazards which include, but are not limited to, the following: Abandoned, discarded or unused objects or equipment, such as automobiles, boats, trucks or buses, furniture, stoves, refrigerators, freezers, trailers, cans or containers;	Not in Compliance

FINES:	<u>DESCRIPTION</u>	<u>CHARGE</u>	<u>DATE BOARD ORDER COMPLY</u>
	DAILY FINE	\$20.00	7/7/2022
	DAILY FINE	\$200.00	7/7/2022
	DAILY FINE	\$200.00	7/7/2022
	DAILY FINE	\$200.00	7/7/2022
	DAILY FINE	\$200.00	7/7/2022

NARRATIVE:

1) Section 6-36(f). Fences shall be maintained in a good state of repair. CORRECTION REQUIRED: Obtain a permit and replace the failing perimeter fence around the pool.

2) Section 6-38(b). The owner and/or operator of any property shall prevent the accumulation of stagnant water. CORRECTION REQUIRED: Return the pool water to clear, clean condition, circulating regularly with a pool pump maintained in good condition.

3) Section 6-38(c). The owner and/or operator of any property shall be responsible for the extermination of any rodents, vermin or pests. CORRECTION REQUIRED: Have the iguanas infesting the ground, the roof and all other areas on the property professionally exterminated and have the property serviced on a regular basis so as to prevent re-infestation.

4) Section 6-41(a)(18). The owner and/or operator must keep the premises free of overgrown vegetation. CORRECTION REQUIRED: Have all of the overgrown grass in the back yard cut down to less than 6 inches in height.

5) Section 6-41(a)(2). The owner and/or operator must keep the premises free of abandoned, discarded or unused objects or equipment. CORRECTION REQUIRED: Clean up the exterior premises by removing all unused, discarded, or abandoned objects outside of the house (including on the porch, in the front yard, and in the back yard).

THESE ARE EMERGENCY MATTERS AFFECTING THE HEALTH AND WELFARE OF THE SURROUNDING PUBLIC COMMUNITY

A HEARING WILL BE HELD ON THIS MATTER, THURSDAY, APRIL 28, 2022, AT 5 PM IN JARVIS HALL

Thank you for your attention to this matter. Please call me when you receive this notice, at 954-640-4220.

Bethany Banyas
Senior inspector, Code Compliance
bethanyb@lbts-fl.gov
954-640-4220



Town of
LAUDERDALE-BY-THE-SEA
FIRE CODE ENFORCEMENT SPECIAL MAGISTRATE

4501 Ocean Drive, Lauderdale-By-The-Sea, Florida 33308-3610
Telephone: (954) 640-4250 * Fax: (954) 776-3431

TOWN OF LAUDERDALE-BY-THE-SEA,
Petitioner,

Case No 22-1345
Fire inspector: Stephen Paine

v.
K.M. & BUSCHBAUM, INC
P.O. BOX 16030
PLANTATION, FLORIDA 33318
DALEN JESSE
REGISTERED AGENT
491 N.W. 42 AVE.
SUITE 21
PLANTATION, FLORIDA
33318 Respondent.

EMERGENCY NOTICE
NOTICE OF SPECIAL MAGISTRATE HEARING

TO : K.M.& BUSCHBAUM, INC P.O.BOX 16030, PLANTATION, FLORIDA 33318 AND DALEN JESSE
REGISTERED AGENT, 491N.W.42 AVE,SUITE 21
PLANTATION, FLORIDA 33318.

LOCATION OF VIOLATION : 4225 EL MAR DRIVE, LAUDERDALE BY THE SEA , FLORIDA
33308

LEGAL DESCRIPTION: LAUDERDALE BY THE SEA 6-2 B LOT 18 &19 BLK 16
FOLO (PROPERTY I.D) 4943 18 01 1600

(1) F-103.2.9. THE FLORIDA FIRE PREVENTION CODE , BROWARD COUNTY AMENDMENTS
ORDER TO ELIMINATE DANGEROUS OR HAZARDOUS CONDITIONS. WHENEVER THE FIRE
CHIEF OR DULY AUTHORIZED REPRESENTATIVE SHALL FIND IN ANY BUILDING OR UPON
ANY PREMISES, DANGEROUS OR HAZARDOUS CONDITIONS OR MATERIALS, INCLUDING
BUT NOT LIMITED TO VIOLATION OF THE REQUIRMENTS EMCOMPASSED IN CHAPTER
633, FLORIDA STATUTES OR THE FOLLOWING PARAGRAPHS SHALL ORDER SUCH
VIOLATIONS AND DANGEROUS CONDITIONS OR MATERIALS REMOVED OR REMEDIED.
F-103.2.9.10
ANY BUILDING OR OTHER STRUCTURE WHICH, FOR WANT OF REPAIRS, LACK OF
ADEQUATE EXIT FACILITIES, AUTOMAATIC OR OTHER FIRE ALARM APPARATUS OR

FIRE EXTINGUISHING EQUIPMENT OR BY REASON OF AGE DILAPIDATED CONDITION OR FROM ANY OTHER CAUSE , CREATE A HAZARDOUS CONDITION.

TOWITT:REPAIR THE FIRE ALARM SYSTEM TO WORKING ORDER AT ONCE. ONCE ALL REPAIRS ARE MADE , SUBMIT A REPORT TO THE LAUDERDALE BY THE SEA FIRE MARSHAL FROM THE FIRE ALARM COMPANY.

(2) N.F.P.A.1.10.4. MAINTENANCE, INSPECTION, AND TEST
WHENEVER OR WHEREEVER ANY DEVICE , EQUIPMENT ,SYSTEM, CONDITION, ARRANGEMENT , LEVEL OF PROTECTION , FIRE -RESISTIVE CONSTRUCTION ,OR OTHER FEATURE SHALL THEREAFTER BE CONTINUOUSLY MAINTAINED . MAINTENANCE SHALL BE PROVIDED IN ACCORDANCE WITH APPLICABLE NFPA REQUIREMENTS OR REQUIREMENTS DEVELOPED AS PART OF A PERFORMANCE -BASED DESIGN, OR AS DIRECTED BY THE AHJ. (101.4.6.13.1).

TO WITT: THE FIRE SERVICE BACK FLOW SHALL BE INSPECTED BY A LICENSE FIRE PROTECTION COMPANY YEARLY ,AND HAVE A STATE APPROVE RECORD TAG PLACE ON THE DEVICE. AFTER THE INSPECTION IS DONE A COPY OF THE REPORT FROM THE INSPECTION , SHALL BE SUBMITTED TO THE LAUDERDALE BY THE SEA FIRE MARSHAL .

(3) N.F.P.A.1.10.4. MAINTENANCE, INSPECTION, AND TEST
WHENEVER OR WHEREEVER ANY DEVICE , EQUIPMENT ,SYSTEM, CONDITION, ARRANGEMENT , LEVEL OF PROTECTION , FIRE -RESISTIVE CONSTRUCTION ,OR OTHER FEATURE SHALL THEREAFTER BE CONTINUOUSLY MAINTAINED . MAINTENANCE SHALL BE PROVIDED IN ACCORDANCE WITH APPLICABLE NFPA REQUIREMENTS OR REQUIREMENTS DEVELOPED AS PART OF A PERFORMANCE -BASED DESIGN, OR AS DIRECTED BY THE AHJ. (101.4.6.13.1).

TO WITT: RE PLACE THE MISSING CAP ON THE FIRE DEPARTMENT CONNECTION .

(4)N.F.P.A.1.10.4. MAINTENANCE, INSPECTION, AND TEST
WHENEVER OR WHEREEVER ANY DEVICE , EQUIPMENT ,SYSTEM, CONDITION, ARRANGEMENT , LEVEL OF PROTECTION , FIRE -RESISTIVE CONSTRUCTION ,OR OTHER FEATURE SHALL THEREAFTER BE CONTINUOUSLY MAINTAINED . MAINTENANCE SHALL BE PROVIDED IN ACCORDANCE WITH APPLICABLE NFPA REQUIREMENTS OR REQUIREMENTS DEVELOPED AS PART OF A PERFORMANCE -BASED DESIGN, OR AS DIRECTED BY THE AHJ. (101.4.6.13.1).

