



AGENDA ITEM REQUEST FORM

Item No. 3g.ii

Town Manager

Connie Hoffmann *CH*

Department Submitting Request

Dept Head's Signature

REGULAR
COMMISSION MTG
Meeting Dates - 7:00 PM

DEADLINE TO
Town Clerk

ROUNDTABLE
MEETING
Meeting Dates - 7:00 PM

DEADLINE TO
Town Clerk

- April 26, 2011
- May 24, 2011
- June 28, 2011
- July 26, 2011

- April 15 (5:00 pm)
- May 13 (5:00 pm)
- June 10 (5:00 pm)
- July 15 (5:00 pm)

- April 12, 2011
- May 10, 2011
- June 14, 2011
- July 12, 2011

- April 1 (5:00 pm)
- April 29 (5:00 pm)
- June 3 (5:00 pm)
- July 1 (5:00 pm)

SUBJECT TITLE: REPORT ON CODE, BUILDING & LIFE SAFETY VIOLATIONS AT 4116 OCEAN DRIVE, DBA LAUDERDALE BY THE SEA RESORT

EXPLANATION: As the Commission is aware, the Fire Marshall ordered the above-referenced hotel closed on March 30th due to life safety violations. The attached report outlines the numerous violations found at that property and our previous enforcement activities there this calendar year.

EXPECTED OUTCOME: Keep the Commission abreast of the violations cited at the property and our actions in seeking compliance with the Building Code, the Fire Code, and the Town's Code of Ordinances.

EXHIBITS: Report dated 4/7/2011 on 4116 Ocean Drive from Zoning & Code Enforcement Supervisor Jeff Bowman

Town Manager Initials *CH*

INTEROFFICE MEMORANDUM

TO: CONNIE HOFFMEAN, TOWN MANAGER

VIA: BUD BENTLEY, ASSISTANT TOWN MANAGER 

FROM: JEFF BOWMAN, ZONING AND CODE SUPERVISOR 

SUBJECT: 4116 OCEAN DR

DATE: 4/7/2011

On March 30, 2011 staff conducted an inspection on the property located at 4116 Ocean Drive (Lauderdale By The Sea Resort and Beach Club). The Town Fire Marshal, Building Official, and I observed several violations throughout the building, which include, but are not limited to the following:

Code Enforcement Violations Issued

1. Uncapped sewer lines in several units.
2. Storage of trash and debris within units.
3. Missing front door handles to several units.
4. Collapsed ceilings from water damage.
5. Unmaintained storm drains that are full of debris.
6. No permits for interior renovations to multiple units.
7. Unsanitary rooms with mold and mildew.
8. Exposed electrical wiring. (Fire Marshal issued violation on 3-21-11)

Fire Marshal Violations Issued

9. Unlawful change of use. Multiple units were being used for storage.
10. Unlawful amount of combustible storage on the first floor.
11. No pre-fire warning device in storage rooms on first floor.
12. Obstruction of doorways on the first floor due to the amount of storage.
13. Smoke detectors within multiple units are not operational or functional. These rooms were ordered closed to occupancy on March 21st by the Fire Marshall until the violations were corrected. (Additional violations of this nature were found upon re-inspection on March 30th.)

14. The Broward Sheriff's Office issued a Notice to Appear (NTA) to the manager on site because the Fire Marshal found that unsafe stickers on three of the approximately 18 rooms that were posted during his previous inspection on March 21 had been removed from the doors to the rooms.
15. No emergency lighting in several areas and inoperable in others.
16. Unlawful use of extension cords.
17. Stairway doors missing on several floors. Other stairway doors do not close properly.
18. Missing and expired fire extinguishers.
19. Damaged electrical conduit in stairway.
20. Inoperable panic bar in boiler room.
21. Uncovered electrical box in the restroom of the laundry room.
22. Illegal installation of an electrical cord running through a wall to the patio game room.
23. Illegal placement of LP tank next to patio.
24. Maximum capacity for the restaurant is not posted.
25. Exposed electrical wiring and outlets in restaurant kitchen.
26. Inoperable doors to boiler room.
27. Holes in walls that need to be repaired.
28. No sign posted stating "LOCAL FIRE ALARM. WHEN FIRE ALARM RINGS CALL 911."
29. Exposed electrical wiring in the dining room of the restaurant.
30. Telephone in elevator not operable.

