



Brevard County Fire Rescue
Office of the Fire Marshal
 1040 South Florida Ave.
 Rockledge, FL 32955
 Office (321) 633-2056
 Fax (321) 633-2109
 Email fire.prevention@brevardcounty.us



Occupant Name:	Villa Riviera Club Inc - Building 2 Common	Inspection Date:	2/27/2024
Address:	2925 North Highway A1A	InspectionType:	Administrative, Notice of Violation
Suite:		Structure Name:	Building 2
City:	Indialantic	Inspected By:	Craig Finkelstein 321-637-5660
Zip Code:	32903	Occ. Sq. Ft.:	13192

Insp. Result	Location	Code Set	Code
Code Violation	Floor 1	FL NFPA 101 2021 Chapter 28 New Hotels and Dormitories	28.3.4.1 - General.

Code Text:

A fire alarm system in accordance with Section 9.6, except as modified by 28.3.4.2 through 28.3.4.7, shall be provided.

Inspector Comments: A fire alarm system in accordance with Section 9.6, except as modified by 28.3.4.2 through 28.3.4.7, shall be provided.

ACTION REQUIRED: Have a fire alarm system installed. System must be designed and installed by an engineer and contractor licensed to perform such work. System must be compliant with Section 9.6, NFPA 72, and any other applicable codes.

LOCATION: Building-wide.

Inspector Comments: This building has been identified as containing multiple short term rental occupancies. As such, the building's classification has changed to a Hotel. This drives the requirement cited above wherein the building must now have a building-wide fire alarm system installed. Please see the letter dated February 27th, 2024 from Fire Marshal Carter for additional information. Per FM Carter, a signed contract for this system must be provided to this office no later than May 31st, 2024. At that time, the future timeline for completion will be discussed.

Note: This inspection report was generated on 3/27 due to technical difficulties with inspection software. Report is dated 2/27 to reflect the same date the HOA and property management were provided with the above referenced letter.

Your inspector will return to verify compliance with the adopted Codes on **5/31/2024**.

FAILURE TO COMPLY BEFORE THE ABOVE DATE AND TIME WILL RESULT IN THE COMMENCEMENT OF APPROPRIATE

ENFORCEMENT ACTION AND/OR POSSIBLE **FINE OF UP TO \$1000.00** SHOULD THIS MATTER BE REFERRED TO THE SPECIAL MASTER OR THE **BREVARD COUNTY COURTS** FOR RESOLUTION. PURSUANT TO SECTION 2-171(B) OF THE BREVARD COUNTY CODE, IF THE COUNTY PREVAILS IN PROSECUTING THIS CASE, YOU MAY BE REQUIRED TO PAY ALL COSTS INCURRED BY THE COUNTY. IF THE VIOLATION IS CORRECTED PRIOR TO BRINGING THIS CASE BEFORE THE SPECIAL MASTER AND THEN THE VIOLATION RECURS, THE CODE ENFORCEMENT OFFICER WILL REFER THE CASE FOR HEARING EVEN IF THE VIOLATION IS CORRECTED BEFORE THE DATE OF THE HEARING. **NOTE: PURSUANT TO BREVARD COUNTY CODE, SECTION 2-173 (C), WHEN THE SPECIAL MASTER HAS PREVIOUSLY RULED IN FAVOR OF THE COUNTY AND THE VIOLATION OCCURS AGAIN ON THE SAME PROPERTY, IT BECOMES A REPEAT VIOLATION AND THE CODE ENFORCEMENT OFFICER MAY, WITHOUT GIVING THE PERSON A REASONABLE TIME TO CORRECT THE VIOLATION ISSUE A CITATION TO APPEAR IN COUNTY COURT.**

ENFORCEMENT PROCESS

Pursuant to Chapter 162 of the Florida Statutes, the Board of County Commissioners has created the Code Enforcement Special Magistrate process. The purpose of this process is to provide an equitable, expeditious, effective and inexpensive method of enforcing the codes and ordinances in force in Brevard County, Florida.

You have been issued either a Notice of Violation, Statement of Recurring Violation, Statement of Repeat Violation, or Statement of Irreparable/Irreversible Violation by Brevard County (Code Enforcement, Natural Resources, etc). This makes you a RESPONDENT in a Code Enforcement proceeding. Since proceedings of the Code Enforcement Special Magistrate process are legal in nature, you may wish to retain legal counsel.

NOTICE OF VIOLATION--

Failure to comply with terms of the Notice of Violation may result in this matter being referred to the Brevard County Code Enforcement Special Magistrate for resolution. If a hearing is required and you are found in violation of the Brevard County Code of Ordinances, the Special Magistrate will assess enforcement costs against you.

STATEMENT OF RECURRING, REPEAT OR IRREPARABLE/IRREVERSIBLE VIOLATION--

A Notice of Recurring Violation, Notice of Repeat Violation or Notice of An Irreparable/Irreversible Violation will be automatically referred to the Special Magistrate for resolution, with a Notice of Hearing reflecting the date and time of the hearing. If you are found in violation of the Brevard County Code of Ordinances, the Special Magistrate will assess costs against you.