TO WITT: MAINTAIN 3 FOOT OF CLEAR SPACE AROUND THE FIRE DEPARTMENT CONNECTION.

(5) N.F.P.A.1.10.4. MAINTENANCE, INSPECTION, AND TEST
WHENEVER OR WHEREEVER ANY DEVICE , EQUIPMENT ,SYSTEM, CONDITION, ARRANGEMENT , LEVEL OF PROTECTION , FIRE -RESISTIVE CONSTRUCTION ,OR OTHER FEATURE SHALL THEREAFTER BE CONTINUOUSLY MAINTAINED . MAINTENANCE SHALL BE PROVIDED IN ACCORDANCE WITH APPLICABLE NFPA REQUIREMENTS OR REQUIREMENTS DEVELOPED AS PART OF A PERFORMANCE -BASED DESIGN, OR

AS DIRECTED BY THE AHJ. (101.4.6.13.1).

TO WITT: BOTH HANDLES ON OS& Y VALES ON THE FIRE SERVICE BACK FLOW WILL NOT TURN. HAVE REPAIR MADE BY A LICENSE FIRE PROTECTION COMPANY.

(6)N.F.P.A.1.10.4. MAINTENANCE, INSPECTION, AND TEST

WHENEVER OR WHEREEVER ANY DEVICE , EQUIPMENT ,SYSTEM, CONDITION, ARRANGEMENT , LEVEL OF PROTECTION , FIRE -RESISTIVE CONSTRUCTION ,OR OTHER FEATURE SHALL THEREAFTER BE CONTINUOUSLY MAINTAINED . MAINTENANCE SHALL BE PROVIDED IN ACCORDANCE WITH APPLICABLE NFPA REQUIREMENTS OR REQUIREMENTS DEVELOPED AS PART OF A PERFORMANCE -BASED DESIGN, OR AS DIRECTED BY THE AHJ. (101.4.6.13.1).

TO WITT: BOTH HOSE CONNECTION ON THE FIRE DEPARTMENT CONNECTION WILL NOT TURN. HAVE ALL REPAIRS MADE BY A LICENSE FIRE PROTECTION COMPANY.

(7) F-103.2.9. THE FLORIDA FIRE PREVENTION CODE , BROWARD COUNTY AMENDMENTS ORDER TO ELIMINATE DANGEROUS OR HAZARDOUS CONDITIONS. WHENEVER THE FIRE CHIEF OR DULY AUTHORIZED REPRESENTATIVE SHALL FIND IN ANY BUILDING OR UPON ANY PREMISES, DANGEROUS OR HAZARDOUS CONDITIONS OR MATERIALS, INCLUDING BUT NOT LIMITED TO VIOLATION OF THE REQUIRMENTS EMCOMPASSED IN CHAPTER 633, FLORIDA STATUTES OR THE FOLLOWING PARAGRAPHS SHALL ORDER SUCH VIOLATIONS AND DANGEROUS CONDITIONS OR MATERIALS REMOVED OR REMEDIED.
F-103.2.9.10

ANY BUILDING OR OTHER STRUCTURE WHICH, FOR WANT OF REPAIRS, LACK OF ADEQUATE EXIT FACILITIES, AUTOMAATIC OR OTHER FIRE ALARM APPARATUS OR FIRE EXTINGUISHING EQUIPMENT OR BY REASON OF AGE DILAPIDATED CONDITION OR FROM ANY OTHER CAUSE , CREATE A HAZARDOUS CONDITIONS.

TO WITT: THE ELECTRICAL BOX AT THE WALL SHALL BE REINSTALLED TO THE WALL AND MAINTAIN IN A SAFE CONDITONS, ALONG WITH OPEN ELECTRICAL PIPES ON THE ROOF AREA.

(8) N.F.P.A.101.7.8.1.2 ILLUMINATION OF THE MEANS OF EGRESS SHALL BE CONTINIOUS DURING THE TIME THAT THE CONDITIONS OF OCCUPANCY REQUIRE THAT THE MEANS OF GGRESS BE AVAILABLE FOR USE , UNLESS OTHERWISE PROVIDED IN 7.8.1.2.2 .

TO WITT: REPAIR THE INTERIOR STAIR LIGHT AT THE 4 FLOOR NORTH STAIR TO WORKING ORDER,

(9) N.F.P.A.1.10.4. MAINTENANCE, INSPECTION, AND TEST
WHENEVER OR WHEREEVER ANY DEVICE , EQUIPMENT ,SYSTEM, CONDITION,
ARRANGEMENT , LEVEL OF PROTECTION , FIRE -RESISTIVE CONSTRUCTION ,OR OTHER
FEATURE SHALL THEREAFTER BE CONTINUOUSLY MAINTAINED . MAINTENANCE SHALL
BE PROVIDED IN ACCORDANCE WITH APPLICABLE NFPA REQUIREMENTS
OR REQUIREMENTS DEVELOPED AS PART OF A PERFORMANCE -BASED DESIGN, OR
AS DIRECTED BY THE AHJ. (101.4.6.13.1).

TO WITT: REPAIR THE BATTERY BACK UP ON THE EXIT LIGHT AT THE CEILING
AT THE TOP OF THE OPEN STAIR 4 FLOOR.

(10) N.F.P.A.1.10.4. MAINTENANCE, INSPECTION, AND TEST
WHENEVER OR WHEREEVER ANY DEVICE , EQUIPMENT ,SYSTEM, CONDITION,
ARRANGEMENT , LEVEL OF PROTECTION , FIRE -RESISTIVE CONSTRUCTION ,OR OTHER
FEATURE SHALL THEREAFTER BE CONTINUOUSLY MAINTAINED . MAINTENANCE SHALL
BE PROVIDED IN ACCORDANCE WITH APPLICABLE NFPA REQUIREMENTS
OR REQUIREMENTS DEVELOPED AS PART OF A PERFORMANCE -BASED DESIGN, OR
AS DIRECTED BY THE AHJ. (101.4.6.13.1).

TO WITT: REPLACE THE MISSING CEILING TILES NEXT TO APARTMENT 302. IN THE
INTERIOR HALLWAY.

(11) N.F.P.A.1.10.4. MAINTENANCE, INSPECTION, AND TEST
WHENEVER OR WHEREEVER ANY DEVICE , EQUIPMENT ,SYSTEM, CONDITION,
ARRANGEMENT , LEVEL OF PROTECTION , FIRE -RESISTIVE CONSTRUCTION ,OR OTHER
FEATURE SHALL THEREAFTER BE CONTINUOUSLY MAINTAINED . MAINTENANCE SHALL
BE PROVIDED IN ACCORDANCE WITH APPLICABLE NFPA REQUIREMENTS
OR REQUIREMENTS DEVELOPED AS PART OF A PERFORMANCE -BASED DESIGN, OR
AS DIRECTED BY THE AHJ. (101.4.6.13.1).

TO WITT: CLOSE UP ALL HOLES IN WALL INSIDE THE 3 FLOOR METER ROOM USING
FIRE RATED FOAM .

(12) N.F.P.A.1.10.4. MAINTENANCE, INSPECTION, AND TEST
WHENEVER OR WHEREEVER ANY DEVICE , EQUIPMENT ,SYSTEM, CONDITION,
ARRANGEMENT , LEVEL OF PROTECTION , FIRE -RESISTIVE CONSTRUCTION ,OR OTHER
FEATURE SHALL THEREAFTER BE CONTINUOUSLY MAINTAINED . MAINTENANCE SHALL
BE PROVIDED IN ACCORDANCE WITH APPLICABLE NFPA REQUIREMENTS
OR REQUIREMENTS DEVELOPED AS PART OF A PERFORMANCE -BASED DESIGN, OR
AS DIRECTED BY THE AHJ. (101.4.6.13.1).

