



**AGENDA
CODE ENFORCEMENT MAGISTRATE HEARING DOCKET
VILLAGE HALL COUNCIL CHAMBERS
226 CYPRESS LANE
FEBRUARY 20, 2025
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.

AGENDA CHANGES

MOTION HEARINGS

1. Case No. 2025-01 - 4040 South Military Trail - Tuller Properties LLC
CE Officer Nanciann Cuenot
Violation of Village Code of Ordinances
Section 34-572: Violations. Violation and non-compliance of conditions of the Annexation Agreement Ordinance No. 2014-36 approved by the Village Council on December 11, 2024.
Citation Fine: N/A
Admin Cost: TBD
Recommendation: \$250.00 per day
Compliance Date: May 21, 2025
2. Case 2025-04 - 3808 Canal 9 Road - Michael R. Graeve
CE Officer Tom Gehrman
Violation of Village Code of Ordinances
Section 30-141: Overgrowth, excessive growth of weeds and vegetation.
Section 30-143: Trash debris and rubbish scattered on the property.
Section 34-914: Parking violations, missing license tags, inoperable vehicles.
Section 34-225: Missing and broken fencing, repairs or replacement required.
Citation Fine: NA
Admin Cost: \$279.10
Recommendation: \$100.00 per day, per violation
Compliance Date: March 19, 2025

3. Case No. 2025-05 - 3697 Gulfstream Road - Kevine Joseph & Bernadette J Saint Hubert
CE Officer Joey Sanders

Violation of Village Code of Ordinances

Section 30-141: Overgrowth. Trim all overgrown trees/bushes/vegetation.

Section 34-1381: Open storage. Remove all miscellaneous items stored around the property.

Section 34-221: Landscape maintenance. Replace all sections of dead grass.

Section 34-915: Vehicles. RV campers may not be used for living or sleeping purposes and must be shielded from public view and parked on an impervious surface.

Section 10-31 (FBC 105.1 & 110.1): Working without permits. Obtain an after the fact permit for the installation of a fence and pavers.

Section 30-143: Trash/debris/materials. Remove all trash/debris/materials stored around the property.

Section 34-914: Shipping containers and vehicles. Remove all prohibited shipping containers and remove all vehicles parked on the grass.

Section 10-8: Weeds and driveways. Remove all weeds attached to the rear fence and maintain the driveway.

Section 10-9: Exterior property maintenance. Post "3697" house ID numbers on the front exterior wall of the property.

Citation Fine:	N/A
Admin Cost:	\$276.60
Recommendation:	\$100.00 per day, per violation
Compliance Date:	March 1, 2025

4. Case No. 2025-06 - 3663 Almar Road - Liliana Rondon & Leonila P Verdecia
CE Officer Joey Sanders

Violation of Village Code of Ordinances

Section 34-221: Landscape maintenance. Replace all sections of dead grass.

Section 30-143: Trash and debris. Remove all trash and debris stored in front of the property.

Section 10-8: Driveways. Driveway observed in disrepair and needs to be resurfaced.

Section 34-914: Vehicles/parking. Remove all vehicles parked on the grass and trailer must be shielded from public view and parked on an impervious surface.

Section 10-31 (FBC 105.1 & 110.1): Working without permits. Obtain an after the fact permit for the installation of a fence, pavers, sheds and structures/additions.

Section 10-9: Exterior property maintenance. Repair damaged section of the fascia located on the left side of the property.

Citation Fine:	N/A
Admin Cost:	\$276.60
Recommendation:	\$100.00 per day, per violation
Compliance Date:	March 1, 2025

PETITION FOR REDUCTION OR ABATEMENT OF FINE

5. Case 2023-46 - Meadow Road (vacant lot) - Angel Ponce Torres
CE Officer Tom Gehrman

Violation of Village Code of Ordinances

Section 30-143: Public Nuisance, debris, wild overgrowth.

Initial Violation:	September 7, 2023
Order Finding Violation:	September 21, 2023
Compliance Deadline:	October 16, 2023
Compliance Date:	November 11, 2024
Fine Amount:	\$39,100.00
Citation Fine:	N/A
Admin Cost:	216.91 (to be paid), \$250 Application Fee Paid
Recommendation:	\$7,820.00
Compliance Date:	March 3, 2025

6. Case 2024-01 - 1965 South Congress Avenue - Congress Plaza II Inc.
CE Officer Nanciann Cuenot

Violation of Village Code of Ordinances

Section 34-1327: Insufficient off-street parking.

