



**MINUTES
CODE ENFORCEMENT MAGISTRATE HEARING DOCKET
VILLAGE HALL COUNCIL CHAMBERS
226 CYPRESS LANE
JANUARY 18, 2024
10:00 AM**

If a person decides to appeal any decision made by the Magistrate, they will need a record of the proceeding, and that for such purpose 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, Diane James-Bigot, called the Code Enforcement Meeting to order at 10:10 a.m.

ROLL CALL

Present: Special Magistrate Diane James-Bigot, Code Enforcement Officer Supervisor Thomas Gehrman, Code Enforcement Officer Deanna Thomas, Code Enforcement Joey Sanders, Code Enforcement Officer Nichole Tamayo, Code Enforcement Officer Nanciann Cuenot, Attorney Ruth A. Holmes, Deputy Village Clerk Jane Worth.

SWORN IN

Special Magistrate James-Bigot swore in the Code Enforcement officers and witnesses.

AGENDA CHANGES

Attorney Holmes informed the Magistrate that Item #7 (Case No. 2024-03 - 3789 Davis Road) was dismissed, and Item #11 (CIT Case 2023-57 - 4234 Canal 8 Road) was rescheduled for a hearing on February 15, 2024.

MOTION HEARINGS

1. **Case No. 2024-8 - 3074 Frost Road - Carol A. Murphy**
CE Officer Tom Gehrman
Violation of Village Code of Ordinances
Section 30-143: Nuisance debris & overgrowth visible
Section 10-9: Residential structure needs painting, cleaning, and repairs
Section 10-8: Accessory areas & shed need maintenance

Section 34-914: Parking all vehicles operable with registration

Section 34-913: Prohibited panel/box truck at residential

Citation Fine: NA
Admin Cost: \$181.91
Recommendation: \$100.00 per day, per violation
Compliance Date: February 14, 2024

Code Enforcement Officer Mr. German testified about the violations cited at 3074 Frost Road. There was no representation from the owner.

Special Magistrate James-Bigot found that the defendant had violated Sections 30-143, Section 10-9, Section 10-8, Section 34-914, and Section 34-913, which must be corrected no later than February 14, 2024. If compliance is not achieved by February 14, 2024, the Village's recommendation of a daily fine of \$100.00 per violation until compliance is achieved is accepted. Special Magistrate Diane assessed administrative costs of \$181.91, to be paid by February 14, 2024.

2. **Case No. 2024-9 - 3152 Frost Road - Orandelys D. Duarte**
CE Officer Tom Gehrman

Violation of Village Code of Ordinances

Section 34-915: Prohibited use of camper for living or sleeping

Citation Fine: NA
Admin Cost: \$181.91
Recommendation: \$100 per day
Compliance Date: January 28, 2024

Code Enforcement Officer Mr. Gehrman reported violations at 3152 Frost Road.

Orandelys D. Duarte, the property owner, was present and provided testimony.

Special Magistrate James-Bigot found that the defendant had violated of Section 34-915, which must be corrected by January 28, 2024. If compliance is not achieved by January 28, 2024, the Village's recommendation of a daily fine of \$50.00 per day until compliance is achieved is accepted. Special Magistrate Diane assessed administrative costs of \$181.91, to be paid by January 28, 2024.

3. **Case No. 2024-06 - 3732 10th Avenue North - 12275 53rd Road N Trust & Marisel Oliveros Urgelles TR**
CE Officer Nicole Tamayo

Violation of Village Code of Ordinances

Section 14-32: No required residential rental license on file with the Village of Palm Springs.

Section 6-3: Keeping animals; fowl and livestock.

Section 10-9: House ID numbers required.

Section 10-9: Shutters must be removed.

Section 10-9: Exterior surfaces must be maintained in good condition. Peeling, flaking, and chipped paint shall be eliminated and repainted.

Section 34-914: Residential parking violations; parking on grass.

Section 34-221: Responsibility of the Owner; practices enumerated. Owner is responsible for landscape maintenance.

Section 30-143: Trash and debris public nuisance.

Section 10-31 (FBC 105.1 & FBC 110.1): No required permits and inspections for garage enclosure on file with the Village of Palm Springs.

Citation Fine: N/A

Admin Cost: \$196.91

Recommendation: \$100.00 per day, per violation

Compliance Date: February 29, 2024

Code Enforcement Officer Ms. Tamayo testified regarding the violations at 3732 10th Avenue North. There was no representation from the property owners.

Special Magistrate James-Bigot determined that the defendant violated the following Sections: 14-32, 6-3, 10-9, 10-9, 10-9, 34-914, 34-221, 30-143 and 10-31 (FBC 105.1 & 110.1). These violations must be corrected no later than February 29, 2024. If compliance is not achieved by this date, the Village recommends a daily fine of \$100.00 per violation until compliance is reached.

Additionally, Special Magistrate James-Bigot assessed administrative costs of \$196.91, must be paid by February 29, 2024.