TO WITT: THE HALLWAY FIRE RATED DOOR AT THE ELECTRICAL ROOM SHALL BE
REPLACED. DOOR IS IN WORPED. 3 FLOOR

(13) N.F.P.A.1.10.4. MAINTENANCE, INSPECTION, AND TEST
WHENEVER OR WHEREEVER ANY DEVICE , EQUIPMENT ,SYSTEM, CONDITION,
ARRANGEMENT , LEVEL OF PROTECTION , FIRE -RESISTIVE CONSTRUCTION ,OR OTHER
FEATURE SHALL THEREAFTER BE CONTINUOUSLY MAINTAINED . MAINTENANCE SHALL
BE PROVIDED IN ACCORDANCE WITH APPLICABLE NFPA REQUIREMENTS
OR REQUIREMENTS DEVELOPED AS PART OF A PERFORMANCE -BASED DESIGN, OR
AS DIRECTED BY THE AHJ. (101.4.6.13.1).

TO WITT : RE PLACE THE MISSING CEILING TILES BY APARTMENT 319.

(14) N.F.P.A.1.10.4. MAINTENANCE, INSPECTION, AND TEST
WHENEVER OR WHEREEVER ANY DEVICE , EQUIPMENT ,SYSTEM, CONDITION,
ARRANGEMENT , LEVEL OF PROTECTION , FIRE -RESISTIVE CONSTRUCTION ,OR OTHER
FEATURE SHALL THEREAFTER BE CONTINUOUSLY MAINTAINED . MAINTENANCE SHALL
BE PROVIDED IN ACCORDANCE WITH APPLICABLE NFPA REQUIREMENTS
OR REQUIREMENTS DEVELOPED AS PART OF A PERFORMANCE -BASED DESIGN, OR
AS DIRECTED BY THE AHJ. (101.4.6.13.1).

TO WITT: RE PAIR THE BATTERY BACK UP ON THE EXIT LIGHT BY APARTMENT 320

(15) N.F.P.A.101.7.8.1.2 ILLUMINATION OF THE MEANS OF EGRESS SHALL BE CONTINUOUS
DURING THE TIME THAT THE CONDITIONS OF OCCUPANCY REQUIRE THAT THE
MEANS OF EGRESS BE AVAILABLE FOR USE , UNLESS OTHERWISE PROVIDED IN
7.8.1.2.2 .

TO WITT: RE PAIR THE INTERIOR LIGHT AT THE NORTH INTERIOR STAIR 3 FLOOR

(16) F-103.2.9. THE FLORIDA FIRE PREVENTION CODE , BROWARD COUNTY AMENDMENTS
ORDER TO ELIMINATE DANGEROUS OR HAZARDOUS CONDITIONS. WHENEVER THE FIRE
CHIEF OR DULY AUTHORIZED REPRESENTATIVE SHALL FIND IN ANY BUILDING OR UPON
ANY PREMISES, DANGEROUS OR HAZARDOUS CONDITIONS OR MATERIALS, INCLUDING
BUT NOT LIMITED TO VIOLATION OF THE REQUIREMENTS ENCOMPASSED IN CHAPTER
633, FLORIDA STATUTES OR THE FOLLOWING PARAGRAPHS SHALL ORDER SUCH
VIOLATIONS AND DANGEROUS CONDITIONS OR MATERIALS REMOVED OR REMEDIED

TO WITT: RE MOVE ALL STORAGE FROM THE CONFERENCE ROOM AND ROOM 316.
ROOM WERE NOT DESIGNED TO BE STORAGE ROOMS.

(17) N.F.P.A.1.10.4. MAINTENANCE, INSPECTION, AND TEST
WHENEVER OR WHEREEVER ANY DEVICE , EQUIPMENT ,SYSTEM, CONDITION,
ARRANGEMENT , LEVEL OF PROTECTION , FIRE -RESISTIVE CONSTRUCTION ,OR OTHER
FEATURE SHALL THEREAFTER BE CONTINUOUSLY MAINTAINED . MAINTENANCE SHALL
BE PROVIDED IN ACCORDANCE WITH APPLICABLE NFPA REQUIREMENTS
OR REQUIREMENTS DEVELOPED AS PART OF A PERFORMANCE -BASED DESIGN, OR
AS DIRECTED BY THE AHJ. (101.4.6.13.1).

TO WITT : RE PLACE THE CEILING TILE INSIDE SMALL ROOM AT CONFERACE ROOM.

(18) N.F.P.A.1.10.4. MAINTENANCE, INSPECTION, AND TEST

WHENEVER OR WHEREEVER ANY DEVICE , EQUIPMENT ,SYSTEM, CONDITION, ARRANGEMENT , LEVEL OF PROTECTION , FIRE -RESISTIVE CONSTRUCTION ,OR OTHER FEATURE SHALL THEREAFTER BE CONTINUOUSLY MAINTAINED . MAINTENANCE SHALL BE PROVIDED IN ACCORDANCE WITH APPLICABLE NFPA REQUIREMENTS OR REQUIREMENTS DEVELOPED AS PART OF A PERFORMANCE -BASED DESIGN, OR AS DIRECTED BY THE AHJ. (101.4.6.13.1).

TO WITT: REPAIR OR REPLACE THE EMERGENCY LIGHTS AT BOTH THE 3 AND 2 FLOOR AND 1 FLOOR. INTERIOR HALL WAYS EAST SIDE.

(19) N.F.P.A.1.10.4. MAINTENANCE, INSPECTION, AND TEST

WHENEVER OR WHEREEVER ANY DEVICE , EQUIPMENT ,SYSTEM, CONDITION, ARRANGEMENT , LEVEL OF PROTECTION , FIRE -RESISTIVE CONSTRUCTION ,OR OTHER FEATURE SHALL THEREAFTER BE CONTINUOUSLY MAINTAINED . MAINTENANCE SHALL BE PROVIDED IN ACCORDANCE WITH APPLICABLE NFPA REQUIREMENTS OR REQUIREMENTS DEVELOPED AS PART OF A PERFORMANCE -BASED DESIGN, OR AS DIRECTED BY THE AHJ. (101.4.6.13.1).

TO WITT : REPAIR THE BATTERY BACK UP ON THE EXIT LIGHT 2 FLOOR SOUTH OPEN STAIR

(20) F-103.2.9. THE FLORIDA FIRE PREVENTION CODE , BROWARD COUNTY AMENDMENTS ORDER TO ELIMINATE DANGEROUS OR HAZARDOUS CONDITIONS. WHENEVER THE FIRE CHIEF OR DULY AUTHORIZED REPRESENTATIVE SHALL FIND IN ANY BUILDING OR UPON ANY PREMISES, DANGEROUS OR HAZARDOUS CONDITIONS OR MATERIALS, INCLUDING BUT NOT LIMITED TO VIOLATION OF THE REQUIRMENTS EMCOMPASSED IN CHAPTER 633, FLORIDA STATUTES OR THE FOLLOWING PARAGRAPHS SHALL ORDER SUCH VIOLATIONS AND DANGEROUS CONDITIONS OR MATERIALS REMOVED OR REMEDIED. F-103.2.9.10

ANY BUILDING OR OTHER STRUCTURE WHICH, FOR WANT OF REPAIRS, LACK OF ADEQUATE EXIT FACILITIES, AUTOMAATIC OR OTHER FIRE ALARM APPARATUS OR FIRE EXTINGUISHING EQUIPMENT OR BY REASON OF AGE DILAPIDATED CONDITION OR FROM ANY OTHER CAUSE , CREATE A HAZARDOUS CONDITIONS.

TO WITT: HAVE A LICENSEN ELECTRICAL COMPANY CHECK ALL THREE MAIN ELECTRICAL PANELS AND REPLACE THE MAIN BREAKERS THEY DO NOT WORK. 2 FLOOR ELECTRICAL ROOM SOUTH SIDE.