Section 34-1332: Off-street parking.

Section 34-1329: Minimum parking requirement. Auto Repairs.

Section 10-8: Exterior of property.

Section 30-141: Overgrown commercial property.

Section 30-142: Maintenance of right-of-way.

Section 30-143: Trash & debris.

Section 34-912: Parking vehicles have no valid tag/registration for an extended time.

Initial Violation:	June 5, 2023
Order Finding Violation:	December 12, 2023
Compliance Deadline:	February 9, 2024, and March 9, 2024, with permits & Inspections
Compliance Date:	July 25, 2024, and August 20, 2024
Fine Amount:	\$101,700.00
Citation Fine:	N/A
Admin Cost:	Paid
Recommendation:	\$30,510.00
Compliance Date:	March 20, 2025

7. Case 2024-29 - 85 Morgans Way - FYR SFR TRS LLC
CE Officer Joey Sanders

Violation of Village Code of Ordinances

Section 10-8: Weeds.

Section 30-141: Overgrowth.

Section 34-883: Hedges.

Section 30-143: Trash/debris/materials.

Section 34-1381: Open storage.

Section 34-225: Fence Maintenance.

Section 34-914: Vehicles/parking.

Section 10-9: Exterior property maintenance. Remove all black discoloration off the front door. Repair damaged gutter. Repair broken window. Repair broken mailbox.

Initial Violation:	August 26, 2023
Order Finding Violation:	April 18, 2024
Compliance Deadline:	May 1, 2024
Compliance Date:	December 2, 2024
Fine Amount:	\$172,000.00
Citation Fine:	N/A
Admin Cost:	Paid
Recommendation:	\$68,800.00
Compliance Date:	March 1, 2025

8. CIT Case 2022-2602 - 85 Morgans Way - FYR SFR TRS LLC
CE Officer Joey Sanders

Violation of Village Code of Ordinances

Section 34-914: Parking violations on residential property.

Section 30-143: Public nuisance trash and debris.

Initial Violation:	September 20, 2022
Order Finding Violation:	October 20, 2022
Compliance Deadline:	November 16, 2022
Compliance Date:	December 2, 2024
Fine Amount:	\$149,400.00
Citation Fine:	Paid
Admin Cost:	Paid
Recommendation:	\$59,760.00
Compliance Date:	March 1, 2025

MOTIONS FOR EXTENSION OF TIME FOR COMPLIANCE

9. Case 2024-57 - 1946 South Congress Avenue - MN Investments Properties Holdings LLC

CE Officer Nanciann Cuenot

Violation of Village Code of Ordinances

Section 70-94: Application. Local business tax receipt required. Exemptions Unit # 1958 & 1966.

Citation Fine: N/A

Admin Cost: Paid

Recommendation: March 20, 2025

Compliance Date: December 18, 2024

Next Magistrate Hearing is Thursday, March 20, 2025, at 10:00 AM.

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

ORDINANCE NO. 2014-36

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR AND VILLAGE CLERK TO EXECUTE AN AGREEMENT WITH TULLER PROPERTIES, LLC, OWNERS OF FIVE PARCELS OF LAND, TOTALING 0.49 ACRES, LOCATED AT 4040 SOUTH MILITARY TRAIL, FOR VOLUNTARY ANNEXATION INTO THE VILLAGE; PROVIDING FOR USE AND DEVELOPMENT REQUIREMENTS AND ALLOWANCES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village Council deems it in the best interest of the Village to enter into an agreement with Tuller Properties, LLC, owner of five parcels of land, totaling 0.49 acres, located at 4040 South Military Trail, for the purpose of voluntary annexation into the Village of Palm Springs.

NOW THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA:

Section 1. The Village Council of the Village of Palm Springs, Florida hereby agrees to the terms and conditions of that certain Agreement with Tuller Properties, LLC, owner of five parcels of land, totaling 0.49 acres, located at 4040 South Military Trail, which is attached hereto as **Exhibit "A"**, and which is incorporated herein by reference; and further authorizes the Mayor and Village Clerk to execute and deliver said Agreement to Tuller Properties, LLC, along with a copy of this Ordinance.

