

CODE COMPLIANCE ORDER
CITY OF PALM BEACH GARDENS, FLORIDA

ORDER FINDING HEALTH, SAFETY, WELFARE VIOLATION

CITY OF PALM BEACH GARDENS,

Petitioner,

Case No. 11.11.5134

vs.

JOHN and MARIA PHAM,

Respondents.

RE: Violation of Section 79-5 of the Code of Ordinances of the City of Palm Beach Gardens.

Address: 552 Holly Drive
Palm Beach Gardens, Florida
Legal Description: PL 1 PALM BEACH GARDENS ESTS LT 11 BLK 1
PCN: 52-43-42-18-03-001-0110

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 November, 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, **JOHN PHAM**, was present at the hearing 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 due to the structure being unsecured and unobstructed access thereto.

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. Said violation constitutes a threat to the public health, safety, and welfare.

ORDER

IT IS THE 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. FURTHERMORE, SUCH ABATEMENT WILL NOT CREATE ANY LIABILITY AGAINST THE CITY FOR ANY DAMAGES TO THE PROPERTY AS A RESULT OF SUCH GOOD FAITH REPAIRS OR ACTIONS. 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 CITY MAY ALSO LATER REQUEST A FINE ASSESSMENT HEARING ON THIS MATTER IN ORDER TO RECOVER THE COSTS OF THESE ABATEMENT ACTIVITIES BY THE CITY.

The Respondents are further assessed One Hundred Two Dollars and Twenty Seven Cents (\$102.27) for the administrative costs incurred in prosecuting the November 21st, 2011 Hearing.

The City's costs incurred to abate the health, safety and welfare violation shall be assessed against Respondents at a **Fine Assessment Hearing to be conducted on January 17, 2012 at 2:00 pm** at City Hall Council Chambers located at 10500 N Military Trail, Palm Beach Gardens, FL 33410.


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 Respondent, pursuant to Chapter 162, *Florida Statutes*.

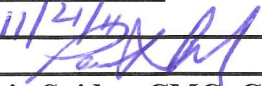
Upon complying in any code compliance matter, it is always the responsibility of the Respondents to contact the Code Compliance Department at (561) 799-4245 to request a reinspection of the property.

DONE AND ORDERED this 21 day of November, 2011.

CITY OF PALM BEACH GARDENS
CODE COMPLIANCE

BY: 

KEVIN WAGNER, SPECIAL MAGISTRATE

Filed with City Clerk
Date: 11/21/11
By: 

Patricia Snider, CMC, City Clerk