MINUTES
CODE ENFORCEMENT MAGISTRATE HEARING DOCKET
VILLAGE HALL COUNCIL CHAMBERS
226 CYPRESS LANE
MARCH 21, 2024 AT 10:00 AM

If a person decides to appeal any decision made by the Magistrate, they will need a record of the proceeding. For such purposes, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

CALL TO ORDER

The Special Magistrate, Keith Davis, called the Code Enforcement Meeting to order at 10:00 AM.

ROLL CALL

Present: Special Magistrate Keith Davis, Code Enforcement Officer Henry Stout, Code Enforcement Officer Nicole Tamayo, Code Enforcement Officer Nanciann Cuenot, Code Enforcement Officer Joey Sander, Village Attorney Ruth A. Holmes, Deputy Village Clerk Jane Worth

Absent: Code Enforcement Officer Supervisor Thomas Gehrman

SWORN IN

Special Magistrate Davis swore in the Code Enforcement officers and witnesses.

AGENDA CHANGES

Staff requested to continue Item #5 (Case 2024-18 – 1971 Lake Worth Road) to the Special Magistrate Hearing on April 18, 2024.

MOTION HEARINGS

1. **CIT Case 2024-19 - 349 East Lake Road - Yide B. Zape**
   CE Officer Tom Gehrman
   Violation of Village Code of Ordinances

Section 34-914: prohibited parking on unapproved surface
Section 34-913: prohibited vehicle parking construction, backhoe & trailer.
Section 34-221: responsibility to maintain landscaping

Citation Fine:	**N/A**
Admin Cost:	**$217.08**
Recommendation:	**$50.00 per day per violation**
Compliance Date:	**March 26, 2024**

Code Enforcement Officer Ms. Tamayo testified about the violations cited at 340 Shady Lane Road. The property owner, David McDonald, was present.

Special Magistrate Davis found that the defendant had complied with Section 34-883 and Section 10-9. However, the property violated Section 34-914, which must be corrected by April 4, 2024. Special Magistrate Davis approved the staff's recommendation to assess a daily fine of $50.00 per day per violation until compliance if the property is not compliant before April 4, 2024. In addition, Special Magistrate Davis assessed administrative costs of $217.08 to pay before March 29, 2024.

2. **Case 2024-20 - 221 Poe Drive - Aldo J. Del Valle & Brisay Z. Ruiz**
CE Officer Henry Stout
Violation of Village Code of Ordinances
Section 34-913: Prohibited vehicles (tow trucks) in residential districts.

Citation Fine:	**N/A**
Admin Cost:	**$217.08**
Recommendation:	**$100.00 per day, per violation**
Compliance Date:	**April 4, 2024**

The Code Enforcement Officer, Mr. Stout, gave testimony about the violations cited at 221 Poe Drive. The property owner, Ms. Brisay Ruiz, was present.

Special Magistrate Davis found that the defendant had violated Section 34-913, which must be corrected no later than April 4, 2024. If not compliant before April 4, 2024, the Magistrate approved the staff's recommendation of a daily fine of $100.00 per day per violation. In addition, Special Magistrate Davis assessed administrative costs of $217.08, to be paid by March 29,2024.

3. **Case No. 2024-24 - 340 Shady Lane Road - David McDonald & Ralph S. McDonald**
CE Officer Nicole Tamayo
Violation of Village Code of Ordinances
Section 34-914: Residential parking violations. Parking on grass.
Section 10-9: Exterior of structure or building. All shutters must be in the

open position.
Section 34-883: Fences, walls, and hedges. The brown tarp is an unpermitted fence. The tarp is higher than the maximum height of six feet.

Citation Fine:	**N/A**
Admin Cost:	**$217.08**
Recommendation:	**$100.00 per day, per violation**
Compliance Date:	**April 4, 2024**

Code Enforcement Officer Ms. Tamayo testified about the violations cited at 340 Shady Lane Road. The property Owner, David McDonald, was present.

Special Magistrate Davis found that the defendant had complied with Section 34-883, Section 10-9. The property, however, violates Section 34-914, which must be corrected by April 4, 2024. If compliance is not achieved by April 4, 2024, the Magistrate approves the staff's recommendation of a daily fine of $100.00 per day, per violation until compliance is achieved is accepted. Additionally, Special Magistrate Davis assessed administrative costs of $217.08 to be paid by March 29, 2024.

