



Special Magistrate Hearing City of Greenacres, Florida

Wednesday, October 25, 2023 at 3:00 PM

City Hall Council Chambers | 5800 Melaleuca Lane

Minutes

Any person requesting the appeal of a decision will require a verbatim record of the proceedings and for that purpose will need to ensure that such verbatim record is made. Pursuant to FS. 286.0105, the record must include the testimony and evidence upon which the appeal is to be based. The City of Greenacres does not prepare or provide such verbatim record.

CALL TO ORDER

Special Magistrate Bernard called to order the Special Magistrate Hearing of Wednesday October 25, 2023.

Special Magistrate Bernard requested all witnesses present who would provide testimony stand and be sworn in. She explained the case procedures and stated those persons who admitted a violation existed would coordinate with the City for compliance. For those persons who admitted a violation, the City would present its evidence, the Magistrate would hear the testimony from the property owner/representative and then issue her findings based on the testimony and evidence presented.

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

NEXT SCHEDULED SPECIAL MAGISTRATE HEARING – November 29, 2023

NEW BUSINESS

1. Case 10-22-9535 - Infinity Comm. Mgmt - Canalake HOA Inc. Various Canalakes Properties

A few balconies and a fence replaced without permits and inspections

Section: 105.1 - Permits Required - Any contractor, owner or authorized agent authorized in accordance with Florida Statute 489 who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or 302.7replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

Section: 110.1 - The building official shall order the owner of any premises upon which is located any structure, which in the building official's judgment is so dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to demolish and remove such structure.

Section: 110.3.6 - Weather exposed balcony

Where balcony or other elevated walking surfaces are exposed to water from direct or blowing rain, snow or irrigation, and the structural framing is protected by an impervious moisture barrier, all elements of the impervious moisture barrier system shall not be concealed until inspected and approved.

Officer Jerry Bernal stated a notice was served by certified mail. Officer Bernal mentioned several balconies and fences were replaced without permits and inspections.

No representative was present.

Magistrate Bernard ordered compliance within 30 days, otherwise a fine of \$100.00 per day would accrue until the violation was corrected.

2. Case 3-23-9721 - Trafalgar at Greenacres, Max D Puyanic Reg Agent - Commodore Realty - 6342 Forest Hill Blvd - El Centenario Restaurant

Excessive signage on front commercial windows

Section: 16-937 (a) – Prohibited Window Signage – Window signs are allowed in non-residential districts subject to the following requirements: a) Window signs may be installed in each window or glass door area, so long as each sign does not exceed twenty-five (25) percent of the total window pane area.

Officer Jerry Bernal stated a notice was served by certified mail and an affidavit of posting was in the file. Officer Bernal mentioned there were excessive signage on window panes which was prohibited.

Tenant Omar Montes Rangel wanted to create more of a aesthetic look for the restaurant.

Magistrate Bernard ordered compliance within 60 days otherwise a fine of \$100.00 per day would accrue until the violation was corrected.

3. Case 3-23-9744 - James R Olivea - 2101 White Pine Cir #D

Fence replaced without permit & inspection

Section: 105.1 - Permits Required - Any contractor, owner or authorized agent authorized in accordance with Florida Statute 489 who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

Section: 110.1 - The building official shall order the owner of any premises upon which is located any structure, which in the building official's judgment is so dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal

construction of any structure for a period of more than two years, to demolish and remove such structure.

Officer Jeanette Wyss stated a notice was served by certified mail. Officer Wyss mentioned a fence was replaced without a permit and inspection.

No representative was present.

Officer Bernard ordered compliance within 30 days otherwise a fine of \$100.00 per day would accrue until the violation was corrected.

4. Case 7-22-9375 - West Alec Ross Inc - 5927 S 37 St

Bathroom renovation without permit and inspection

Section: 105.1 - Permits Required - Any contractor, owner or authorized agent authorized in accordance with Florida Statute 489 who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or 302.7 replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

Section: 110.1 - The building official shall order the owner of any premises upon which is located any structure, which in the building official's judgment is so dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to demolish and remove such structure.

Section: 505.1 – General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the Florida Building Code, Plumbing.

Section: 305.3 – Interior Surfaces – All interiors surfaces, including windows and doors, shall be maintained in good, clean and sanitary condition. Peeling, chipping, flaking, dirty, stained or abraded paint or other coatings shall be repaired, removed or covered. Cracked or loose plaster, decayed wood and other defective surface conditions shall be corrected.

Officer Jeanette Wyss stated a notice was served by certified mail. Officer Wyss mentioned a bathroom renovation was done without permits and inspections.

Mechanical Inspector John Pankiewicz mentioned the tenant knocked down the bathroom, and had to reach out to the owner.

Representative Alec Ross stated he hired a handyman to finish the bathroom. Mr. Ross also mentioned there were issues with the plumbing inspections due to living in Miami and the plumbing company cancel the permit application. Mr. Pankiewicz stated the plumbing company pulled the permit, due to Mr. Ross not wanting to pay the fee.

Magistrate Bernard ordered compliance within 30 days, otherwise a fine of \$100.00 per day would accrue until the violation was corrected.

5. Case 7-22-9379 - Carol A Purdom & Wendy L Samuels - 3762 S 55 Ave

Swimming pool without Permit & Inspections

Section: 105.1 - Permits Required - Any contractor, owner or authorized agent authorized in accordance with Florida Statute 489 who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

Section: 110.1 - The building official shall order the owner of any premises upon which is located any structure, which in the building official's judgment is so dilapidated or has become so out of repair as to be dangerous, unsafe, unsanitary or otherwise unfit for human habitation or occupancy, and such that it is unreasonable to repair the structure, to demolish and remove such structure; or if such structure is capable of being made safe by repairs, to repair and make safe and sanitary or to demolish and remove at the owner's option; or where there has been a cessation of normal construction of any structure for a period of more than two years, to demolish and remove such structure.

