



Special Magistrate Hearing City of Greenacres, Florida

Wednesday, August 28, 2024 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, August 28, 2024.

Special Magistrate Bernard requested all witnesses present who would provide testimony to stand and be sworn in. She explained the case procedures and stated those persons who admitted a violation existed would coordinate with the City of 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.

APPROVAL OF MINUTES - July 24, 2024.

Next Scheduled Special Magistrate Hearing - September 25, 2024.

NEW BUSINESS

1. Case 3-24-10294 - Gerline Pierre, Reg Agent - Tenancy Enterprise Llc - 353 Walker Ave

Building materials on side and front of property

Section: 7-420 - Open Storage - It shall be unlawful for the owner or occupant of a residential building or structure or property to utilize the premises for the open storage or any appliance or other item of personal property, building materials, rubbish, or similar items.

Section: 7-410(a)(2) – Exterior Property Areas - Exterior Property Areas - Safety and Sanitation. All exterior property and premises shall be maintained in a clean, orderly, safe and sanitary condition. The following is prohibited: (2) The outdoor storage, presence, accumulation, display or otherwise keeping of any debris, appliances, tools, equipment, chemicals, automotive parts, building materials, or other material of any kind on the ground, leaning against any building or structure, or upon the roof or top of any building or structure.

Code Enforcement Officer Jerry Bernal stated a notice was served by an affidavit of posting. Mr. Bernal mentioned building materials were on the side of the property and in front of the property.

No representative was present.

Magistrate Bernard ordered compliance within 20 days, otherwise a fine of \$100.00 per day would accrue until the violation was corrected.

2. **Case 4-24-10306 - Elena Bravo - 8 Bridgette Blvd**

Closed shutters

Section: 7-423 (p) – Shutter and Impact Protection – (p) Shutters and Impact Protection Hurricane protective devices on all buildings must be removed and/or opened no later than fourteen (14) days after the termination of the hurricane event (watch, warning, and actual hurricane or tornado) unless another hurricane event is predicted to occur within the fourteen (14) day time period

Code Enforcement Xavier Morales stated a notice was served by certified mail. Mr. Morales mentioned the property had closed shutters.

No representative was present.

Mr. Morales stated he had made contact with the property owner due to the shutters being off and on for different windows.

Magistrate Bernard asked if the property owner owned the lot or Lago Palma. City Attorney Cristy Goddeau stated the lien belonged to the lot owner not Lago Palma.

Ms. Goddeau asked to move this case to the next meeting to verify ownership of the lot.

Magistrate Bernard ordered the case to be brought back to the next meeting.

3. **Case 4-24-10372 - Sunset Drive Llc, Reg Agent - 4870 Gladiator Cir**

Inoperative & unregistered vehicles

Sec. 7-419. - Motor Vehicles.

Except as provided for in the Greenacres Code, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth. The exception to this requirement is a vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes. and is not otherwise violating any other code or ordinance.

Mr. Morales stated a notice was served by an affidavit of posting. Mr. Morales also mentioned there were inoperative and unregistered vehicles on the property.

Representative Mark Erhart stated he had been working with the tenant to remove the vehicle, and that he would be working with a towing to not allow unregistered vehicles on the property.

Magistrate Bernard ordered compliance within 14 days, otherwise a fine of \$100.00 per day would accrue until the violation was corrected.

4. **Case 5-24-10434 - Nancy I Bronsweig - 600 Crosswinds Dr #F1**

Closed and partially opened shutters

Section: 7-423 (p) – Shutter and Impact Protection – (p) Shutters and Impact Protection Hurricane protective devices on all buildings must be removed and/or opened no later than fourteen (14) days after the termination of the hurricane event (watch, warning, and actual hurricane or tornado) unless another hurricane event is predicted to occur within the fourteen (14) day time period.

Mr. Bernal stated a notice was served by an affidavit of posting. Mr. Morales mentioned there were closed and partially opened shutters on the property.

No representative was present.

Magistrate Bernard ordered compliance within 14 days, otherwise a fine of \$50.00 per day would accrue until the violation was corrected.