Section 2. **Repeal of Conflicting Ordinances.** All Ordinances, Resolutions or parts of Ordinances and Resolutions in conflict herewith are hereby repealed.

Section 3. **Severability.** If any word, clause, sentence, paragraph, section or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable, void or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this Ordinance.

Section 4. **Effective Date.** This Ordinance shall become effective immediately upon adoption.

Council Member Brinkman, offered the foregoing Ordinance, and moved its adoption. The motion was seconded by Council Member Gunther, and upon being put to a vote, the vote was as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
BEV SMITH, MAYOR	☒	☐	☐
SERGIO ESCALADA, VICE MAYOR	☒	☐	☐
DOUG GUNTHER, MAYOR PRO TEM	☒	☐	☐
JONI BRINKMAN, COUNCIL MEMBER	☒	☐	☐
PATTI WALLER, COUNCIL MEMBER	☒	☐	☐

The Mayor thereupon declared this Ordinance approved and adopted by the Village Council of the Village of Palm Springs, Florida, on second reading, the 11th day of December, 2014.

VILLAGE OF PALM SPRINGS, FLORIDA

BY: _____

BEV SMITH, MAYOR

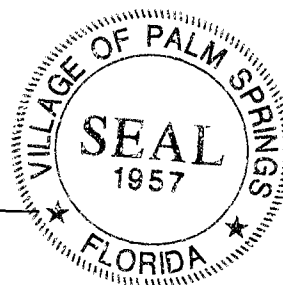
First Reading: 11-13-2014

Second Reading: 12-11-2014

ATTEST:

BY: _____

Jane R. Worth for
VIRGINIA M. WALTON, VILLAGE CLERK



REVIEWED FOR LEGAL FORM AND SUFFICIENCY

BY: _____

GLEN J. TORCIVIA, VILLAGE ATTORNEY

Prepared by and return to:

Glen Torcivia, Village Attorney
Village of Palm Springs
226 Cypress Lane
Palm Springs, Florida 33461

ANNEXATION AGREEMENT

THIS ANNEXATION AGREEMENT by and between the **VILLAGE OF PALM SPRINGS, FLORIDA**, a municipal corporation, (hereinafter referred to as the “Village”), 226 Cypress Lane, Palm Springs, FL 33461; and **TULLER PROPERTIES, LLC.**, a Florida limited liability company (hereinafter referred to as the “Petitioner”), with a mailing address of 4040 South Military Trail, Lake Worth, FL 33463.

WHEREAS, Petitioner is the fee simple owner of five (5) parcels of land located in Palm Beach County, Florida, at the southeast quadrant of Lake Worth Road and Military Trail (PCNs: 00-42-44-25-08-004-0080, 00-42-44-25-08-007-0040, and 00-42-44-25-08-007-0060, all as described in the deed recorded at Official Records Book 21271, Page 1113 of the Official Records of the Clerk of the Circuit Court, in and for Palm Beach County, Florida (hereinafter referred to as the “Property”); and

WHEREAS, the Property is within unincorporated Palm Beach County, Florida, and is reasonably compact and contiguous to the Village’s municipal boundaries; and

WHEREAS, the Property meets all the requirements for voluntary annexation set forth in Chapter 171, Florida Statutes, and Petitioner hereby voluntarily petitions the Village to have the Property annexed into the Village; and

WHEREAS, the Village and Petitioner acknowledge that the Property could remain in unincorporated Palm Beach County and continue to be subject to the uses and building intensities permitted by the Palm Beach County Comprehensive Plan and the Unified Land Development Code; and

WHEREAS, the Village and Petitioner recognize the mutual value and benefit of the Property being located within the Village’s municipal boundaries subject to the terms and conditions of this Agreement being satisfied; and

WHEREAS, in consideration for such voluntary annexation, the Village is willing to make certain representations and to take certain actions regarding the appropriate land use designation and zoning category for the Property and the continued operation of the Property pursuant to the Village's Comprehensive Plan and Land Development Code.