You have committed a RECURRING VIOLATION if you were issued a notice of violation for the same violation in the past five years but the matter was resolved BEFORE a hearing was held.

You have committed a REPEAT VIOLATION if the Special Magistrate has issued an Order in the past five years that you were in violation of the same violation. A repeat violation is eligible for enhanced fines. Upon the Special Magistrate's findings that a repeat violation has been committed, the Special Magistrate may order the violator to pay a fine for each day the repeat violation continues, beginning with the date the repeat violation is found to have occurred by the code enforcement officer.

You have committed an IRREVERSIBLE/IRREPARABLE violation if you cannot cure the violation (i.e., cutting down a tree, environmental hazard, etc).

SPECIAL MAGISTRATE--

The Special Magistrate is an independent hearing officer retained to conduct hearings on alleged violation of the County Code as provided for in Chapter 162. Please refer to the Rules of the Special Magistrate for the procedures of the hearing. The Rules of the Special magistrate should be attached to all notices of hearings, however, if you did not receive a copy, please contact Code Enforcement at (321) 633-2086 to obtain a copy.

At the conclusion of the hearing, the Code Enforcement Special Magistrate shall issue findings of fact based on evidence of record and conclusions of law, and shall issue an Order affording the proper relief consistent with powers granted by Florida law and County code.

FINES--


If you are found in violation of the County Code, pursuant to Section 2-176 of the Code of Ordinances of Brevard County, Florida, the Special Magistrate may levy fines. The fine imposed shall not exceed \$1,000.00 per day for a first violation, and shall not exceed \$5,000.00 per day for a recurring or repeat violation, and, in addition, may include all costs of repairs. However, if the Special Magistrate finds the violation to be irreparable or irreversible in nature, the Special Magistrate may impose a fine not to exceed \$15,000.00 per violation.

ENFORCEMENT COSTS-- Additionally, pursuant to Section 2-176, if Brevard County prevails in enforcing a case before the Special Magistrate, it shall be entitled to recover all costs incurred in enforcing the case before the Special Magistrate, and in any appeals from the Special Magistrate's order. Such costs include, but are not limited to investigative, administrative and prosecution costs (Uncontested cases = \$350.00; Contested cases = \$550.00).

LIENS-- The fine and/or repair assessment, if not paid, may become a lien on all your non-exempt real and personal property located in Brevard County. This lien may be satisfied by foreclosure in compliance with the Florida Constitution. Additionally, enforcement costs may be imposed as a lien on the property (at such time it is not a homestead under Section 4 of Article X of the Florida Constitution) and any and all other non-exempt real or personal property you own. **APPEAL**-- An aggrieved party, including Brevard County, as part of due process, may appeal a final administrative order of the Special Magistrate to the Circuit Court. Any such appeal must be filed within thirty (30) days of the date of the administrative order. **OTHER ADMINISTRATIVE REMEDIES**-- You may have available to you administrative remedies such as rezoning, conditional use permit or variance. In the event you file an application with the Board of Adjustment, or other administrative agency, be advised that you, as the petitioner, have the burden of proof that all applicable criteria have been met entitling you to the requested relief. It is your responsibility to determine whether or not you believe you are entitled to any administrative relief available and file the applicable forms within the time specified for compliance in this Notice of Violation. If you decide to proceed with an application for an administrative remedy for those violations cited referencing Article VI, Sections 62-1101 through 62-2800 and Article IX, Sections 62-3301 through 62-3600, it should be filed with the Brevard County Planning & Zoning Department, 2725 Judge Fran Jamieson Way, Bldg A, Melbourne, FL 32940. Filing such an application, however, does not necessarily guarantee the granting of a variance or the administrative relief requested. Further information may be obtained by calling the Planning & Zoning Department at (321) 633-2070. For violations cited referencing Florida Building Code and Standard Housing Code, you may have available to you administrative remedies and it is the responsibility of the owner and/or agent to obtain any necessary permit(s) before commencing construction. To correct the violation you will need to contact Code Enforcement for information on how to obtain a building permit at (321) 633-2086. For violations of the Standard Unsafe Building Abatement Code and Unfit for Human Habitation, you will need to contact the Building Official for information at (321) 633-2072.

OFFICE OF FIRE PREVENTION, CODE ENFORCEMENT FEES AND INSPECTIONS-- In accordance with Brevard County Resolution 12-188, if the owner and/or tenant is taken to the Code Enforcement Board, in addition to any fees, fines, or penalties charged or imposed by Code Enforcement and/or the Special Magistrate, the Office of Fire Prevention will charge an administrative fee of \$250. Each additional inspection required will be charged at a rate equal to those in column A of Table 9-1 of the same resolution. A copy of Table 9-1 is available upon request.

Company Representative:


Diane Whittington by email
167610
2/27/2024 12:00:00 PM
Signature valid only in mobile-eyes documents

Inspector:


Craig Finkelstein
167610
2/27/2024 12:00:00 PM
Signature valid only in mobile-eyes documents

Ref: 167610