

CODE COMPLIANCE ORDER
CITY OF PALM BEACH GARDENS, FLORIDA

ORDER FINDING HEALTH, SAFETY, WELFARE VIOLATION

CITY OF PALM BEACH GARDENS,

Petitioner,

Case No. 10-04-3710

vs.

MARIA VALDIVIA,

Respondent.

RE: Violation of Section 79-5 of the Code of Ordinances of the City of Palm Beach Gardens and Sections 303.1 and 303.2 of the IPMC.

Address: 9187 Reed Drive
Palm Beach Gardens, Florida
Legal Description: UNIT NO 3 PALM BEACH SQUARE LT 2 BLK 46
PCN: 52-42-42-13-03-046-0020

The Special Magistrate appointed by the City Council to hear code compliance cases for the City of Palm Beach Gardens, in accordance with Chapter 162, *Florida Statutes*, has heard testimony at the Code Compliance Hearing held on the 28th day of April, 2010, and based on the evidence and testimony presented, entered an Order Finding Health, Safety, Welfare Violation. The following Findings of Fact, Conclusions of Law, and Order are hereby entered:

FINDINGS OF FACT

1. The Respondent, **MARIA VALDIVIA**, was not present at the hearing. **HOWARD PYLE** appeared on behalf of Kane and Associates appeared and presented testimony. There was a finding of proper notice of the violation and of the hearing.
2. Code Officer Ismael Vasquez provided evidence and testimony of the violation and that said violation constitutes a threat to the public health, safety, and welfare.

CONCLUSIONS OF LAW

The above-stated facts constitute a violation of Section 79-5 of the Code of Ordinances of the City of Palm Beach Gardens and Sections 303.1 and 303.2 of the IPMC. Said violations constitute a threat to the public health, safety, and welfare.

ORDER

IT IS THE ORDER OF THE SPECIAL MAGISTRATE THAT THE RESPONDENT SHALL ACHIEVE COMPLIANCE WITH SECTIONS 303.1 AND 303.2 OF THE IPMC BY APRIL 29, 2010 AT 4:00 P.M. IF THE RESPONDENT DOES NOT ACHIEVE COMPLIANCE WITH SECTIONS 303.1 AND 303.2 OF THE IPMC BY APRIL 29, 2010 AT 4:00 P.M., PURSUANT TO §§162.06(4) AND 162.09(1), F.S., THE CITY OF PALM BEACH GARDENS IS HEREBY AUTHORIZED TO IMMEDIATELY ENTER UPON THE PROPERTY AND ABATE THESE HEALTH, SAFETY, AND WELFARE VIOLATIONS. SUCH AUTHORIZATION DOES NOT CREATE A CONTINUING OBLIGATION ON THE PART OF THE CITY TO MAKE FURTHER REPAIRS OR TO MAINTAIN THE PROPERTY.

IT IS FURTHER THE ORDER OF THE SPECIAL MAGISTRATE THAT THE RESPONDENT SHALL ACHIEVE COMPLIANCE WITH SECTION 79-5 OF THE CODE OF ORDINANCES OF THE CITY OF PALM BEACH GARDENS WITHIN SEVEN (7) DAYS. IF THE RESPONDENT DOES NOT ACHIEVE COMPLIANCE WITH SECTION 79-5 WITHIN SEVEN (7) DAYS, PURSUANT TO §§162.06(4) AND 162.09(1), F.S., THE CITY OF PALM BEACH GARDENS IS HEREBY AUTHORIZED TO IMMEDIATELY ENTER UPON THE PROPERTY AND ABATE THESE HEALTH, SAFETY, AND WELFARE VIOLATIONS. SUCH AUTHORIZATION DOES NOT CREATE A CONTINUING OBLIGATION ON THE PART OF THE CITY TO MAKE FURTHER REPAIRS OR TO MAINTAIN THE PROPERTY.

The City's costs incurred to abate the health, safety, and welfare violations shall be assessed against Respondent at a Fine Assessment Hearing to be conducted at a later date.