(21) F-103.2.9. THE FLORIDA FIRE PREVENTION CODE , BROWARD COUNTY AMENDMENTS ORDER TO ELIMINATE DANGEROUS OR HAZARDOUS CONDITIONS. WHENEVER THE FIRE CHIEF OR DULY AUTHORIZED REPRESENTATIVE SHALL FIND IN ANY BUILDING OR UPON ANY PREMISES, DANGEROUS OR HAZARDOUS CONDITIONS OR MATERIALS, INCLUDING BUT NOT LIMITED TO VIOLATION OF THE REQUIRMENTS EMCOMPASSED IN CHAPTER 633, FLORIDA STATUTES OR THE FOLLOWING PARAGRAPHS SHALL ORDER SUCH VIOLATIONS AND DANGEROUS CONDITIONS OR MATERIALS REMOVED OR REMEDIED. F-103.2.9.10

ANY BUILDING OR OTHER STRUCTURE WHICH, FOR WANT OF REPAIRS, LACK OF ADEQUATE EXIT FACILITIES, AUTOMAATIC OR OTHER FIRE ALARM APPARATUS OR FIRE EXTINGUISHING EQUIPMENT OR BY REASON OF AGE DILAPIDATED CONDITION OR FROM ANY OTHER CAUSE , CREATE A HAZARDOUS CONDITIONS

TO WITT : THE 2 FLOOR EXIT DOOR FROM THE SOUTH ENCLOSED STAIR SHALL HAVE FIRE RATED DOOR HANDLE AND THE WIRE GLASS SHALL BE REPLACE. THIS DOOR IS A REQUIRED 2 MEANS OF EGRESS FROM THE 2 FLOOR APARTMENT NEXT DOOR.

(22) N.F.P.A.1.10.4. MAINTENANCE, INSPECTION, AND TEST
WHENEVER OR WHEREEVER ANY DEVICE , EQUIPMENT ,SYSTEM, CONDITION, ARRANGEMENT , LEVEL OF PROTECTION , FIRE -RESISTIVE CONSTRUCTION ,OR OTHER FEATURE SHALL THEREAFTER BE CONTINUOUSLY MAINTAINED . MAINTENANCE SHALL BE PROVIDED IN ACCORDANCE WITH APPLICABLE NFPA REQUIREMENTS OR REQUIREMENTS DEVELOPED AS PART OF A PERFORMANCE -BASED DESIGN, OR AS DIRECTED BY THE AHJ. (101.4.6.13.1).

TO WITT : RE PAIR THE EMERGENCY LIGHT NEXT TO APRTMENT 206.

(23)N.F.P.A.101.7.8.1.2 ILLUMINATION OF THE MEANS OF EGRESS SHALL BE CONTINUOUS DURING THE TIME THAT THE CONDITIONS OF OCCUPANCY REQUIRE THAT THE MEANS OF GGRESS BE AVAILABLE FOR USE , UNLESS OTHERWISE PROVIDED IN 7.8.1.2.2 .

TO WITT: RE PAIR THE INTERIOR LIGHT IN THE NORTH INTERIOR STAIR TO WORKING ORDER 2 FLOOR.

(24) N.F.P.A.1.10.4. MAINTENANCE, INSPECTION, AND TEST
WHENEVER OR WHEREEVER ANY DEVICE , EQUIPMENT ,SYSTEM, CONDITION,
ARRANGEMENT , LEVEL OF PROTECTION , FIRE -RESISTIVE CONSTRUCTION ,OR OTHER
FEATURE SHALL THEREAFTER BE CONTINUOUSLY MAINTAINED . MAINTENANCE SHALL
BE PROVIDED IN ACCORDANCE WITH APPLICABLE NFPA REQUIREMENTS
OR REQUIREMENTS DEVELOPED AS PART OF A PERFORMANCE -BASED DESIGN, OR
AS DIRECTED BY THE AHJ. (101.4.6.13.1).

TO WITT : FIRE EXTINGUHER IS BLOCK BY FURNITURE AT THE 1 FLOOR.

(25) F-103.2.9. THE FLORIDA FIRE PREVENTION CODE , BROWARD COUNTY AMENDMENTS
ORDER TO ELIMINATE DANGEROUS OR HAZARDOUS CONDITIONS. WHENEVER THE FIRE
CHIEF OR DULY AUTHORIZED REPRESENTATIVE SHALL FIND IN ANY BUILDING OR UPON
ANY PREMISES, DANGEROUS OR HAZARDOUS CONDITIONS OR MATERIALS, INCLUDING
BUT NOT LIMITED TO VIOLATION OF THE REQUIRMENTS EMCOMPASSED IN CHAPTER
633, FLORIDA STATUTES OR THE FOLLOWING PARAGRAPHS SHALL ORDER SUCH
VIOLATIONS AND DANGEROUS CONDITIONS OR MATERIALS REMOVED OR REMEDIED.
F-103.2.9.10

ANY BUILDING OR OTHER STRUCTURE WHICH, FOR WANT OF REPAIRS, LACK OF
ADEQUATE EXIT FACILITIES, AUTOMAATIC OR OTHER FIRE ALARM APPARATUS OR
FIRE EXTINGUISHING EQUIPMENT OR BY REASON OF AGE DILAPIDATED CONDITION
OR FROM ANY OTHER CAUSE , CREATE A HAZARDOUS CONDITIONS

TO WITT : THE INTERIOR ELEVATOR IS PAST DUE FOR AN INSPECTION .
HAVE ELEVATOR INSPECTED AND POST NEW INSPECTION PAPER WORK IN THE ELEVATOR

(26) N.F.P.A.72.10.5.5.3
MECHANICAL PROTECTION . THE DEDICATED BREACH CIRCUIT(S) AND CONNECTIONS
SHALL BE PROTECTED AGAINST PHYSICAL DAMAGE.

TOWITT: HAVE THE FIRE ALARM COMPANY INSTALL A LOCK OUT ON THE CIRCUIT
BRAKER THAT CONTROLS THE FIRE ALARM PANEL INSIDE THE EXTERIOR METER ROOM
1 FLOOR.

(27) N.F.P.A.1.10.4. MAINTENANCE, INSPECTION, AND TEST
WHENEVER OR WHEREEVER ANY DEVICE , EQUIPMENT ,SYSTEM, CONDITION,
ARRANGEMENT , LEVEL OF PROTECTION , FIRE -RESISTIVE CONSTRUCTION ,OR OTHER
FEATURE SHALL THEREAFTER BE CONTINUOUSLY MAINTAINED . MAINTENANCE SHALL
BE PROVIDED IN ACCORDANCE WITH APPLICABLE NFPA REQUIREMENTS
OR REQUIREMENTS DEVELOPED AS PART OF A PERFORMANCE -BASED DESIGN, OR
AS DIRECTED BY THE AHJ. (101.4.6.13.1).

TO WITT THE FIRE EXTINGUSHER INSIDE THE EXTERIOR ELECTRICAL METER ROOM
IS PAST DUE FOR A YEARLY INSPECTION .

(28) F-103.2.9. THE FLORIDA FIRE PREVENTION CODE , BROWARD COUNTY AMENDMENTS ORDER TO ELIMINATE DANGEROUS OR HAZARDOUS CONDITIONS. WHENEVER THE FIRE CHIEF OR DULY AUTHORIZED REPRESENTATIVE SHALL FIND IN ANY BUILDING OR UPON ANY PREMISES, DANGEROUS OR HAZARDOUS CONDITIONS OR MATERIALS, INCLUDING BUT NOT LIMITED TO VIOLATION OF THE REQUIRMENTS EMCOMPASSED IN CHAPTER 633, FLORIDA STATUTES OR THE FOLLOWING PARAGRAPHS SHALL ORDER SUCH VIOLATIONS AND DANGEROUS CONDITIONS OR MATERIALS REMOVED OR REMEDIED

TO WITT : RE MOVE PAINT FROM THE INTERIOR STORAGE ROOM ACROSS FROM THE ELEVATOR.

(29) F-103.2.9. THE FLORIDA FIRE PREVENTION CODE , BROWARD COUNTY AMENDMENTS ORDER TO ELIMINATE DANGEROUS OR HAZARDOUS CONDITIONS. WHENEVER THE FIRE CHIEF OR DULY AUTHORIZED REPRESENTATIVE SHALL FIND IN ANY BUILDING OR UPON ANY PREMISES, DANGEROUS OR HAZARDOUS CONDITIONS OR MATERIALS, INCLUDING BUT NOT LIMITED TO VIOLATION OF THE REQUIRMENTS EMCOMPASSED IN CHAPTER 633, FLORIDA STATUTES OR THE FOLLOWING PARAGRAPHS SHALL ORDER SUCH VIOLATIONS AND DANGEROUS CONDITIONS OR MATERIALS REMOVED OR REMEDIED.