NOW THEREFORE, in consideration of the mutual covenants herein contained and other good and valuable considerations, the sufficiency of which is hereby acknowledged, the parties agree to the above recitals and to the following terms and conditions:

1. The forgoing Recitals are true and correct and are incorporated into this Agreement by this reference.
2. **REAL PROPERTY.** The Property, subject to this annexation agreement, is legally described in **EXHIBIT "A"**; which exhibit is attached hereto and incorporated herein by reference.
3. **PETITION FOR VOLUNTARY ANNEXATION AND LANDS COVERED BY AGREEMENT.** Subject to the terms of this Agreement, the provisions of Section 171.044, Florida Statutes, the Petitioner, constituting each and every person having the fee simple interest in the Property, hereby freely and voluntarily petitions the Village for annexation into the Village of Palm Springs, Florida, without the requirement for an election, but subject to the statutory public notice and ordinance adoption procedures of the Village. The Petitioner agrees not to challenge the status or ability of the Village to annex, or the annexation of the Property or any adjacent lands. The Petitioner agrees that this Agreement shall be irrevocable by the Petitioner, their heirs and assigns, and it shall be binding on any future assigns and/or purchasers. It is the Petitioner's intent that this Agreement shall be binding on all successor title holders of the Property and shall be recorded with the Palm Beach County Clerk of Courts.
4. **FUTURE LAND USE PLAN DESIGNATIONS AND ZONING DISTRICT.** The Property is presently designated on the Palm Beach County Future Land Use Map, and Official Palm Beach County Zoning Map, as follows:

LAND USE	UI – Urban Infill
ZONING	UI – Urban Infill, with Conditional Use

Once annexed, the Village and Petitioner contemplate that the Property will be designated on the Village's Future Land Use Map and Land Development District (zoning) Map, as follows:

LAND USE

COMMERCIAL

ZONING

CG – COMMERCIAL GENERAL

Said designation of the Property in the Village's Future Land Use Map and Land Development District (Zoning) Map is subject to the Village's Code of Ordinances and all applicable statutes, policies and procedures required in order to so designate the Property.

5. **CHANGE IN LAND USE DESIGNATION AND ZONING OF THE PROPERTY.** The Village agrees to assign an appropriate future land use and to zone the Property pursuant to its Comprehensive Plan so that it is consistent with and implements the future land use designation assigned to the Property and that the Property's land development district (zoning) is compatible with the properties in connection with the Comprehensive Plan amendment and zoning re-districting.
6. **USE AND DEVELOPMENT REQUIREMENTS AND ALLOWANCES.** So long as the Property is assigned the future land use category and land development district (zoning) designation contemplated in Section 4 above, the use and development of the Property shall be conducted in accordance with the following to maintain compatibility with, and protect against adverse impacts to, the surrounding properties:
 - a. **Uses.** Although mobile food trucks are not permitted within the Village of Palm Springs, the Petitioner has held a special permit for mobile vending from Palm Beach County for numerous years and is an established mobile food business operation. At the time of the execution of this Annexation Agreement, the following identified permitted uses of the Property may remain as approved by Palm Beach County and subject to the following conditions:
 - i) **Repair and Maintenance, General (Vehicle Repairs) and Dispatching.** The Property has received approvals for Repair and Maintenance, General (Vehicle Repairs) and Dispatching, with variances. The site plan approval associated with the above-stated approvals is as depicted on final site plan approved by Palm Beach County under

Control No. 2007-00166, approved under Resolution ZR-2008-028 and Resolution R-2008-915. The site plan shall be amended by Petitioner to include the entire Property, as well as the property to be abandoned, as set forth in Paragraph 5.g, below ("Road Abandonment"), and all of which shall be as depicted in the attached Exhibit B ("Final Site Plan"). Within Two (2) months of the Road Abandonment being final and unappealable, Petitioner shall file the Final Site Plan (including landscape plans and building elevations) with the Village staff for administrative site plan approval consistent with the Final Site Plan. Within Thirty-six (36) months of final, unappealable administrative approval of the Final Site Plan, Petitioner shall complete the improvements set forth on the Final Site Plan. No outdoor repair or storage of materials (except materials which are fully screened from view) may occur, pursuant to Village regulations. If Petitioner fails to complete the construction listed on the site plan within the 36-month time period, Petitioner shall then be required to obtain a site plan approval in order to maintain Repair and Maintenance, General (Vehicle Repairs) and Dispatching.

