

**CITY OF HALLANDALE BEACH, FLORIDA
400 SOUTH FEDERAL HIGHWAY
SPECIAL MAGISTRATE HEARING**

CITY OF HALLANDALE BEACH,
FLORIDA,

CASE NO. CEC-22-1327

Petitioner,

vs.

DOBAK, JERRY A
622 SW 9 ST
HALLANDALE BEACH FL 33009-6937

Respondent.

FINAL ORDER

THIS CAUSE came on to be heard before the undersigned Special Magistrate on September 1, 2022 after service and due notice was provided to Respondent as provided by law. After considering the evidence and arguments presented, the Special Magistrate finds and orders as follows:

VIOLATIONS

REMOVE LARGE BEEHIVE THAT IS LOCATED ON OWNER'S PROPERTY AND THAT IS VISIBLE FROM SUNSET PARK THAT IS A SERIOUS THREAT TO THE HEALTH, SAFETY, AND WELFARE OF THE PUBLIC. CITY CODE SECTION 14-11 (1)(3).

Subject real property: 622 SW 9 STREET, HALLANDALE BEACH FL 33009-6937

1. Respondent is charged with a violation of the aforementioned code of the CITY OF HALLANDALE BEACH, FLORIDA.

FINDINGS OF FACT

2. The evidence provided that Respondent is the owner of real property in the city of Hallandale Beach, Florida, Broward County, and that is located at 622 SW 9 STREET, HALLANDALE BEACH FL 33009-6937. The subject real property is more particularly described as follows: SUNSET PARK NO 2 32-46 B LOT 2. Folio/ID number is 5142 28 08 0020.

3. At the hearing, Petitioner, CITY OF HALLANDALE BEACH, presented evidence regarding the existence of the violation stated herein above that was shown by substantial competent evidence to be a serious threat and hazard to the public health, safety, and welfare and to the safety of the public. See Fla Stat. 162.06 (4) which provides: "If the code inspector has reason to believe a violation or the condition causing the violation presents a serious threat to the public health, safety, and welfare or if the violation is irreparable or irreversible in nature, the code inspector shall make a reasonable effort to notify the violator and may immediately notify the enforcement board and request a hearing."

4. Based on the sworn to personal knowledge of the Code Compliance Officer that included testimony, photographs, and the evidence presented and that was entered into the record, the Special Magistrate finds that there was a violation of the above cited code section(s). Respondent was served and notified of this hearing as provided by law. Respondent was not present at the hearing, but he provided an email to the code inspector outlining his position that was read into the record at the hearing, and accordingly the sworn to testimony and evidence provided by the Petitioner was not contested.

CONCLUSIONS OF LAW

5. Based upon the evidence presented by Petitioner that is stated above, Petitioner met its burden of proving by substantial competent evidence that the violation as alleged in the Notice of Violation does in fact exist on the subject real property. The violation is a serious threat to the health, safety, and welfare of the public and needs to be remedied.

ORDER

6. THEREFORE, BASED UPON THE ABOVE FINDINGS OF FACT AND CONCLUSIONS OF LAW, THE SPECIAL MAGISTRATE FINDS RESPONDENT GUILTY OF VIOLATING CITY CODE SECTIONS. RESPONDENT IS GIVEN UNTIL SEPTEMBER 13, 2022 TO REMEDY THE VIOLATION BY HIRING A BEEHIVE REMOVAL SPECIALIST IN ORDER TO HAVE THE BEEHIVE REMOVED AND TO BRING THE VIOLATION INTO COMPLIANCE, OR FACE A PER DIEM FINE OF TWO HUNDRED FIFTY DOLLARS (\$250.00) FOR EACH DAY RESPONDENT'S REAL PROPERTY REMAINS IN VIOLATION BEYOND THE COMPLIANCE DATE. IF THE SUBJECT PROPERTY IS NOT BROUGHT INTO COMPLIANCE BY RESPONDENT BY THE DATE SET OUT ABOVE AND THE BEEHIVE IS NOT REMOVED BY A BEEHIVE REMOVAL SPECIALIST, THEN THE CITY IS HEREBY AUTHORIZED TO HIRE A BEEHIVE REMOVAL SPECIALIST AND ANY OTHER NECESSARY CONTRACTORS FOR THESE PURPOSES IN ORDER TO REMOVE THE BEEHIVE AND TO GAIN ENTRANCE ONTO RESPONDENT'S FRONTYARD AND BACKYARD AND WHEREEVER THE BEEHIVE IS LOCATED IN ORDER TO REMOVE THE BEEHIVE FOR WHICH THE CITY SHALL BE ENTITLED TO CHARGE RESPONDENT FOR THE COSTS INCURRED TO REMEDY THIS VIOLATION. SEE FLA. STATS. 162.09 (1), 162.09 (3).

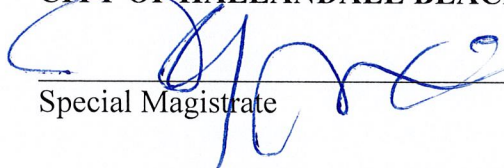
7. THIS MATTER SHALL BE REFERRED BACK TO THE SPECIAL MAGISTRATE FOR AN ORDER IMPOSING FINE AND THE SPECIAL MAGISTRATE IS HEREBY AUTHORIZED TO ENTER A FINAL

ORDER CERTIFYING THE CODE ENFORCEMENT FINE THAT SHALL BE RECORDED IN THE PUBLIC RECORDS OF THE OFFICE OF THE CLERK OF THE CIRCUIT COURT IN AND FOR BROWARD COUNTY, FLORIDA AND SAID FINAL ORDER IMPOSING FINE AND LIEN SHALL CONSTITUTE A LIEN.

7. A FINE AND LIEN IMPOSED BY THE A SPECIAL MAGISTRATE SHALL CONTINUE TO ACCRUE UNTIL THE RESPONDENT AND VIOLATOR COMES INTO COMPLIANCE WITH THE FINAL ORDER. RESPONDENT SHALL NOTIFY THE CITY'S CODE COMPLIANCE SPECIALIST, WHO SHALL INSPECT THE PROPERTY TO DETERMINE IF COMPLIANCE HAS OCCURRED.

DONE AND ORDERED at the City of Hallandale Beach, Florida, this 6 day of September, 2022.

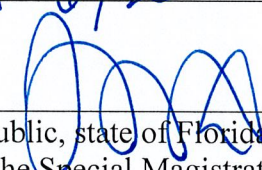
CITY OF HALLANDALE BEACH, FLORIDA


Special Magistrate

STATE OF FLORIDA
COUNTY OF BROWARD

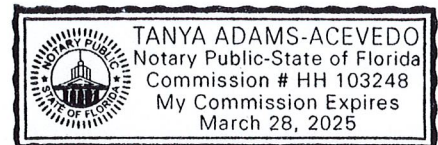
I HEREBY certify that on this day before me, an officer duly qualified to take acknowledges, personally appeared Harry Hipler, Special Magistrate, and Mitch Posner, Code Compliance Official, respectively, to me known to be the persons described in and who executed the foregoing instrument and acknowledged before me that they executed same.

WITNESS my hand and official in the County and State aforesaid this date:
Sept. 6, 2022, 2022.


Notary Public, state of Florida
Clerk to the Special Magistrate

Filed with the Secretary of the Code Enforcement Special Magistrate this 6 day of Sept 6, 2022.

Tanya Adams, Secretary
Code Enforcement Special Magistrate



Any person aggrieved by a final decision of the Code Enforcement Special Magistrate may seek judicial review of that decision in accordance with the Florida Rules of Appellate Procedure.