F-103.2.9.10

ANY BUILDING OR OTHER STRUCTURE WHICH, FOR WANT OF REPAIRS, LACK OF ADEQUATE EXIT FACILITIES, AUTOMAATIC OR OTHER FIRE ALARM APPARATUS OR FIRE EXTINGUISHING EQUIPMENT OR BY REASON OF AGE DILAPIDATED CONDITION OR FROM ANY OTHER CAUSE , CREATE A HAZARDOUS CONDITIONS

TO WITT : THE ELECTRICAL METER AND STAND NEXT TO THE ABOVE GROUND TRANFORMOR EAST EXTERIOR NEEDS TO BE RE PAIRED BY FLORIDA POWER AND LIGHT. THIS REPAIR SHALL BE DONE AT ONCE TO ELIMATE THE DAMAGER TO LIFE.

(30) F-103.2.9. THE FLORIDA FIRE PREVENTION CODE , BROWARD COUNTY AMENDMENTS ORDER TO ELIMINATE DANGEROUS OR HAZARDOUS CONDITIONS. WHENEVER THE FIRE CHIEF OR DULY AUTHORIZED REPRESENTATIVE SHALL FIND IN ANY BUILDING OR UPON ANY PREMISES, DANGEROUS OR HAZARDOUS CONDITIONS OR MATERIALS, INCLUDING BUT NOT LIMITED TO VIOLATION OF THE REQUIRMENTS EMCOMPASSED IN CHAPTER 633, FLORIDA STATUTES OR THE FOLLOWING PARAGRAPHS SHALL ORDER SUCH VIOLATIONS AND DANGEROUS CONDITIONS OR MATERIALS REMOVED OR REMEDIED.

F-103.2.9.10

TO WITT: RE MOVE ALL DEBRIE AND COMBUSTABLE FROM THE COVERED PARKING AREA.

N.F.P.A.101.7.2.2.5.5.1

EACH STAIR TREADS SHALL INCORPORATE A MARKING STRIPE THAT IS APPLIED AS A PAINT/COATING OR BE A

MATERIAL THAT IS INTEGRAL WITH THE NOSING OF EACH STEP.

(A) THE MARKING STRIPE SHALL BE INSTALLED ALONG THE HORIZONTAL LEADING EDGEV OF THE STEP AND SHALL EXTEND THE FULL WIDTH OF THE STEP.

(B)THE MARKING STRIPE SHALL ALSO MEET ALL OF THE FOLLOWING REQUIREMENTS.

(1) THE MARKING STRIPE SHALL BE NOT MORE THAN 1/2 IN. (13MM) FROM THE LANDING EDGE OF EACH STEP AND SHALL NOT

OVERLAP THE LEADING EDGE OF THE STEP BY MORE THAN 1/2 IN.(13MM) DOWN THE VERTICAL FACE OF THE STEPS.

(2) THE MARKING STRIPE SHALL HAVE A MINIMUM HORIZONTAL WIDTH OF 1 IN (25MM) AND A MAXIMUM WIDTH OF 2 IN. (51MM).

(3) THE DIMENSIONS AND PLACEMENT OF THE MARKING STRIPE SHALL BE UNIFORM AND CONSISTENT ON EACH STEP THROUGHOUT THE EXIT ENCLOSURE.

(4) SURFACE -APPLIED MARKING STRIPES USING ADHESIVE-BACKED TAPES SHALL NOT BE USED.

TOWITT: PAINT A YELLOW STRIPE 1 INCH IN WIDTH ON EACH STEP IN BOTH ENCLOSED STAIR WAYS FROM TOP TO BOTTOM.

YOU ARE HEREBY NOTIFIED of a hearing concerning your code violation on Januray27, ,2022at 5:00 P.M.. before the Special Magistrate for the Town of Lauderdale-By-The-Sea at Town Hall Commission Chambers, 4501 North Ocean Drive, Lauderdale-By-The-Sea, Florida. The enclosed Notice of Violation includes more specific information regarding your violation.

This case may be presented to the Special Magistrate even if the violation is corrected prior to the hearing.

Pursuant to Chapter 162, Florida Statutes, the Town of Lauderdale-By-The-Sea has adopted the Special Magistrate system of enforcement of the Code of Ordinances of the Town of Lauderdale-By-The-Sea. The Special Magistrate will quickly and fairly render decisions concerning violations of these codes.

During the hearing, you will be allowed to testify regarding the violation and to present evidence, witnesses and cross-examine witnesses in your defense. In addition, you will have the opportunity to present evidence at the hearing regarding the amount of time you will need to correct the alleged violation.

At your own expense, you have the right to obtain an attorney to represent you before the Special Magistrate. If you will be represented by an attorney in this proceeding, you or your attorney should notify the Code Enforcement Officer in writing within five (5) business days prior to the date set for the hearing.

Please be advised that if the Special Magistrate finds you to be in violation, the Special Magistrate can levy a monetary fine of up to \$250 per day, or \$500 per day for a repeat violation, for each day that the violation continues past the date set by the Special Magistrate, whether you appear at the hearing or not. You may also be liable for the reasonable administrative hearing costs of \$150.00 if found in violation of the code. If the Special Magistrate finds that the violation is irreparable or irreversible in nature, the Special Magistrate may impose a fine of up to \$5,000 per violation.

A certified copy of the Final Order imposing a fine may be recorded in the Public Records of Broward County, Florida and thereafter shall constitute a lien against your property and upon any other real or personal property owned by you, which can be enforced by legal action.

Any request for postponement or continuance of the Special Magistrate hearing should be forwarded in writing, with a statement of the reasons for the request, to the Code Enforcement Officer at least ten (10) calendar days prior to the date set for the hearing. Only one continuance will be considered without the need for an appearance before the Special Magistrate.

In the event that you decide to appeal any decision of the Special Magistrate, you will need a record of the proceedings and, for such purpose, you may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Although a recording of the proceedings is made by the Town, you may elect to have a Court Reporter present

Any person requiring auxiliary aids and services to participate in this proceeding should contact the Clerk to the Special Magistrate ,Clerk, at 954-640-4210 at least 48 hours prior to the hearing.

I HEREBY CERTIFY that a copy of this Notice of Special Magistrate Hearing was mailed to Respondent by certified U.S. mail, return receipt requested, this 19___ day of _Januray_, 2022, to the above-listed address.

TOWN OF LAUDERDALE-BY-THE-SEA

CC TO:

By:



Stephen Paine, Fire Inspector

CERTIFIED MAIL RECEIPT #

7019 0700 0000 2791 2829

K.M& BUSCHBAUM INC

491 N.W. 42 AVE

SUITE 21

PLANTATION ,FL 33317

7019 0700 0000 2791 2836

DALEN JESSE REGISTERED AGENT

491 N.W. 42 AVE

SUITE

PLANTATION , FL 33317



Town of
LAUDERDALE-BY-THE-SEA
FIRE CODE ENFORCEMENT SPECIAL MAGISTRATE

4501 Ocean Drive, Lauderdale-By-The-Sea, Florida 33308-3610
Telephone: (954) 640-4250 Fax: (954) 776-3431

TOWN OF LAUDERDALE-BY-THE-SEA,
Petitioner,

Case No. 22- 1345
Fire Inspector: Stephen Paine

v.
K.M. & BUSCHBAUM, INC
P.O. BOX 16030
PLANTATION, FLORIDA 33318

Respondent.

SPECIAL MAGISTRATE FINAL ORDER

To:
K.M.& BUSCHBAUM, INC P.O.BOX 16030, PLANTATION, FLORIDA 33318

Location Of Violation: 4225 EL MAR DRIVE, LAUDERDALE BY THE SEA, FLORIDA 33308

Legal Description: LAUDERDALE BY THE SEA 6-2 B LOT 18 &19 BLK 16
Folio (Property I.D): 4943 18 01 1600

Violations:

1. **F-103.2.9. The Florida Fire Prevention Code, Broward County Amendments.**
Order to eliminate dangerous or hazardous conditions. Whenever the fire chief or duly authorized representative shall find in any building or upon any premises, dangerous or hazardous conditions or materials, including but not limited to violation of the requirements encompassed in Chapter 633, Florida Statutes or the following paragraphs shall order such violations and dangerous conditions, or materials removed or remedied. F-103.2.9.10 any building or other structure which, for want of repairs, lack of adequate exit facilities, automatic or other fire alarm apparatus or fire extinguishing equipment or by reason of age, dilapidated condition, or from any other cause, create a hazardous condition.
Repair the fire alarm system to working order at once. Once all repairs are made, submit a report to the Lauderdale-By-The-Sea Fire Marshal from the fire alarm company.
2. **N.F.P.A.1.10.4. Maintenance, inspection, and test.**
Whenever or wherever any device, equipment, system, condition, arrangement, level of protection, fire – resistive construction, or other feature shall thereafter be continuously maintained. Maintenance shall be provided in accordance with applicable N.F.P.A requirements or requirements developed as part of a performance –based design, or as directed by the A.H.J. (101.4.6.13.1).

