

CODE COMPLIANCE ORDER
CITY OF PALM BEACH GARDENS, FLORIDA

ORDER CONTINUING FINE ASSESSMENT HEARING

CITY OF PALM BEACH GARDENS,

CASE NO: 08.04.2018

Petitioner,

vs.

WINCHESTER COURTS HOA,

Respondent.

RE: Violation of Sections 79-5, 78-322, 78-308 and 78-112 of the Code of Ordinances of the City of Palm Beach Gardens.

Address: 4270 Hazel Avenue
Palm Beach Gardens, Florida
Legal Description: WINCHESTER COURTS UNIT 44B
PCN: 52-42-42-01-05-000-0442

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 21st day of September, 2010, and based on the evidence and testimony presented, entered an Order Continuing Fine Assessment Hearing. The following Findings of Fact, Conclusions of Law, and Order are hereby entered:

FINDINGS OF FACT

1. The Respondent, **WINCHESTER COURTS HOA**, was represented by **BEVERLY JAMASON**, Property Manager for Winchester Courts HOA, at the hearing 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 79-5, 78-322, and 78-308 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 79-5, 78-322, and 78-308 of the Code of Ordinances of the City of Palm Beach Gardens.

4. As of the date of the hearing, the Respondent, **WINCHESTER COURTS HOA**, has submitted to the City a landscape plan dated September 21, 2010, a copy which is attached and incorporated by reference to this Order as "Exhibit A." The Respondent shall comply with

Sections 79-5, 78-322, and 78-308 of the Code of Ordinances of the City of Palm Beach Gardens pursuant to the time frame as set forth in the landscape plan ("Exhibit "A"), specifically pages 2-3 section entitled "Time frame for replacement."

CONCLUSIONS OF LAW

Based on the above-stated facts, Respondent, **WINCHESTER COURTS HOA**, remains in violation of Sections 79-5, 78-322, and 78-308 of the Code of Ordinances of the City of Palm Beach Gardens.

ORDER

It is the Order of the Special Magistrate that Respondent, **WINCHESTER COURTS HOA**, shall comply with Sections 79-5, 78-322, and 78-308 of the Code of Ordinances of the City of Palm Beach Gardens pursuant to the time frame as set forth in the landscape plan dated September 21, 2010 ("Exhibit "A"), specifically pages 2-3 section entitled "Time frame for replacement", a copy which is attached and incorporated by reference to this Order.

If Respondent does not comply within the time frame specified in the landscape plan dated September 21, 2010 ("Exhibit "A"), specifically pages 2-3 section entitled "Time frame for replacement", a copy which is attached and incorporated by reference to this Order, a Fine Assessment Hearing will be held before the Special Magistrate at a date and time to be determined.

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 Department at (561) 799-4245 to request a reinspection of the property.

DONE AND ORDERED this 28 day of September, 2010.

CITY OF PALM BEACH GARDENS
CODE COMPLIANCE

BY: Kevin Wagner
KEVIN WAGNER, SPECIAL MAGISTRATE

Filed with City Clerk

Date: 9/28/10

By: Patricia Snider
Patricia Snider, CMC, City Clerk