4. **Case No. 2024-17 - 3187 South Congress Avenue - Palm Springs Congress DST**
CE Officer Nicole Tamayo
Violation of Village Code of Ordinances
Section 34-265: Responsibility of maintenance; unsafe signs; abandoned signs. All signs shall be properly maintained. Exposed surfaces shall be cleaned and painted.
Section 34-224: Replacement of vegetation.
Section 34-227: Irrigation.
Section 30-143: Public nuisance declared: loose trash and debris.
Section 10-8: Exterior property areas. All exterior property and accessory structures shall be maintained in a neat, clean, and sanitary condition. Parking lots and parking spaces shall be kept in a proper state of repair. The parking lot area needs to be re-surfaced, and parking spaces need to be re-stripped.
Section 46-3: Graffiti

Citation Fine:	**N/A**
Admin Cost:	**$422.72**
Recommendation:	**$100.00 per day, per violation**
Compliance Date:	**June 20, 2024**

Code Enforcement Officer Ms. Tamayo testified about the violations cited at 3187 South Congress Avenue. The property owner, Palm Springs Congress DST, was present via Zoom.

Special Magistrate Davis found that the defendant had violated Section 34-265, Section 34-224, Section 34-227, Section 30-143, Section 10-8, and Section 46-3 to rectify no later than June 20, 2024. If the property is not compliant by June 20, 2024, the Special Magistrate recommends a $100.00 daily fine per violation until the violation is corrected. Special Magistrate Davis assessed administrative costs of $422.72, to be paid by March 29, 2024.

5. **Case 2024-18 - 1971 South Congress Avenue - Palm Springs Plaza Inc.**
CE Officer Nanciann Cuenot
Violation of Village Code of Ordinances
Section 70-94: Application; Local business tax receipt required.

Citation Fine:	**N/A**
Admin Cost:	**$195.77**
Recommendation:	**Tax + 25 % delinquent penalty**
Compliance Date:	**May 10, 2024**

(SPECIAL MAGISTRATE REQUESTED THAT THIS CASE BE CONTINUE TO THE APRIL 18, 2024 HEARING).

6. **Case 2024-11 - 4053 Lake Worth Road - Pronto Enterprises of Palm Beach Inc.**
CE Officer Nanciann Cuenot
Violation of Village Code of Ordinances
Section 10-8: Exterior of Property - Parking lot Repave & Stripe/ Broken wood fence.
Section 10-9: Exterior Building - pressure wash & paint
Section 62-75: Enclose dumpster - requires a permit
Section 34-143: Public Nuisance - Trash & debris
Section 34-262: Prohibited window signs
Section 34-328: Window signs Exceed 25% / Entry doors clear zone

Citation Fine:	**N/A**
Admin Cost:	**$340.44**
Recommendation:	**$75.00 per day per violation**
Compliance Date:	**June 19, 2024**

Code Enforcement Officer Ms. Cuenot, testified about the violations cited at 4053 Lake Worth Road. No representation from the owners.

Special Magistrate Davis found that the defendant had complied with Section 10-9. However, the property remains in violation of Section 10-8, Section 62-75, Section 34-143, Section 34-262, and Section 34-328, which must be corrected by June 19, 2024. If compliance is not achieved by June 19, 2024, the Special Magistrate

approved the Village's recommendation of a daily fine of $75.00 per day, per violation until compliance is achieved is accepted. Special Magistrate Davis assessed administrative costs of $340.44 to be paid before April 1, 2024.

7. **Case 2024-10 - 4077 Lake Worth Road - Pronto Enterprises of Palm Beach Inc.**

CE Officer Nanciann Cuenot

Violation of Village Code of Ordinances

Section 10-8: Exterior of property - parking lot repave & stripe/pressure wash & paint privacy wall

Section 10-9: Exterior building - stucco/paint/awnings/storm shutters

Section 62-75: Commercial storage area/enclose recycling & dumpster.

Section 34-224: Replacement of vegetation/hedges/grass/mulch

Section 34-143: Public nuisance/trash & debris

Section 34-1381: Open storage/ unusual accumulation of stored materials.

