

CODE COMPLIANCE ORDER
CITY OF PALM BEACH GARDENS, FLORIDA

ORDER FINDING VIOLATION AND SETTING FINE ASSESSMENT HEARING

CITY OF PALM BEACH GARDENS,

CASE NO. 09-02-2624

Petitioner,

vs.

DONNINI ENTERPRISES, INC.,

Respondent.

RE: Violations of Sections 78-329, 79-5, and 78-378 of the Code of Ordinances of the City of Palm Beach Gardens.

Address: 9730 Alt A1A
Palm Beach Gardens, Florida
Legal Description: 18-42-43, IRREG SHAPED PAR OF NEWLY 154.15 FT
OF NE ¼ LYG NLY OF & ADJ TO ALT A1A R/W &
SLY OF & ADJ TO LIGHTHOUSE DR R/W
PCN: 52-43-42-18-00-000-1020

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 20th day of July, 2010, and based on the evidence and testimony presented, entered an Order Finding Violation and Setting Fine Assessment Hearing. The following Findings of Fact, Conclusions of Law, and Order are hereby entered:

FINDINGS OF FACT

1. The Respondent, **DONNINI ENTERPRISES, INC.**, was represented at the hearing by **JAMES DONNINI** and there was a finding of proper notice of the violation and of the hearing.

2. Code Officer Alex Lopez testified and produced evidence that the violations of Sections 78-329, 79-5, and 78-378 of the Code of Ordinances of the City of Palm Beach Gardens remain on the property.

3. Based upon the evidence and testimony presented, the Special Magistrate found that the property remains in violation of Sections 78-329, 79-5, and 78-378 of the Code of Ordinances of the City of Palm Beach Gardens.

CONCLUSIONS OF LAW

Based on the above-stated facts Respondent remains in violation of Sections 78-329, 79-5, and 78-378 of the Code of Ordinances of the City of Palm Beach Gardens.

ORDER

It is the Order of the Special Magistrate that Respondent shall comply with Sections 78-329, 79-5, and 78-378 of the Code of Ordinances of the City of Palm Beach Gardens **on or before 4:00pm on the 30th day of July, 2010.**

If Respondent does not comply within the time specified, a Fine of up to Two Hundred Fifty Dollars (\$250.00) per day may be assessed for each day the violations continue to exist.

If Respondent does not comply within the time specified, a Fine Assessment Hearing will be held before the Special Magistrate on the **17th day of August, 2010 at 2:00pm** at the Palm Beach Gardens City Council Chambers, 10500 North Military Trail, Palm Beach Gardens, Florida 33410.

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 violations. Additionally, the Code Inspector is not required to give a reasonable time to correct the repeat violations, and the case may be presented to the Special Magistrate even if the repeat violations have 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 23 day of July, 2010.

CITY OF PALM BEACH GARDENS
CODE COMPLIANCE

BY: 
KEVIN WAGNER, SPECIAL MAGISTRATE

Filed with City Clerk

Date: 7-23-10

By: Patricia Snider

Patricia Snider, CMC, City Clerk