Should Respondent violate the same Section of the Code again, Respondent may be subject to a fine of up to Five Hundred Dollars (\$500.00) per day for such repeat violation. Additionally, the Code Inspector is not required to give a reasonable time to correct the repeat violation, and the case may be presented to the Special Magistrate even if the repeat violation has been corrected prior to the Special Magistrate hearing.

Upon complying in any code compliance matter, it is always the responsibility of the Respondent to contact the Code Compliance Division at (561) 799-4245 to request a reinspection of the property.

DONE AND ORDERED this 28 day of April, 2010.

CITY OF PALM BEACH GARDENS
CODE COMPLIANCE

BY: 

KEVIN WAGNER, SPECIAL MAGISTRATE

Filed with City Clerk

Date: 4-28-10

By: 

Patricia Snider, CMC, City Clerk

CODE COMPLIANCE ORDER
CITY OF PALM BEACH GARDENS, FLORIDA

ORDER FINDING HEALTH, SAFETY, WELFARE VIOLATION

CITY OF PALM BEACH GARDENS,

Petitioner,

Case No. 10-04-3712

vs.

RYAN R WHITMAN,

Respondent.

RE: Violation of Sections 78-275 and 79-5 of the Code of Ordinances of the City of Palm Beach Gardens.

Address: 9788 Jonquil Circle South
Palm Beach Gardens, Florida
Legal Description: CITY OF P B GARDENS NO 6 LOT 1 BLK 66
PCN: 52-42-42-12-01-066-0010

The Special Magistrate appointed by the City Council to hear code compliance cases for the City of Palm Beach Gardens, in accordance with Chapter 162, *Florida Statutes*, has heard testimony at the Code Compliance Hearing held on the 28th day of April, 2010, and based on the evidence and testimony presented, entered an Order Finding Health, Safety, Welfare Violation. The following Findings of Fact, Conclusions of Law, and Order are hereby entered:

FINDINGS OF FACT

1. The Respondent, **RYAN R WHITMAN**, was not present at the hearing; however, there was a finding of proper notice of the violation and of the hearing.
2. Code Officer Ismael Vasquez provided evidence and testimony of the violation and that said violation constitutes a threat to the public health, safety, and welfare.

CONCLUSIONS OF LAW

The above-stated facts constitute a violation of Sections 78-275 and 79-5 of the Code of Ordinances of the City of Palm Beach Gardens. Said violations constitute a threat to the public health, safety, and welfare.

ORDER

IT IS THE ORDER OF THE SPECIAL MAGISTRATE THAT THE RESPONDENT SHALL HAVE ACHIEVE COMPLIANCE BY APRIL 29, 2010 BY 4:00 P.M. IF THE RESPONDENT DOES NOT ACHIEVE COMPLIANCE BY APRIL 29, 2010 AT 4:00 P.M., PURSUANT TO §§162.06(4) AND 162.09(1), F.S., THE CITY OF PALM BEACH GARDENS IS HEREBY AUTHORIZED TO IMMEDIATELY ENTER UPON THE PROPERTY AND ABATE THE HEALTH, SAFETY AND WELFARE VIOLATIONS. SUCH AUTHORIZATION DOES NOT CREATE A CONTINUING OBLIGATION ON THE PART OF THE CITY TO MAKE FURTHER REPAIRS OR TO MAINTAIN THE PROPERTY.

The City's costs incurred to abate the health, safety, and welfare violations shall be assessed against Respondent at a Fine Assessment Hearing to be conducted at a later date.

Should Respondent violate the same Section of the Code again, Respondent may be subject to a fine of up to Five Hundred Dollars (\$500.00) per day for such repeat violation. Additionally, the Code Inspector is not required to give a reasonable time to correct the repeat violation, and the case may be presented to the Special Magistrate even if the repeat violation has been corrected prior to the Special Magistrate hearing.

Upon complying in any code compliance matter, it is always the responsibility of the Respondent to contact the Code Compliance Division at (561) 799-4245 to request a reinspection of the property.

DONE AND ORDERED this 28 day of April, 2010.

CITY OF PALM BEACH GARDENS
CODE COMPLIANCE

BY: 

KEVIN WAGNER, SPECIAL MAGISTRATE

Filed with City Clerk

Date: 4-28-10

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Patricia Snider, CMC, City Clerk