Section 34-828: Supplemental regulations / Icebox & propane tanks screen from view

Section 34-892: Mechanical equipment screen from view

Section 30-141: Overgrown commercial property including trees

Section 34-262: Prohibited window signs

Section 34-328: Window signs Exceed 25% and front entry doors - clear zone

Section 10-31 (FBC 105.1 & 110.1): A/C- mechanical equipment installed, interior renovation, and dumpster enclosure without permits & inspections.

Citation Fine:	**N/A**
Admin Cost:	**$450.44**
Recommendation:	**$75.00 per day per violation**
Compliance Date:	**June 19, 2024**

Code Enforcement Officer Ms. Cuenot, testified about the violations cited at 4077 Lake Worth Road. No representation from the owners.

Special Magistrate Davis found that the defendant had complied with Section 10-8, Section 10-9: awnings/storm shutters, Section 34-1381, Section 30-141, Section 34-262, and Section 34-328. However, the property remains in violation of Section 10-9: stucco/paint, Section 62-75, Section 34-224, Section 34-143, Section 34-828, Section 34-892, and Section 10-31 (FBC 105.1 & 110.1) which must be corrected by June 19, 2024. If compliance is not achieved by June 19, 2024, the Village's recommendation of a daily fine of $75.00 per day, per violation until compliance is achieved is accepted. Special Magistrate Davis assessed administrative costs of $450.44 to be paid before April 1, 2024.

8. **Case No. 2024-21 - 3868 43rd DR S - Chad I Isaacson**
CE Officer Joey Sanders
Violation of Village Code of Ordinances
Section 34-225: Fence Maintenance
Section 10-8: Driveways
Section 14-32: No Residential Rental Permit
Section 30-141: Overgrowth
Section 30-142: Landscape Maintenance
Section 30-143: Trash/Debris/Materials
Section 34-1381: Open Storage
Section 10-31 (FBC 105.1 & 110.1): Structure Constructed without a Permit and Inspection
Section 10-9: Exterior Property Maintenance/Remove all Discoloration off the Exterior Walls and Mailboxes/Post New "3870" House ID Numbers on the Mailbox/Remove all Wood Boards and Shutters off the Windows/Secure all Loose Hanging Wires/Repair all Damaged Fascia

Citation Fine:	**N/A**
Admin Cost:	**$357.08**
Recommendation:	**$100.00 per day, per violation**
Compliance Date:	**April 1, 2024**

Code Enforcement Officer Mr. Sanders testified about the violations cited at 3868 43rd Drive South. The property owner, Chad Isaacson, was present.

Special Magistrate Davis found that the defendant had complied with Section 10-31 (FBC 105.1 & 110.1). However, the property remains in violation of Section 34-225, Section 10-8, Section 14-32, Section 30-141, Section 30-142, Section 30-143, Section 34-1381, and Section 10-9, which must be corrected by May 16, 2024. If compliance is not achieved by May 16, 2024, the Village's recommendation of a daily fine of $100.00 per day, per violation until compliance is achieved is accepted. Special Magistrate Davis assessed administrative costs of $357.08 to be paid before May 16, 2024.

9. **Case No. 2024-22 - 3956 Gardenia Ave - Margie I Montgomery**
CE Officer Joey Sanders
Violation of Village Code of Ordinances
Section 10-8: Driveways/Weeds
Section 30-141: Overgrowth
Section 30-142: Landscape Maintenance
Section 30-143: Trash/Debris/Materials
Section 10-9: Exterior Property Maintenance/Remove and Clean all Discoloration off the Exterior and Paint the Property/Open all Shutters Covering the Windows/Repair Damaged Roof, Fascia, Soffit, Garage Door and

Exterior Walls

Citation Fine:	**N/A**
Admin Cost:	**$257.08**
Recommendation:	**$100.00 per day, per violation**
Compliance Date:	**April 1, 2024**

Code Enforcement Officer Mr. Sanders testified about the violations cited at 3956 Gardenia Avenue. Ms. Margie Montgomery, the owner of the property, relocated from the Village and could not attend. However, she spoke with Mr. Sanders about her intention to sell the property.

Ms. Tarin Ward, one of the prospective buyers, was in attendance. Ms. Ward confirmed there is a proposed contract agreement with a closing date around April 5, 2024.

Special Magistrate Davis found that the defendant had violated Sections 10-8, Section 30-141, Section 30-142, Section 30-143, Section 10-9, which must be corrected no later than May 3, 2024. He approved the Village's recommendation if the property does not come into compliance before May 3, 2024 to assess a daily fine of $100.00 per day, per violation. In addition, the Special Magistrate assessed administrative costs of $257.08, to be paid by May 3, 2024.