The fire service back flow shall be inspected by a license fire protection company yearly and have a State-approved record tag place on the device. After the inspection is done, a copy of the report from the inspection shall be submitted to the Lauderdale-By-The-Sea Fire Marshal.

3. N.F.P.A.1.10.4. Maintenance, inspection, and test.

Whenever or wherever any device, equipment, system, condition, arrangement, level of protection, fire – resistive construction, or other feature shall thereafter be continuously maintained. Maintenance shall be provided in accordance with applicable N.F.P.A requirements or requirements developed as part of a performance –based design, or as directed by the A.H.J. (101.4.6.13.1).

Replace the missing cap on the fire department connection.

4. N.F.P.A.1.10.4. Maintenance, inspection, and test.

Whenever or wherever any device, equipment, system, condition, arrangement, level of protection, fire – resistive construction, or other feature shall thereafter be continuously maintained. Maintenance shall be provided in accordance with applicable N.F.P.A requirements or requirements developed as part of a performance –based design, or as directed by the A.H.J. (101.4.6.13.1).

Have O S & Y valves on the fire service back flow repaired by a licensed fire protection company.

5. N.F.P.A.101.7.8.1.2.

Illumination of the means of egress shall be continuous during the time that the conditions of occupancy require that the means of egress be available for use, unless otherwise provided in 7.8.1.2.2.

Repair the interior stair light at the 4th floor north stair to working order.

6. N.F.P.A.1.10.4. Maintenance, inspection, and test.

Whenever or wherever any device, equipment, system, condition, arrangement, level of protection, fire – resistive construction, or other feature shall thereafter be continuously maintained. Maintenance shall be provided in accordance with applicable N.F.P.A requirements or requirements developed as part of a performance –based design, or as directed by the A.H.J. (101.4.6.13.1).

Replace the missing ceiling tiles in interior hallway next to apartment 302.

7. N.F.P.A.1.10.4. Maintenance, inspection, and test.

Whenever or wherever any device, equipment, system, condition, arrangement, level of protection, fire – resistive construction, or other feature shall thereafter be continuously maintained. Maintenance shall be provided in accordance with applicable N.F.P.A requirements or requirements developed as part of a performance –based design, or as directed by the A.H.J. (101.4.6.13.1).

Replace the 3rd floor warped hallway fire rated door at the electrical room.

8. N.F.P.A.1.10.4. Maintenance, inspection, and test.

Whenever or wherever any device, equipment, system, condition, arrangement, level of protection, fire – resistive construction, or other feature shall thereafter be continuously maintained. Maintenance shall be provided in accordance with applicable N.F.P.A requirements or requirements developed as part of a performance –based design, or as directed by the A.H.J. (101.4.6.13.1).

Repair the battery back up on the exit light by apartment 320.

9. F-103.2.9. The Florida Fire Prevention Code, Broward County Amendments.

Order to eliminate dangerous or hazardous conditions. Whenever the fire chief or duly authorized representative shall find in any building or upon any premises, dangerous or hazardous conditions or materials, including

But not limited to violation of the requirements encompassed in Chapter 633, Florida Statutes or the following paragraphs shall order such violations and dangerous conditions, or materials removed or remedied.

F-103.2.9.10. Any building or other structure which, for want of repairs, lack of adequate exit facilities, automatic or other fire alarm apparatus or fire extinguishing equipment or by reason of age, dilapidated condition, or from any other cause, create a hazardous condition.

Install a fire rated door handle on the 2nd floor exit door from the south enclosed stair. Replace the wire glass.

10. N.F.P.A.101.7.8.1.2.

Illumination of the means of egress shall be continuous during the time that the conditions of occupancy require that the means of egress be available for use, unless otherwise provided in 7.8.1.2.2.

Repair the 2nd floor interior light in the north interior stair to working order.

11. N.F.P.A.72.10.5.5.3. Mechanical protection.

The dedicated breach circuit(s) and connections shall be protected against physical damage.

Have the fire alarm company install a lock out on the circuit braker that controls the fire alarm panel inside the exterior meter room (1st floor).

12. N.F.P.A.1.10.4. Maintenance, inspection, and test.

Whenever or wherever any device, equipment, system, condition, arrangement, level of protection, fire – resistive construction, or other feature shall thereafter be continuously maintained. Maintenance shall be provided in accordance with applicable N.F.P.A requirements or requirements developed as part of a performance –based design, or as directed by the A.H.J. (101.4.6.13.1).

Have the fire extinguisher inside the exterior electrical meter room inspected.

On January 27, 2022, an administrative hearing in the above-referenced case was held before the Special Magistrate for the Town of Lauderdale-By-The-Sea, Florida. Set below are the findings of fact, conclusions of law and final order for the subject hearing.

FINDINGS OF FACT

The record indicates that the Respondent(s) owns certain real property located at 4225 El Mar Drive, Lauderdale-By-The-Sea, FL 33308 (the "subject property"), more particularly described as follows:

LEGAL DESCRIPTION: LAUDERDALE BY THE SEA 6-2 B LOT 18 &19 BLK 16

TAX FOLIO NUMBER (PROPERTY I.D.): 4943 18 01 1600

This case stems from a Notice of Violation issued on January 19, 2022 for the multiple violations listed above.

At the hearing held in this matter on January 27, 2022, the Town presented testimony by Fire Marshal, Stephen Paine, who testified under oath concerning his personal knowledge of the existence of the subject violation(s) and entered into record evidence of notice required under Chapter 162, Florida Statutes. The Respondent did not attend the hearing.

CONCLUSIONS OF LAW

Accordingly, based on the testimony and evidence referenced above, the Town has met its burden of proving that the Respondent(s) violated the above referenced Codes and that the violations continue to exist on the subject property.

ORDER

It is hereby ordered as follows:

Based upon the above findings of fact and conclusions of law, the undersigned Special Magistrate finds that the Respondent(s) violated the above referenced Codes and that the violations continue to exist on the subject property.

The Special Magistrate has ordered the property owner to **correct all violations by FEBRUARY 23, 2022, or a fine of \$250 per violation** will be assessed beginning on FEBRUARY 24, 2022. He also ordered this case to come back for a status update at the next Code Compliance Hearing on FEBRUARY 24, 2022 to ensure progress is being made in a timely manner.

A hearing cost of \$100 was assessed, is now due, and if not timely paid, may be certified as a lien against the property.

In determining the fine amount to be imposed, consideration was given to the gravity of the violation(s), any action taken by the Respondent to correct the violation(s) and any previous violations committed by the Respondent(s).

It is your responsibility to contact the Town of Lauderdale-By-The-Sea Fire Marshal when the property is in compliance.

Under Section 162.11, Florida Statutes, this Order may be appealed to the Circuit Court of Broward County, Florida, within 30 days of the date of this Order.

Done and ordered this **11th of February, 2022**.

