

CODE COMPLIANCE ORDER
CITY OF PALM BEACH GARDENS, FLORIDA

ORDER FINDING HEALTH, SAFETY, WELFARE VIOLATION

CITY OF PALM BEACH GARDENS,

Petitioner,

Case No. 11.09.5025

vs.

YOLANDA BURGOS,

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 International Property Maintenance Code (IPMC).

Address: 4331 Arbor Way
Palm Beach Gardens, Florida
Legal Description: UNIT NO 4 PALM BEACH SQUARE LT 10 BLK 44
PCN: 52-42-42-13-04-044-0100

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 30th day of September, 2011, 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, **YOLANDA BURGOS**, was not present at the hearing; however, attorney Charles Norris, Esq., was present on behalf of the Law Offices of Marshall C. Watson, P.A. and there was a finding of proper notice of the violation and of the hearing.
2. Code Compliance 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 International Property Maintenance Code (IPMC). Said violations constitute a threat to the public health, safety, and welfare.

ORDER

IT IS THE ORDER OF THE CODE COMPLIANCE SPECIAL MAGISTRATE THAT RESPONDENT, YOLANDA BURGOS, SHALL IMMEDIATELY COMPLY WITH SECTION 79-5 OF THE CODE OF ORDINANCES OF THE CITY OF PALM BEACH GARDENS AND SECTIONS 303.1 AND 303.2 OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE (IPMC). IT IS THE FURTHER ORDER OF THE CODE COMPLIANCE SPECIAL MAGISTRATE THAT PURSUANT TO SECTIONS 162.06(4) AND 162.09(1), FLORIDA STATUTES, THE CITY OF PALM BEACH GARDENS IS HEREBY AUTHORIZED TO 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. ADDITIONALLY, THE CITY MAY CONTINUE TO ABATE THE NUISANCE IN THE FUTURE WHENEVER THE CONDITIONS AGAIN VIOLATE CITY CODE AS DOCUMENTED IN THE CODE ENFORCEMENT FILES FOR THE PROPERTY.

The Respondent is further assessed Ninety-Nine Dollars and Forty-Five Cents (\$99.45) for the administrative costs incurred in prosecuting the September 30, 2011 Hearing.

A Fine Assessment Hearing will be held before the Special Magistrate on the **18th day of October, 2011 at 2:00 p.m.** at the Palm Beach Gardens City Council Chambers, 10500 North Military Trail, Palm Beach Gardens, Florida 33410. The City's costs incurred to abate the health, safety, and welfare violations shall be assessed against Respondent at said Fine Assessment Hearing.

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.

A certified copy of this Order may be recorded in the Public Records of Palm Beach County, Florida, and, once recorded, shall constitute a lien against the property upon which the violation exists and upon any other real or personal property owned by the Respondent, pursuant to Chapter 162, *Florida Statutes*.

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 30 day of September, 2011.

CITY OF PALM BEACH GARDENS
CODE COMPLIANCE

BY: Kevin Wagner
KEVIN WAGNER, SPECIAL MAGISTRATE

Filed with City Clerk

Date: 9/30/11
By: Patricia Snider
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. 11.09.5024

vs.

**CHARLES FELDMAN and
BRUCE NAGEL,**

Respondents.

RE: Violation of Section 79-6 of the Code of Ordinances of the City of Palm Beach Gardens.

Address: 2724 Anzio Court, unit 203
Palm Beach Gardens, Florida
Legal Description: SAN MATERA THE GARDENS CONDOMINIUM UNIT 203
BLDG 24
PCN: 52-43-42-05-35-024-2030

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 30th day of September, 2011, 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 Respondents, **CHARLES FELDMAN and BRUCE NAGEL**, were not present at the hearing. Mr. Emilio Garcia was present and appeared on behalf of Bruce Nagel and there was a finding of proper notice of the violation and of the hearing.

2. Code Compliance Officer Robert Williams provided evidence and testimony of the violation and that said violation constitutes a threat to the public health, safety, and welfare. Officer Stacey Clayton of the City of Palm Beach Gardens Police Department, Scott Danielski from the City Building Department, Lieutenant Chris Henry of the City of Palm Beach Gardens Fire Rescue and neighbor, Daniel Cavalieri, also appeared and testified to the violations.

3. Tenant, Lori Ginsberg, appeared and presented testimony before the Special Magistrate.

4. The City's Composite Exhibits 1 and 2 were accepted into evidence.

CONCLUSIONS OF LAW

The above-stated facts constitute a violation of Section 79-6. Said violations constitute a threat to the public health, safety, and welfare.

ORDER

It is the Order of the Code Compliance Special Magistrate that Respondents, **CHARLES FELDMAN AND BRUCE NAGEL**, shall comply with section 79-6 of the Code of Ordinances of the City of Palm Beach Gardens by testing and remediating any and all mold and removing the carpeting from the unit on or before **4:00pm on the 7th day of October, 2011**.

If Respondents do not comply within the time specified, a Fine of up Two Hundred Fifty Dollars (\$250.00) per day shall be assessed for each day the violation continues to exist.

The Respondents are further assessed One Hundred Twenty Dollars and Forty Five Cents (\$120.45) for the administrative costs incurred in prosecuting the September 30, 2011 Hearing.

A Fine Assessment Hearing will be held before the Special Magistrate on the **18th day of October, 2011 at 2:00pm** at the Palm Beach Gardens City Council Chambers, 10500 North Military Trail, Palm Beach Gardens, Florida 33410. The City's costs incurred to abate the health, safety, and welfare violations shall be assessed against Respondents at said Fine Assessment Hearing.

Should Respondents violate the same Section of the Code again, Respondents 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.

A certified copy of this Order may be recorded in the Public Records of Palm Beach County, Florida, and, once recorded, shall constitute a lien against the property upon which the violation exists and upon any other real or personal property owned by the Respondents, pursuant to Chapter 162, *Florida Statutes*.

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

DONE AND ORDERED this 30 day of September, 2011.

CITY OF PALM BEACH GARDENS
CODE COMPLIANCE

BY: Kevin Wagner
KEVIN WAGNER, SPECIAL MAGISTRATE

Filed with City Clerk

Date: 9/30/11

By: Patricia Snider

Patricia Snider, CMC, City Clerk