Officer Jerry Bernal stated a notice was served by affidavit of posting was in the file. Officer Bernal mentioned a ground pool and deck was installed without permits and inspections.

Representative Wendy Samuels stated she was unaware of the process of having a ground pool on the property, and did not know what the next steps were on the electrical work. Code Enforcement Supervisor Dinah Tejada mentioned the best option would be to reach out to the new Building Official.

Magistrate Bernard ordered compliance within 60 days, otherwise a fine of \$50.00 per day would accrue until the violation was corrected.

Citation

6. Case 00024 - Pierre Auto Sales Inc - 257 Broward Ave

Parking vehicle over sidewalk - Citation 00024 issued 8/8/23, complied 8/9/23 owes \$35 citation fee

Section: 14-28 (b)(1)(b) – Description: Parking of motor vehicles, boats, and trailers

The vehicle is parked in a safe manner, so as not to cause hazards such as encroachment on sidewalks, or roadways, or obstructing visibility of motorists.

Officer Bernal mentioned multiple vehicles were blocking the sidewalk of the property. Compliance was met, but a citation fee was outstanding.

City Attorney Cristy Goddeau mentioned there was an outstanding balance of \$35.00 due to a citation fee.

Ms. Tejeda mentioned there had been issues with the property owner, and the Palm Beach Sheriff's Office had to get involved.

Deputy Perez mentioned the property owner had been arrested and spoken to, but no response.

No representative was present.

Magistrate Bernard stated a fine of \$100.00 per day would continue to accrue and there was an outstanding balance of \$35.00 for a citation fee.

7. Case 00025 - Pierre Auto Sales Inc - 257 Broward Ave

Parking vehicle over sidewalk - Citation 00025 issued 8/8/23, complied 8/9/23 owes \$35 citation fee

Section: 14-28 (b)(1)(b) – Description: Parking of motor vehicles, boats, and trailers

The vehicle is parked in a safe manner, so as not to cause hazards such as encroachment on sidewalks, or roadways, or obstructing visibility of motorists.

Officer Bernal mentioned multiple vehicles were blocking the sidewalk of the property.

No representative was present.

Magistrate Bernard stated a fine of \$100.00 per day would continue to accrue and there was an outstanding balance of \$35.00 for a citation fee.

8. Case 00156 - Pierre Auto Sales Inc - 257 Broward Ave

Parking vehicle over sidewalk - Citation 00156 issued 8/3/23, complied 8/8/23 owes \$35 citation fee

Section: 14-28 (b)(1)(b) – Description: Parking of motor vehicles, boats, and trailers

The vehicle is parked in a safe manner, so as not to cause hazards such as encroachment on sidewalks, or roadways, or obstructing visibility of motorists.

Officer Bernal mentioned multiple vehicles were blocking the sidewalk of the property.

No representative was present.

Magistrate Bernard stated a fine of \$100.00 per day would continue to accrue and there was an outstanding balance of \$35.00 for a citation fee.

9. Case 00157 - Wong Chuck Yao & Si Tou Mui - 253 Broward Ave

Parking vehicle over sidewalk - Citation 00157 issued 8/3/23, complied 8/4/23 owes \$35 citation fee

Section: 14-28 (b)(1)(b) – Description: Parking of motor vehicles, boats, and trailers

The vehicle is parked in a safe manner, so as not to cause hazards such as encroachment on sidewalks, or roadways, or obstructing visibility of motorists.

Officer Bernal mentioned multiple vehicles were blocking the sidewalk of the property.

No representative was present.

Magistrate Bernard stated a fine of \$100.00 per day would continue to accrue and there was an outstanding balance of \$35.00 for a citation fee.

10. Case 00158 - Pierre Auto Sales Inc - 257 Broward Ave

Parking vehicle over sidewalk - Citation 00157 issued 8/3/23, complied 8/9/23 owes \$35 citation fee

Section: 14-28 (b)(1)(b) – Description: Parking of motor vehicles, boats, and trailers

The vehicle is parked in a safe manner, so as not to cause hazards such as encroachment on sidewalks, or roadways, or obstructing visibility of motorists.

Officer Bernal mentioned multiple vehicles were blocking the sidewalk of the property.

No representative was present.

Magistrate Bernard stated a fine of \$100.00 per day would continue to accrue and there was an outstanding balance of \$35.00 for a citation fee.

11. Case 00161 - Pierre Auto Sales Inc - 257 Broward Ave

Parking vehicle over sidewalk - Citation 00161 issued 8/5/23, complied 8/8/23 owes \$35 citation fee

Section: 14-28 (b)(1)(b) – Description: Parking of motor vehicles, boats, and trailers

The vehicle is parked in a safe manner, so as not to cause hazards such as encroachment on sidewalks, or roadways, or obstructing visibility of motorists.

Officer Bernal mentioned multiple vehicles were blocking the sidewalk of the property.

No representative was present.

Magistrate Bernard stated a fine of \$100.00 per day would continue to accrue and there was an outstanding balance of \$35.00 for a citation fee.

TABLED CERT/ASSESSMENT

None.

TABLED CASES

None.

APPEAL OF FINE

None.

ADJOURNMENT

4:02 PM.

Myrnabelle Roche, Special Magistrate

Quintella Moorer, CMC, City Clerk

Date Approved: _____