2/8/2022
 Store: 1
 Printed: 2/12/2022 8:09:19 AM

Sales Order #H4724
 Ordered: 2/8/2022
 You have been helped by: EDDIE

Page 1



BUILDERS BARGAIN
 900 NE 3RD AVENUE
 FORT LAUDERDALE, FL 33304
 954-522-1900
 WWW.BUILDERS-BARGAIN.COM

Bill To:
 ROBERT JACKSON
 954 534 6194

INSTRUCTIONS: BUENA VISTA 15576 ETA 10 WEEKS CONTRACTOR TO VERIFY THE HING LOCATION DOOR LOCK AND DOOR
 SIZE EDDIE EDDIE

Order Status: Open

Item Name	Item Description	Qty	Price	Ext Price
FPG HM INTERIOR ORDER ITEM	LHIS : 90 MINUTE BIRCH WITH 7" X 18" FIRE RATED WIRE GLASS WIDTH: 35-1/2 HIGH: 83-1/8 HINGES FROM THE TOP DOWN: 1ST: 4-1/2 2ND: 35 3RD: 65 CENTER OF THE LOCK BORE: 41-1/2	1	\$1,719.00	\$1,719.00
FPG HM INTERIOR ORDER ITEM	LHIS : 90 MINUTE BIRCH WIDTH: 35-1/2 HIGH: 83-1/8 HINGES FROM THE TOP DOWN: 1ST: 4-1/2 2ND: 35 3RD: 65 CENTER OF THE LOCK BORE: 41-1/2	0 1	\$0.00 \$1,214.00	\$0.00 \$1,214.00
DOOR CLOSER ALUMINUM	DELTANA # DC70-AL	0 3	\$0.00 \$89.00	\$0.00 \$267.00
FPG HM INTERIOR ORDER ITEM	1/ LHIS HOLLOW METAL with a 7 x 18 wire glass LHIS : 90 MINUTE BIRCH WITH 7" X 18" FIRE RATED WIRE GLASS WIDTH: 35-1/2 HIGH: 83-1/8 HINGES FROM THE TOP DOWN: 1ST: 4-1/2 2ND: 35 3RD: 65 CENTER OF THE LOCK BORE: 41-1/2	0 1	\$0.00 \$1,066.00	\$0.00 \$1,066.00
Total Qty Ordered: 6		0	\$0.00	\$0.00

Percent Unfilled: 100

Deposit History			
Date	Receipt #	Amount	Payment
2/12/2022	162742	\$4,564.62	Check

2019 7%
 Subtotal: \$4,266.00
 7 % Tax: + \$298.62
TOTAL: \$4,564.62
 Deposit Balance: \$4,564.62
 Balance Due: \$0.00



Town of
LAUDERDALE-BY-THE-SEA
FIRE CODE ENFORCEMENT SPECIAL MAGISTRATE

4501 Ocean Drive, Lauderdale-By-The-Sea, Florida 33308-3610
Telephone: (954) 640-4250 Fax: (954) 776-3431

TOWN OF LAUDERDALE-BY-THE-SEA,
Petitioner,

Case No. 22- 1345
Fire Inspector: Stephen Paine

v.
K.M. & BUSCHBAUM, INC
P.O. BOX 16030
PLANTATION, FLORIDA 33318

Respondent.

To: K.M.& BUSCHBAUM, INC P.O. BOX 16030, PLANTATION, FLORIDA 33318

Location Of Violation: 4225 EL MAR DRIVE, LAUDERDALE BY THE SEA, FLORIDA 33308

Legal Description: LAUDERDALE BY THE SEA 6-2 B LOT 18 &19 BLK 16

Tax Folio (Property I.D): 4943 18 01 1600

SPECIAL MAGISTRATE ORDER EXTENDING TIME TO COMPLY

On February 24, 2022, an administrative hearing in the above-referenced case was held before the Special Magistrate for the Town of Lauderdale-By-The-Sea, Florida. The Special Magistrate granted the following:

Time to comply extended to May 25, 2022.

If any cited violations remain, a fine of \$250 per day will begin to accrue on May 26, 2022.

The Magistrate ordered the property to return to the next hearing **Thursday, May 26, 2022 at 5:00 P.M.**

It is your responsibility to contact the Town of Lauderdale-By-The-Sea Fire Marshal when the property is in compliance.

Under Section 162.11, Florida Statutes, this Order may be appealed to the Circuit Court of Broward County, Florida, within 30 days of the date of this Order.

Done and ordered this _____, **2022.**



Town of
LAUDERDALE-BY-THE-SEA
FIRE CODE ENFORCEMENT SPECIAL MAGISTRATE

4501 Ocean Drive, Lauderdale-By-The-Sea, Florida 33308-3610
Telephone: (954) 640-4250 Fax: (954) 776-3431

TOWN OF LAUDERDALE-BY-THE-SEA,
Petitioner,

Case No. 22- 1345
Fire Inspector: Stephen Paine

v.
K.M. & BUSCHBAUM, INC
P.O. BOX 16030
PLANTATION, FLORIDA 33318

Respondent.

To: K.M.& BUSCHBAUM, INC P.O. BOX 16030, PLANTATION, FLORIDA 33318
Location Of Violation: 4225 EL MAR DRIVE, LAUDERDALE BY THE SEA, FLORIDA 33308
Legal Description: LAUDERDALE BY THE SEA 6-2 B LOT 18 &19 BLK 16
Tax Folio (Property I.D): 4943 18 01 1600

NOTICE OF STATUS HEARING

Dear K.M. & BUSCHBAUM, INC:

The above-referenced Case # 22-1345 has been scheduled for a hearing on **June 23, 2022 at 5:00 p.m.** in the Town of Lauderdale-By-The-Sea Commission Meeting Room, 4505 Ocean Drive, Lauderdale-By-The- Sea, Florida 33308.

Should you have any questions, please contact the FIRE MARSHAL at **954-640-4251.**

Sincerely,

Stephen Paine
Town of Lauderdale-By-The-Sea Fire Marshal

CC:
JESSE DALEN
REGISTERED AGENT
491 N.W.42 AVE, SUITE 21
PLANTATION, FL 33318



Town of
LAUDERDALE-BY-THE-SEA
FIRE CODE ENFORCEMENT SPECIAL MAGISTRATE

4501 Ocean Drive, Lauderdale-By-The-Sea, Florida 33308-3610
Telephone: (954) 640-4250 Fax: (954) 776-3431

TOWN OF LAUDERDALE-BY-THE-SEA,
Petitioner,

Case No. 22- 1345
Fire Inspector: Stephen Paine
Date: 06/30/2022

v.
K.M. & BUSCHBAUM, INC
P.O. BOX 16030
PLANTATION, FLORIDA 33318

Respondent.

To: K.M. & BUSCHBAUM, INC. P.O. BOX 16030, PLANTATION, FLORIDA 33318
Location Of Violation: 4225 EL MAR DRIVE, LAUDERDALE BY THE SEA, FLORIDA 33308
Legal Description: LAUDERDALE BY THE SEA 6-2 B LOT 18 &19 BLK 16
Tax Folio (Property I.D): 4943 18 01 1600

SPECIAL MAGISTRATE ORDER

On June 23, 2022, an administrative hearing in the above-referenced case was held before the Special Magistrate for the Town of Lauderdale-By-The-Sea, Florida. The Special Magistrate ordered the property to come into compliance with the below remaining violations by June 30, 2022, or else the property shall be evacuated:

1. **N.F.P.A.1.10.4. Maintenance, inspection, and test.**
Whenever or wherever any device, equipment, system, condition, arrangement, level of protection, fire – resistive construction, or other feature shall thereafter be continuously maintained. Maintenance shall be provided in accordance with applicable N.F.P.A requirements or requirements developed as part of a performance –based design, or as directed by the A.H.J. (101.4.6.13.1).
Replace the 3rd floor warped hallway fire rated door at the electrical room.
2. **F-103.2.9. The Florida Fire Prevention Code, Broward County Amendments.**
Order to eliminate dangerous or hazardous conditions. Whenever the fire chief or duly authorized representative shall find in any building or upon any premises, dangerous or hazardous conditions or materials, including but not limited to violation of the requirements encompassed in Chapter 633, Florida Statutes or the following paragraphs shall order such violations and dangerous conditions, or materials removed or remedied.
F-103.2.9.10. Any building or other structure which, for want of repairs, lack of adequate exit facilities, automatic or other fire alarm apparatus or fire extinguishing equipment or by reason of age, dilapidated condition, or from any other cause, create a hazardous condition.
Install a fire rated door handle on the 2nd floor exit door from the south enclosed stair. Replace the wire glass.

It is your responsibility to contact the Town of Lauderdale-By-The-Sea Fire Marshal when the property is in compliance.

Under Section 162.11, Florida Statutes, this Order may be appealed to the Circuit Court of Broward County, Florida, within 30 days of the date of this Order.

Done and ordered this _____, 2022.