- ii) **Mobile Food Truck.** The Mobile Food Truck shall be a permissible use for Twelve (12) years after the effective date of this Annexation Agreement, as contemplated in Special Permit 2008-01803, subject to the revisions expressly set forth in this Agreement or the Final Site Plan, and the requirements set forth below:

Mobile sales on the Property shall be conducted from within a single-unit operable truck which shall be no longer than 38 feet, which shall be operable, licensed and insured, and shall be removed/relocated at least three times per week in order to perform routine maintenance and/or ensure mobile food truck is operable and the surrounding area is maintained pursuant meets Village codes.

- (1) There shall be no use of unapproved portable stands, tents/canopies, trailers, outdoor storage, etc. Said mobile food truck shall be maintained in a state of aesthetic appeal.
- (2) Sales transactions shall occur within the secure environment of the mobile food truck – no outdoor cash registers or other methods of point of purchase will be utilized outside the truck.

- (3) No alcohol sales from mobile food truck.
- (4) Electric service may be established at the Mobile Food Truck location depicted on the Final Site Plan, subject to compliance with Florida Building Code and approval of the Village Building Official. Said electric service shall be removed upon the expiration of the mobile food truck approval period.
- (5) Signage shall comply with Article IV of the Village Land Development Code. Custom or magnetic signs on the mobile food truck shall only advertise the concessionaire and menu offered therein. The mobile food truck sign(s) shall not be larger in any dimension than or extend beyond any surface of the vehicle.
- (6) Within thirty-six (36) months following the Final Site Plan approval as set forth in Paragraph 5.a.i, above, the parking lot and access drives shall be constructed and subsequently maintained in good condition with a one-inch hot mix asphaltic concrete surface, and landscaping shall be installed pursuant to the Final Site Plan.
- (7) Garbage shall be disposed of in an approved dumpster, which shall be screened in accordance with Village's land development standards. Regular garbage collection shall be conducted in accordance with Village requirements for commercial operations.
- (8) Cooking Grease disposal shall be approved by the Health Department and Palm Beach County.
- (9) Approval of the Mobile Food Truck shall expire if the use/activity is discontinued for more than 60 consecutive days.
- (10) The Mobile Food Truck Business Tax Receipt shall be held by the Petitioner and the Petitioner shall be responsible to the Village for the operation of the Mobile Food Truck complying with the requirements of this Agreement. In the event the property is conveyed or acquired by someone other than the Petitioner, the Mobile Food Truck operation shall cease and removed and cannot be assigned, conveyed or acquired with the property. Nothing in this

Agreement shall prevent the Petitioner from having the Mobile Food Truck operated by a person meeting all requirements for the operation as required by the Health Department licensing, or such other requirements of governmental authorities having jurisdiction, however, the Petitioner shall retain responsibility for the operation.

- (11) No additional mobile food trailers or trucks, or concession equipment may be operated on the Property at any time.
- (12) Approval of the Mobile Food Truck may be revoked by the Village's code enforcement special magistrate if it is determined that the Petitioner fails to cure any violation of any provision outlined and agreed to within this Agreement or the regulations of the Village of Palm Springs unless specifically modified herein, as determined by the Special Magistrate and within the timeframe set by the Special Magistrate.
- (13) Upon expiration of this 12-year period referenced in Paragraph 5.a.ii., or upon revocation by the Special Magistrate, the Mobile Food Truck shall be immediately removed from the Property and no other mobile food truck or trailer may be utilized on the Property unless specifically permitted by or pursuant to the Village code of ordinances. After such expiration or termination, the Mobile Food Truck shall not be recognized as a nonconforming use.
- (14) The Petitioner shall obtain a Village business tax receipt annually for the Mobile Food Truck as long as it exists on the Property.
- (15) **Insurance.** Liability insurance shall be obtained and retained listing the Village as additionally insured or certificate holder, paid in full covering the year for which the business tax receipt is issued, in the amount of \$500,000 per occurrence. Proof of liability insurance is due annually no later than September 30 with business tax receipts renewal.
- (16) **Health Department License and Sanitation Certificate.** All applicable Health Department License(s) and Sanitation Certificate(s) shall be obtained and

retained from the Florida Department of Health. Proof of both shall be submitted to the Village annually with business tax receipts renewal.

