

CODE COMPLIANCE ORDER
CITY OF PALM BEACH GARDENS, FLORIDA

ORDER FINDING HEALTH, SAFETY, WELFARE VIOLATION

CITY OF PALM BEACH GARDENS,

Petitioner,

Case No. 10-06-3871

vs.

DWAYNE NADEAU,

Respondent.

RE: Violation of Sections 303.1 and 303.2 of the International Property Maintenance Code (IPMC).

Address: 370 Riverside Drive
Palm Beach Gardens, Florida
Legal Description: PLAT 1 PALM BEACH GARDENS ESTS LT 23 BLK 12
PCN: 52-43-42-18-03-012-0230

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 1st day of July, 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, **DWAYNE NADEAU**, was not present at the hearing; however, there was a finding of proper notice of the violation and of the hearing.
2. Code Compliance Officer Michael Williams 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 303.1 and 303.2 of the International Property Maintenance Code (IPMC). Said violation constitutes 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 IMMEDIATELY. IF THE RESPONDENT DOES NOT ACHIEVE COMPLIANCE IMMEDIATELY WITH SECTIONS 303.1 AND 303.2 OF THE IPMC, 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 the further Order of the Code Compliance Special Magistrate that a Fine in the amount of Twenty-Five Dollars (\$25.00) per day be assessed until compliance is achieved.

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

Should Respondent violate the same Sections 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 Department at (561) 799-4245 to request a reinspection of the property.

DONE AND ORDERED this 1 day of July, 2010.

CITY OF PALM BEACH GARDENS
CODE COMPLIANCE

BY: 
KEVIN WAGNER, SPECIAL MAGISTRATE

Filed with City Clerk

Date: 7/1/10

By: 

Patricia Snider, CMC, City Clerk