5. **Case 6-24-10514 - Carlos D Gasperi & Yacilyn M Dominguez - 6016 Osprey Woods Ln**

Various complaints about loud music. The Sheriff's office has also been called.

Section: 7-56 (2) – Radio, Tv, musical instrument, electronic audio – *General prohibition*. It shall be unlawful and a violation of this article for any person to make, cause or allow the making of any unreasonably loud, excessive, unnecessary or unusual noise. The following acts, among others, are declared to be unreasonably loud, excessive, unnecessary or unusual noises in violation of this section, but this enumeration shall not be deemed to be exclusive:

(2) *Radios, televisions, electronic audio equipment, musical instruments and similar devices*. The using, operating, or permitting to be played, used or operated any radio, "boom box," tape player, CD player, television, electronic audio equipment, musical instrument, sound amplifier or other mechanical, electronic, or similar sound making device that produces, reproduces or amplifies sound (collectively, "sound devices") in such a manner as to disturb the peace, quiet and comfort of neighboring inhabitants or visitors or at any time louder than is necessary for the convenient hearing of the person or persons who are in the room, vehicle, chamber or other area in which such machine or device is operated and who are voluntary listeners thereto. The operation of any sound device between the hours of 10:00 p.m. and 7:00 a.m. in such manner as to be plainly audible shall be prima facie evidence of a violation of this section. Even if the plainly audible standard is not met, the city may otherwise prove that the noise was unreasonably loud, excessive, unnecessary or unusual.

7-52 (a)(3) – Noise General Prohibitions: (a) Unreasonably loud, excessive, unnecessary or unusual noise disturbs the peace, quiet and comfort of neighboring inhabitants and visitors and degrades the environment of the city to a degree that: (3) Interferes with the wellbeing, tranquility, and privacy of the home; and

Code Enforcement Supervisor Jade Robinson stated a notice was served by an affidavit of posting. Ms. Robinson mentioned there had been various complaints received about loud music.

Ms. Robinson stated that complainer was not present.

Representatives Carlos Gasperi and Yacilyn Dominguez were present. They stated they would not be able to attend the September meeting.

Magistrate Bernard ordered for the case to be brought back to the October meeting.

6. Case 7-24-10614 - Nguyen Vu H & Ho Hoa T - 348 Martin Ave

Vehicle parked over sidewalk & food vending truck parked at property

Section: 14 28(b)1b - 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.

Section: 14-28(b)1e – Parking of motor vehicles, boats and trailers - The vehicle cannot be; a bus, a trailer except as allowed by section 14 28(c), a semi trailer, a pole trailer, a tow truck, or construction and industrial equipment.

Mr. Bernal stated a notice was served by an affidavit of posting. Mr. Bernal mentioned a food vending truck was parked on the property, and a vehicle was parked over the sidewalk.

No representative was present.

Magistrate Bernard stated she found the property owner to be a violator of Finding of Fact. If the violation occurs again the City could site the property owner as a repeat offender.

Old Business

7. Case 10-23-10004 - Leslie Weintraub - 6367 Summer Sky Ln - Bees extermination

Bee infestation in rear of property

Section: 7-427(b) – Extermination- Owner. The owner of any structure shall be responsible for extermination within the structure.

Section: 7-427(a) Infestation. All structures shall be kept free from insect, pest, and rodent infestation. All structures in which insects, pests, or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re infestation.

City Attorney Christy Goddeau stated on March 27, 2024, Magistrate Bernard ordered compliance or a fine of \$50.00 per day would be imposed. Magistrate Bernard also authorized the City to hire a company to remove the beehive from the property. On May 7, 2024, the beehive was removed, and the total invoice was \$750.00. On June 24, 2024, the City received an email from the HOA stating the bees had shifted to the south west corner of the property. Additional repair and administrative work was done. It cost \$1,750.00, for the bee hive removal from the other side of the property by Silas Bee Removal.

No representative was present.

Magistrate Bernard approved bee removal process and the cost of the removal.

ADJOURNMENT

3:42 PM.

Amity R. Barnard, Esquire, Special Magistrate

Quintella Moorer, MMC, City Clerk

Date Approved: _____