



Special Magistrate Hearing City of Greenacres, Florida

Wednesday, July 26, 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 July 26, 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 - June 28, 2023.

NEXT SCHEDULED MAGISTRATE HEARING - August 30, 2023.

NEW BUSINESS

1. Case 2-23-9689 - Rhonda Norwood - 5010 Nautica Lake Cir

Fence permit 2020-0467 expired without inspections

Section: 105.4.1 – Permit Intent

A permit issued shall be construed to be a license to proceed with the work and not as authority to violate, cancel, alter or set aside any of the provisions of the technical codes, nor shall issuance of a permit prevent the building official from thereafter requiring a correction of errors in plans, construction or violations of this code. Every permit issued shall become invalid unless the work authorized by such permit is commenced within six months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of six months after the time the work is commenced

Officer Jerry Bernal stated a notice was served by certified mail. Officer Bernal mentioned a fence permit expired and inspection failed on November 27, 2019. No other inspections noted.

No representative was present.

Magistrate Bernard ordered compliance within 30 days, otherwise a fine of \$50.00 per day would accrue until the violation was corrected.

2. Case 4-22-9170 - Charmante Volmar - 4740 Chariot Cir

Pavers in front of property installed without permit & inspection. Permit 2022-2654 for pavers expired with no inspections

Section:	105.4.1	–	Permit	Intent
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A permit issued shall be construed to be a license to proceed with the work and not as authority to violate, cancel, alter or set aside any of the provisions of the technical codes, nor shall issuance of a permit prevent the building official from thereafter requiring a correction of errors in plans, construction or violations of this code. Every permit issued shall become invalid unless the work authorized by such permit is commenced within six months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of six months after the time the work is commenced.

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.

Officer Jerry Bernal stated a notice was served by certified mail and an affidavit of posting was in the file. Officer Bernal mentioned pavers were installed in front of the property without a permit and inspection.

Code Enforcement Supervisor Dinah Tejeda stated the property owner had a history of being a violator. Another case was open for a rear addition constructed without a permit and inspection.

No representative was present.

Magistrate Bernard ordered compliance otherwise a fine of \$100.00 per day would accrue until the violation was corrected. Fines to date are \$14,600 and will continue to accrue at \$100.00 per day.

3. Case 4-23-9784 - Alan S Macken, Reg Agent - 5730 SEF LLC - 5730 10 Ave N - Food Max

BTR #900059 is incomplete. Needs life safety inspection and copy of alcohol license

Section; 8-66(a) Engaging in business, trade, profession, or occupation taxable by business tax receipt hereunder, without a local business tax receipt or under a local business tax receipt issued upon false statements made by such person, or in his or her behalf. Any person engaged in any such business, profession, or occupation without

first obtaining a local business tax receipt, if required herein shall pay a penalty of twenty- five (25) percent of the full year business tax for such trade, in addition to the business tax set forth herein.

Section: 8-48(d) – Inspection

Every applicant for a local business tax receipt to maintain a permanent business location or branch office within the city must have inspections made and approval by the building official or appointed designee(s) and the fire marshal. An inspection fee for these mandatory inspections shall be imposed by separate city resolution in an amount to be kept on file in the department of building. Failure to schedule and pass these inspections within 30 days of application may result in the business tax receipt being revoked and possible fines through the code enforcement procedures as set forth in sec. 2- 72 through 2- 78.

Officer Jeanette Wyss stated a notice was served by a certified mail and an affidavit of posting was in the file. Officer Wyss mentioned the business tax receipt was incomplete, and a life safety inspection would be required.

Fire Marshal Miguel Aleman stated 3 violations were noncompliant and no applications were on file.

Representative Sayd Hassan thanked the Fire Marshall for his assistance, and are in the process of submitting the remaining permits. Mr. Hassan mentioned they are waiting for their vendor.

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

CITATION

4. Case 00124 Pedro Ruiz Lemus, Tr Titl Hldr - 5683 S 38 Ct

Vehicle blocking sidewalk - owes \$35.00 for citation

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 Jeanette Wyss stated a notice was served by certified mail. Officer Wyss mentioned a vehicle was blocking the sidewalk. Property owner complied on May 01, 2023, but there was an outstanding balance of \$35.00.

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.

5. Case 00191 - Wong Chuck Yao & Si Tou Sou Mui - 253 Broward Ave

Vehicle parked blocking sidewalk – owes \$35.00 for citation

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 Jerry Bernal stated a notice was served by certified mail, an affidavit of posting was in the file. Officer Bernal mentioned a vehicle parked on the property was blocking the sidewalk. Property owner complied on May 19, 2023, but there was an outstanding balance of \$35.00.

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 CASES

None.

TABLED CERT/ASSESSMENT

None.

APPEAL OF FINE

None.

ADJOURNMENT

3:31 PM.

Myrnabelle Roche, Special Magistrate

Quintella Moorer, CMC, City Clerk

Date Approved: _____