- (17) **Hours of Operation.** The Mobile Food Truck shall be limited to operate between 7 a.m. and 11 p.m. The Mobile Food Truck operation may be required to have a special Village police detail officer on-site between 9 p.m. and 11 p.m. on Fridays, Saturdays, Sundays, and holidays, if determined at any time by the Village Police Chief that special details are required based on an excessive rate of incidents to which law enforcement has had to respond. The Property Owner is responsible for payment of all costs assessed for special details which shall be billed no less than monthly by the Village.
 - (18) **Mobile Food Truck Re-orientation.** The Petitioner shall relocate the Mobile Food Truck on the Property in accordance with the Final Site Plan.
 - (19) The Petitioner shall cease operations of the food truck if they fail to abide by the requirements set forth in this Agreement.
- iii) **Storage.** Although outdoor storage is not permitted within the Village of Palm Springs, Petitioner has obtained a permit from Palm Beach County to allow a fenced area along the east side of the existing building to be utilized for outdoor storage as accessory to its Repair and Maintenance, General (Auto Repair) business. The outdoor storage as depicted on the Final Site Plan may continue as a nonconforming use, subject to the following limitations:
- (1) In the event the Repair and Maintenance, General (Auto Repair) use is discontinued or relocated on the premises, the outdoor storage shall cease.
 - (2) The outdoor storage fence shall be screened from view by the installation of an opaque hedge or other landscaping approved by staff as part of the Final Site Plan approval, which screening shall be in addition to the landscape buffer required along the perimeter of the Property.
 - (3) There shall be no barbed wire or other similar hazardous wire on the fence.
 - (4) The outdoor storage shall cease and no longer be permitted if the property or business is sold, conveyed, transferred or assigned.

- b. **Landscaping Improvements.** The Petitioner will install landscaping improvements within thirty-six (36) months of the Final Site Plan approval as set forth in Paragraph 5.a.i, above, which shall be depicted on an administrative Final Site Plan approval (as a Landscape Plan) and approved by the Village Land Development Department prior to the installation, removal and/or replacement of any landscaping. New plantings will include Royal Palms.
 - c. **Rights-of-Way.** The Village shall annex the rights-of-way known as Cross Street and Childs Street adjacent to the Property ("Public Rights-of-Way"). Upon transfer of responsibility from Palm Beach County to the Village for the Public rights-of-Way, the Village shall, at no cost to Petitioner or owners of properties adjacent to the Public Rights-of-Way, abandon the public interest as thoroughfares, but may retain easement interests for utilities and other public purposes, pursuant to Florida law, in a width and location as depicted on the Final Site Plan. Easements shall be located so as to be split between adjoining properties. Access to the Tuller property from Lake Worth Road shall be preserved.
 - d. **All other codes and requirements.** All other requirements of the Village's codes and ordinance, and applicable law shall remain in full force and effect.
7. **STATUS OF AGREEMENT.** The parties agree and acknowledge that this Annexation Agreement is not a "development agreement" as contemplated by Sections 163.3220-163.3243, Florida Statutes, and that the provisions of said sections are not applicable to this Annexation Agreement. The parties acknowledge and agree that no infirmity or defect in the Village's actions described herein shall nullify or otherwise affect the annexation of the Property into the Village.
8. **ALL OTHER CODE AND REQUIREMENTS.** All other requirements of the Village's Code of Ordinances, regulations and applicable law shall remain in full force and effect.
9. **TERM OF THE AGREEMENT.** The terms contained herein shall inure only to the party hereto. However, the allowances provided in Section 5, shall only exist for the time set forth in each subsection for the applicable use. Once the time set forth in each subsection expires, the allowances provided shall thereafter without further action by the Village

become null, void and of no further legal effect. Thereafter any further use or expansion of the Property shall be governed by the Village Code of Ordinances and all applicable laws and regulations in effect, provided, however, any use which is not expressly set to expire or be terminated pursuant to the terms of this Agreement shall enjoy nonconforming status to the extent it does not conform to the Ordinances of the Village.