All Notices of Violation issued were signed for by the management of the hotel and also sent to the owners of the property (Fifth Third Bank).

Building Department Violations Issued

31. No permits for the renovations of several rooms.
32. Exhaust fans in an overwhelming amount of rooms do not work.
33. Toilets that were removed and the plumbing not covered.
34. LP storage tank placed near the bar.
35. Stairway doors missing.
36. Expired elevator certificates and one (1) elevator inoperable.

Follow Up With Outside Agencies

Staff contacted the Florida Department of Health/Broward County Health Department and inquired if that agency responds to complaints of bed bugs at Hotels and they do not.

Staff contacted the State of Florida Department of Business and Professional Regulations/Division of Hotels and Restaurants (State) to ascertain the last time they had completed an inspection at this location. They directed us to their website where the information is readily available to the public. We discovered that the State completed an inspection of the Hotel on January 1, 2011 that resulted in finding of "Met Inspection Standards During This Visit", although they did cite the hotel for numerous items listed below. The department cites violations of Florida's sanitation and safety laws, which are based on the standards of U.S. Food and Drug Administration's Food Code. This department also investigates complaints of bed bugs. In general, critical violations are those that, if not corrected, are likely to contribute directly to food contamination, illness or environmental damage. Although they use the industry-standard term "critical", varying degrees of severity and potential risk to the public require inspectors to assess each situation in determining the appropriate action. In addition, while an establishment may have multiple violations, the inspectors' training and judgment formulate the overall result of the inspection to ensure the public health and safety. Most establishments correct all violations in a timely manner (often during the inspection). The division indicates their procedures are designed to compel compliance with all violations through follow-up visits, administration action or closure when necessary.

<u>Violation</u>	<u>Observation</u>
1. 04-01-2	Critical. Observed a trouble/alarm light illuminated on the fire alarm control panel. For reporting purposes only.
2. 04-10-2	Critical. Observed the fire alarm panel with an expired inspection tag. For reporting purposes only.
3. 08-03-1	Critical. Observed no boiler certificate available for the second boiler. For reporting purposes only.
4. 13-01	Observed a light fixture in disrepair -Room #218-
5. 13-01	Observed a hole in the wall- Shelve- In room 218
6. 13-01	Observed a hole in the wall.

We will be sending a cd with the pictures of the interiors of rooms at the hotel to the State.

Status of Previous Violation Citations by the Town

Staff cited the operator and owner earlier this year for failure to maintain the exterior of the building. Balcony railings and a section of an exterior wall that extends from the second floor to the fifth floor are in disrepair and showing signs of deterioration. This case came before the Town's magistrate and was adjudicated with a mid-June date required for compliance or a daily fine of one hundred and fifty dollars (\$150) per day would commence.

On March 30, 2011 staff observed that each room was posted with signage by management advising occupants of rooms that the balconies are not to be used. Some doors to balconies were sealed shut with L brackets. This does not constitute compliance with the code.

Action Since March 30th Inspection

The operator of the property has already begun to remove the storage within all of the units and has completed the capping of all uncapped sewer lines. The Building Official advised that a permit for emergency lighting and smoke detectors have been applied for, reviewed, and ready to issue once the Fire Marshal determines it is safe to enter the property.

Town staff and the Building Official met with the operator of the property on April 5, 2011 to discuss the issues and provide clear direction for the abatement of all the violations on the property. The operator acknowledged the deplorable conditions of the hotel and indicated that he was going clean it up and renovate the entire building. He was unsure if he would open it back up even when the life safety violations are corrected, indicating he might not reopen until all the renovations are completed, which might not be until December.

Staff will be monitoring the progress at the hotel regularly and working with the owners and operators to ensure all work is completed and completed properly. Additionally, staff will be sending the State the pictures of the above violations.