4. **Case No. 2024-05 - 441 Kirk Road - Yilena Naranjo & Jose L. Naranjo**
CE Officer Nicole Tamayo

Violation of Village Code of Ordinances

Section 34-914: Residential Parking Violations; Parking on grass, Parking blocking sidewalk use area.

Section 30-142: Maintenance of the swale and right-of-way area required. Broken sidewalk repair required.

Section 10-31 (FBC 105.1 & FBC 110.1): Pavers installed without required permits and inspections.

Citation Fine: N/A

Admin Cost: \$196.91

Recommendation: \$100.00 per day, per violation

Compliance Date: February 29, 2024

Code Enforcement Officer Ms. Tamayo testified regarding the violations at 441 Kirk Road. The property owner, Yilena Naranjo, attended the hearing and provided testimony.

Special Magistrate James-Bigot found that the defendant had complied with Section 34-914. However, the property remains in violation of Section 30-142, and Section

10-31 (FBC 105.1 & 110.1). These violations must be corrected no later than February 29, 2024. If compliance is not achieved by this date, the Village recommends a daily fine of \$75.00 per violation until compliance is reached.

Additionally, Special Magistrate James-Bigot assessed administrative costs of \$196.91, must be paid by February 01, 2024.

5. **Case No. 2024-01 - 1965 South Congress Avenue - Congress Plaza II Inc.**
CE Officer Nanciann Cuenot

Violation of Village Code of Ordinances

Section 10-8: Exterior of Property-resurface parking lot, pressure clean priv wall

Section 30-141: Overgrown commercial property

Section 30-142: Maintenance of Right-of-Way

Section 30-143: Trash & Debris

Section 34- 262: Prohibited banner signs

Section 34-914: Parking vehicles – no valid tag or registration

Section 34-1327: Insufficient off-street parking and access must comply with , Handicap Standards

Section 34-1332: Off-street parking must be kept neat, clean, orderly, and c free

Section 34-912: Parking on Public Right of Way

Section 34-1329: Automotive parking – minimum requirements

Citation Fine: N/A

Admin Cost: \$627.33

Recommendation: \$100.00 per day, per violation

Compliance Date: February 9, 2024

March 8, 2024, for violations requiring permits

Code Enforcement Officer Ms. Cuenot testified regarding the violations at 1965 South Congress Avenue. The property manager's son, James Sahni, attended the hearing.

Special Magistrate James-Bigot found that the defendant had complied with Section 34-262, Section 34-914, and Section 34-912. However, the property remains in violation of Section 30-141, Section 30-143, Section 30-143, and Section 34-1332. These violations must be corrected no later than February 29, 2024. If compliance is not achieved by this date, the Village recommends a daily fine of \$75.00 per violation until compliance is reached. The property also violates Sections 10-8, 34-1327, and 34-1329. These violations must be corrected by March 08, 2024. If compliance is not achieved by this date, the Village recommends a daily fine of \$75.00 per violation until compliance is reached.

Additionally, Special Magistrate James-Bigot assessed administrative costs of \$627.33, must be paid by February 01, 2024.

6. **Case No. 2024-07 - 241 Tam O Shanter Drive - Yenny Vidal & Adisbel Valdes**
CE Officer Deanna Thomas

Violation of Village Code of Ordinances

Section 34-890: Home occupations

Section 70-99: Evidence of engaging in business

Section 10-9: Exterior of structure or building

Section FBC 105.1: No permits

Section FBC 110.1: No inspections

Citation Fine: N / A

Admin Cost: \$216.91

Recommendation: \$100 per day per violation

Compliance Date: February 29, 2024

Code Enforcement Officer Ms. Thomas testified regarding the violations at 241 Tam O Shanter Drive. The property owner, Adisbel Valdes, attended the hearing and provided testimony.

Special Magistrate James-Bigot found that the defendant had violated of Sections 34-890, 70-99, 10-9, 10-31 (FBC 105.1 & 110.1). These violations must be corrected no later than February 29, 2024. If compliance is not achieved by this date, the Village recommends a daily fine of \$75.00 per violation until compliance is reached.

Additionally, Special Magistrate James-Bigot assessed administrative costs of \$216.91, must be paid by February 01, 2024

7. **Case No. 2024-03 - 3789 Davis Road - Anworth Properties Inc.**
CE Officer Joey Sanders

Violation of Village Code of Ordinances

Section 34-914: Inoperative and/or unregistered vehicles

Section 10-31 (FBC 105.1 & FBC 110.1): Structures constructed without a permit and inspection

Section 30-143: Trash/Debris/vegetative waste/materials

Section 34-221: Landscape maintenance

Section 34-225: Fence maintenance

Section 34-1381: Open storage

Section 30-141: Overgrowth

Section 34-883: Hedges

Section 10-8: Weeds/Parking lot maintenance/sidewalks/dumpster enclosure

Section 10-9: Exterior property maintenance/post street numbers on mailbox/replace unsound door/remove metal bars covering the windows/exterior painting/repair broken windows/secure exposed wires