ATTEST:

OFFICE OF THE SPECIAL MAGISTRATE
TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA

Megan Small
SPECIAL MAGISTRATE CLERK

Tom Ansbro
SPECIAL MAGISTRATE

**STATE OF FLORIDA
COUNTY OF BROWARD**

The foregoing instrument was acknowledged before me by means of ____ physical presence or ____ online notarization, this ____ day of _____, _____ by _____ and _____, of the Town of Lauderdale-By-The-Sea, who are personally known to me and who did not take an oath.

My Commission Expires:

NOTARY PUBLIC, State of Florida at Large

Print, type or stamp name of Notary

Commission Number, if any

CC:
JESSE DALEN
REGISTERED AGENT
491 N.W.42 AVE, SUITE 21
PLANTATION, FL 33318

Note: Payments should be made payable to The Town of Lauderdale-By-The-Sea, 4501 N Ocean Drive, Lauderdale-By-The-Sea, FL 33308.



Town of
LAUDERDALE-BY-THE-SEA
FIRE CODE ENFORCEMENT SPECIAL MAGISTRATE

4501 Ocean Drive, Lauderdale-By-The-Sea, Florida 33308-3610
Telephone: (954) 640-4250 * Fax: (954) 776-3431

TOWN OF LAUDERDALE-BY-THE-SEA,
Petitioner,

Case No 22-1345
Fire inspector: Stephen Paine

Date: July 5, 2022

v.
K.M. & BUSCHBAUM, INC
P.O. BOX 16030
PLANTATION, FLORIDA 33318
DALEN JESSE
REGISTERED AGENT
491 N.W. 42 AVE.
SUITE 21
PLANTATION, FLORIDA
33318 Respondent.

EMERGENCY NOTICE
NOTICE OF SPECIAL MAGISTRATE HEARING

TO : K.M.& BUSCHBAUM, INC P.O.BOX 16030, PLANTATION, FLORIDA 33318 AND DALEN JESSE
REGISTERED AGENT, 491N.W.42 AVE,SUITE 21
PLANTATION, FLORIDA 33318.

LOCATION OF VIOLATION : 4225 EL MAR DRIVE, LAUDERDALE BY THE SEA , FLORIDA
33308

LEGAL DESCRIPTION: LAUDERDALE BY THE SEA 6-2 B LOT 18 &19 BLK 16
FOLO (PROPERTY I.D) 4943 18 01 1600

F-103.2.9. THE FLORIDA FIRE PREVENTION CODE , BROWARD COUNTY AMENDMENTS
ORDER TO ELIMINATE DANGEROUS OR HAZARDOUS CONDITIONS. WHENEVER THE FIRE
CHIEF OR DULY AUTHORIZED REPRESENTATIVE SHALL FIND IN ANY BUILDING OR UPON
ANY PREMISES, DANGEROUS OR HAZARDOUS CONDITIONS OR MATERIALS, INCLUDING
BUT NOT LIMITED TO VIOLATION OF THE REQUIRMENTS EMCOMPASSED IN CHAPTER
633, FLORIDA STATUTES OR THE FOLLOWING PARAGRAPHS SHALL ORDER SUCH
VIOLATIONS AND DANGEROUS CONDITIONS OR MATERIALS REMOVED OR REMEDIED.

F-103.2.9.10

ANY BUILDING OR OTHER STRUCTURE WHICH, FOR WANT OF REPAIRS, LACK OF

ADEQUATE EXIT FACILITIES, AUTOMATICAL OR OTHER FIRE ALARM APPARATUS OR FIRE EXTINGUISHING EQUIPMENT OR BY REASON OF AGE DILAPIDATED CONDITION OR FROM ANY OTHER CAUSE , CREATE A HAZARDOUS CONDITION.

TO WITT: THE HALLWAY FIRE RATED DOOR AT THE ELECTRICAL ROOM SHALL BE REPLACED. DOOR IS IN WORPED. 3 FLOOR

F-103.2.9. THE FLORIDA FIRE PREVENTION CODE , BROWARD COUNTY AMENDMENTS ORDER TO ELIMINATE DANGEROUS OR HAZARDOUS CONDITIONS. WHENEVER THE FIRE CHIEF OR DULY AUTHORIZED REPRESENTATIVE SHALL FIND IN ANY BUILDING OR UPON ANY PREMISES, DANGEROUS OR HAZARDOUS CONDITIONS OR MATERIALS, INCLUDING BUT NOT LIMITED TO VIOLATION OF THE REQUIRMENTS EMCOMPASSED IN CHAPTER 633, FLORIDA STATUTES OR THE FOLLOWING PARAGRAPHS SHALL ORDER SUCH VIOLATIONS AND DANGEROUS CONDITIONS OR MATERIALS REMOVED OR REMEDIED.
F-103.2.9.10

ANY BUILDING OR OTHER STRUCTURE WHICH, FOR WANT OF REPAIRS, LACK OF ADEQUATE EXIT FACILITIES, AUTOMATICAL OR OTHER FIRE ALARM APPARATUS OR FIRE EXTINGUISHING EQUIPMENT OR BY REASON OF AGE DILAPIDATED CONDITION OR FROM ANY OTHER CAUSE , CREATE A HAZARDOUS CONDITIONS

TO WITT : THE 2 FLOOR EXIT DOOR FROM THE SOUTH ENCLOSED STAIR SHALL HAVE FIRE RATED DOOR HANDLE AND THE WIRE GLASS SHALL BE REPLACE. THIS DOOR IS A REQUIRED 2 MEANS OF EGRESS FROM THE 2 FLOOR APARTMENT NEXT DOOR.

YOU ARE HEREBY NOTIFIED of a hearing concerning your code violation on July 7 ,2022at 5:00 P.M.. before the Special Magistrate for the Town of Lauderdale-By-The-Sea at Town Hall Commission Chambers, 4501 North Ocean Drive, Lauderdale-By-The-Sea, Florida. The enclosed Notice of Violation includes more specific information regarding your violation.

This case may be presented to the Special Magistrate even if the violation is corrected prior to the hearing.

Pursuant to Chapter 162, Florida Statutes, the Town of Lauderdale-By-The-Sea has adopted the Special Magistrate system of enforcement of the Code of Ordinances of the Town of Lauderdale-By-The-Sea. The Special Magistrate will quickly and fairly render decisions concerning violations of these codes.

During the hearing, you will be allowed to testify regarding the violation and to present evidence, witnesses and cross-examine witnesses in your defense. In addition, you will have the opportunity to present evidence at the hearing regarding the amount of time you will need to correct the alleged violation.

At your own expense, you have the right to obtain an attorney to represent you before the Special Magistrate. If you will be represented by an attorney in this proceeding, you or your attorney should notify the

Code Enforcement Officer in writing within five (5) business days prior to the date set for the hearing.

Please be advised that if the Special Magistrate finds you to be in violation, the Special Magistrate can levy a monetary fine of up to \$250 per day, or \$500 per day for a repeat violation, for each day that the violation continues past the date set by the Special Magistrate, whether you appear at the hearing or not. You may also be liable for the reasonable administrative hearing costs of \$150.00 if found in violation of the code. If the Special Magistrate finds that the violation is irreparable or irreversible in nature, the Special Magistrate may impose a fine of up to \$5,000 per violation.

A certified copy of the Final Order imposing a fine may be recorded in the Public Records of Broward County, Florida and thereafter shall constitute a lien against your property and upon any other real or personal property owned by you, which can be enforced by legal action.

Any request for postponement or continuance of the Special Magistrate hearing should be forwarded in writing, with a statement of the reasons for the request, to the Code Enforcement Officer at least ten (10) calendar days prior to the date set for the hearing. Only one continuance will be considered without the need for an appearance before the Special Magistrate.

In the event that you decide to appeal any decision of the Special Magistrate, you will need a record of the proceedings and, for such purpose, you may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Although a recording of the proceedings is made by the Town, you may elect to have a Court Reporter present

Any person requiring auxiliary aids and services to participate in this proceeding should contact the Clerk to the Special Magistrate ,Clerk, at 954-640-4210 at least 48 hours prior to the hearing.

TOWN OF LAUDERDALE-BY-THE-SEA

CC TO:

By: Stephen C Paine 7/5/2022
Stephen Paine, Fire Inspector