PETITION FOR REDUCTION OR ABATEMENT OF FINE

10. **Case 2015-34 - 3734 Gulfstream Road - Miguel & Isrrael Tijero**
CE Officer Nanciann Cuenot
Violation of Village Code of Ordinances
Section 78-69: Refusing, failing, or neglecting to make connections to the Village of Palm Springs wastewater system.

Initial Violation:	**October 19, 2015**
Order Finding Violation:	**November 10, 2015**
Compliance Deadline:	**December 26, 2015**
Compliance Date:	**April 28, 2016**
Fine Amount:	**$24,800.00**
Citation Fine:	**N/A**
Admin Cost:	**Paid**
Recommendation:	**$2,480.00**
Compliance Date:	**April 1, 2024**

Ms. Cuenot, the code enforcement officer, presented Case 2015-34 as a fine reduction case and testified about the violations cited at 3734 Gulfstream Road. Ms. Cuenot added that the property owners, Miguel and Israel Tijero, authorized Bruno Rodriguez to represent them at the hearing.

Bruno Rodríguez was present, representing Israel and Miguel Tijero. Special Magistrate Davis reviewed the circumstances, and based on the testimonies and the evidence, he granted the reduction of the lien to $2,480.00, to be paid by April 1, 2024. If this is not paid before April 1, 2024, it would revert to the initial fine of $24,800.00.

ADJOURNMENT

Hearing no further business, Special Magistrate Davis adjourned the Special Magistrate Meeting at 12:10 PM.

Next Magistrate Hearing is
Thursday, April 18, 2024, at 10:00 AM

The undersigned is the Records Clerk of Palm Springs, Florida, and the information provided herein is the Minutes of the Special Magistrate Meeting held on March 21, 2024.

Respectfully,

Andrea Medero

Records Clerk

Village of Palm Springs

Title VI/Nondiscrimination Policy

I. Policy Statement:

The Village of Palm Springs values diversity and interested parties, regardless of cultural identity, background, or income level. Moreover, the Village believes the best programs and services result from careful consideration welcomes input from all of the needs of all its communities and when those communities are involved in the decision-making process. The Village does not tolerate discrimination in any of its programs, services, or activities. Pursuant to Title VI of the Civil Rights Act of 1964 and other federal and state authorities, the Village will not exclude from participation in, deny the benefits of, or subject to discrimination anyone on the grounds of race, color, national origin, sex, age, disability, religion, or family status.

II. Persons with Disabilities:

Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 (ADA) and related federal and state laws and regulations forbid discrimination against those who have disabilities. These laws require federal-aid recipients and other government entities to take affirmative steps to reasonably accommodate those with disabilities and ensure that their needs are equitably represented.

The Village will make every effort to ensure that its facilities, programs, services, and activities are accessible to those with disabilities. The Village will also make every effort to ensure that its advisory committees, public involvement activities and all other programs, services and activities include representation by communities with disabilities and disability service groups.

The Village encourages the public to report any facility, program, service, or activity that appears inaccessible to those who are disabled. Also, the Village will provide reasonable accommodation to individuals with disabilities who wish to participate in public involvement events or who require special assistance to access facilities, programs, services, or activities. Because providing reasonable accommodation may require outside assistance, the Village asks that requests be made at least three (3) business days prior to the need for accommodation. Questions, concerns, comments, or requests for accommodation should be made to the Village ADA Officer:

Name: Ashley Saingilus
Address: 226 Cypress Lane, Palm Springs, FL 33461
Email: asaingilus@vpsfl.org
Phone: (561) 584-8200 Ext. 8421

III. Complaint Procedures:

The Village has established a discrimination complaint procedure and will take prompt and reasonable action to investigate and eliminate discrimination when found. Any person who believes that he or she has been subjected to discrimination based upon race, color, national origin, sex, religion, age, disability or family status in any Village program, service or activity may file a complaint with the Village Title VI/Nondiscrimination Coordinator:

Name: Janette Piedra, Human Resources Manager
Address: 226 Cypress Lane, Palm Springs, FL 33461
Email: jpiedra@vpsfl.org
Phone: (561) 584-8200 Ext. 8422