Citation Fine: N/A

Admin Cost: \$296.91
Recommendation: \$100.00 per day, per violation
Compliance Date: February 01, 2024
(CASE DISMISS)

8. **Case No. 2024-02 - 137 Vanessa Street - Carolina Lazo**
CE Officer Joey Sanders

Violation of Village Code of Ordinances

Section 34-914: Inoperable and/or unregistered vehicle

Section 14-32: No residential rental permit

Section 34-1381: Open storage

Section 10-8 & Section 10-9: Exterior property maintenance/clean, repair, and post street numbers on broken mailbox

Citation Fine: N/A

Admin Cost: \$276.91

Recommendation: \$100.00 per day, per violation

Compliance Date: February 01, 2024

Code Enforcement Officer Mr. Sanders testified regarding the violations cited at 137 Vanessa Street. The property owner, Carolina Lazo, attended the hearing and provided testimony. Also, Liz Rosario, the tenant of the property, attended the hearing and provided testimony.

Special Magistrate James-Bigot found that the defendant had complied with Section 34-914. However, the property remains in violation of Section 14-32, Section 34-1381, Section 10-8, and Section 10-9. These violations must be corrected no later than February 01, 2024. If compliance is not achieved by this date, the Village recommends a daily fine of \$100.00 per violation until compliance is reached.

Additionally, Special Magistrate James-Bigot assessed administrative costs of \$276.91, must be paid by February 01, 2024.

9. **Case No. 2024-04 - 3549 Corrigan Court - Jorge A. Trejo**
CE Officer Joey Sanders

Violation of Village Code of Ordinances

Section 34-914: Inoperative and/or unregistered vehicles parking on grass

Section 34-913: Prohibited commercial vehicles

Section 34-221: Landscape maintenance

Section 10-8: Driveway maintenance

Section 34-893: Canopies

Section 10-9: Shutters

Citation Fine: N/A

Admin Cost: \$296.91

Recommendation: \$100.00 per day, per violation
Compliance Date: February 01, 2024

Code Enforcement Officer Mr. Sanders testified regarding the violations cited at 3549 Corrigan Court. The property owner, Jorge A. Trejo, attended the hearing.

Special Magistrate James-Bigot found that the defendant had complied with Section 34-914, section 34-913, section 10-8, and 10-9. However, the property remains in violation of Section 34-221, and Section 34-893. These violations must be corrected no later than February 29, 2024. If compliance is not achieved by this date, the Village recommends a daily fine of \$100.00 per violation until compliance is reached.

Additionally, Special Magistrate James-Bigot assessed administrative costs of \$296.91, must be paid by February 29, 2024.

REASONABLE ACCOMMODATION REQUESTS

PETITION FOR REDUCTION OR ABATEMENT OF FINE

MOTIONS FOR EXTENSION OF TIME FOR COMPLIANCE

10. CIT Case 2017-16 - 4084 Linda Lane - BrandX LLC, Pinoamador - CE Officer Tom Gehrman

Violation of Village Code of Ordinances

Section 78-69 (Ordinance No. 2009-12) refusing , failing or neglecting to make connections to the Village of Palm Springs Water System.

Initial Violation:	March 30, 2017
Stipulation and Agreed Order:	October 19, 2023
Compliance Deadline:	January 18, 2024
Compliance Date:	Extension requested
Fine Amount:	NA
FEES:	Paid
Admin Cost:	Paid
Recommendation:	NA
Compliance Date:	Extend 60 days to March 18, 2024

Code Enforcement Officer Mr. Gehrman testified about the violations cited at 4084 Linda Lane. There was no representation from the owner. Special Magistrate James-Bigot granted the extension of time.

11. CIT Case 2023-57 - 4234 Canal 8 Road - Genuine Investments Land Trust - CE Officer Tom Gehrman

Violation of Village Code of Ordinances

Section - 30-141 overgrown vacant lot

January 18, 2024, Special Magistrate Meeting Minutes

Section - 34-225 broken fencing repair or replacement

Section - 30-143 public nuisance; trash & debris

Initial Violation: December 8, 2023

Order Finding Violation: December 21, 2023

Compliance Deadline: January 8, 2024

Compliance Date: Not in Compliance

Fine Amount: NA

Citation Fine: NA

Admin Cost: Paid

Recommendation: \$100 per violation, per day

Compliance Date: Extended date to February 15, 2024

(THE CASE IS CONTINUED TO THE FEBRUARY 15, 2024, HEARING)

ADJOURNMENT

Hearing no further business, Special Magistrate Davis adjourned the Special Magistrate Meeting at 12:30 p.m.

**Next Magistrate Hearing is Thursday, February 15, 2024 @ 10:00 AM
Village Council Chambers**

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 January 18, 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. 8419

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. 8421