10. **TERMINOLOGY.** In this Agreement, the use of the singular shall include the plural, the use of the masculine shall include the neuter, and the use of "officials" shall include appointed and elected officials of the Village and their successors.
11. **ENTIRE AGREEMENT.** This Annexation Agreement embodies the whole agreement of the parties and there are no promises, terms, conditions or obligations other than those herein contained, and this Annexation Agreement supersedes all previous communications, representations, proposals or agreements, if any. The provisions of this Annexation Agreement fully set forth the Petitioner's obligations and there are no other costs, charges, fees, or expenses for the annexation, land use amendment, or rezoning of the Property, or the abandonment of the Public Rights-of-Way. There are no other oral or written promises, conditions, representations, understandings or terms of any kind as conditions of inducement to the execution hereof. Any subsequent conditions, representations, warranties, or agreements shall not be valid or binding upon the parties, unless they are in writing and signed by both parties and executed in the same manner as this Annexation Agreement.
12. **SEVERABILITY.** In the event that any part, term or provision of this Annexation Agreement is found to be illegal or inoperative by a court of competent jurisdiction, the validity of the remaining portions and provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if this Annexation Agreement did not contain the particular part, term or provision held to be so invalid, provided, however, the terms and conditions of the Village in Section 5 are inducements to the Petitioner's execution of this Agreement and are a material, integral part of this Agreement.
13. **CAPTIONS.** Captions are included for convenience only and shall be given no legal effect whatsoever.

14. **ATTORNEY'S FEES.** In the event any party must enforce this Annexation Agreement through legal proceedings, the prevailing party shall be entitled to reasonable attorney's fees and costs incurred, including those at the appellate level.
15. **WAIVER.** Failure of a party to enforce any conditions of this Agreement or exercise any of its right(s) under this Agreement shall not be deemed a waiver of that parties' right to enforce said condition(s) or exercise said right(s) at any time.
16. **TIME.** Time is of the essence in all respects under this Agreement.
17. **EFFECTIVE DATE.** This Annexation Agreement shall become effective upon annexation and final approval by the Village Council.

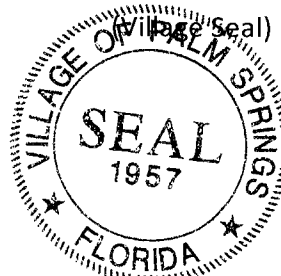
IN WITNESS WHEREOF the parties have hereto set their hands and seals in lawful

execution of this Annexation Agreement on the date opposite their names.

Date: December 11, 2014

VILLAGE OF PALM SPRINGS, FLORIDA
By: [Signature]
Bev Smith, Mayor

ATTEST:
By: [Signature]
Virginia Walton, Village Clerk



APPROVED AS TO FORM:
By: [Signature]
Glen J. Torcivia, Village Attorney

Date: _____

PETITIONER: Tuller Properties, LLC,
a Florida limited liability company

Witnesses as to Petitioner:
[Signature]
Witness Kristin A Garrett

By: [Signature]
Edward Tuller, Manager

[Signature]
Witness Richard W. Carlson Jr

ACKNOWLEDGEMENTS

STATE OF FLORIDA)

COUNTY OF PALM BEACH)

The foregoing ANNEXATION AGREEMENT was acknowledged before me this 11th
day of December, 2014 by BEV SMITH and ~~VIRGINIA WALTON~~ ^{Jane R. Walton}, the Mayor and
^{Deputy} Village Clerk, respectively, of the Village of Palm Springs, Florida, who are personally known to
me.

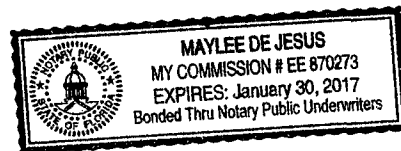


NOTARY PUBLIC – STATE OF FLORIDA

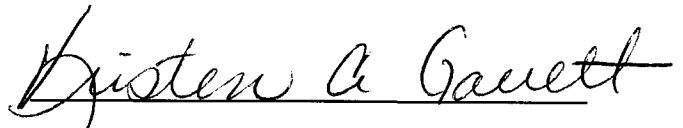
MY COMMISSION EXPIRES:

STATE OF FLORIDA)

COUNTY OF PALM BEACH)



The foregoing ANNEXATION AGREEMENT was acknowledged before me this 9
day of October, 2014 by Edward Tuller, Manager, of Tuller Properties, LLC, a
Florida limited liability company, who is personally known to me, or who provided _____
_____ as identification.



NOTARY PUBLIC – STATE OF FLORIDA

MY COMMISSION EXPIRES:



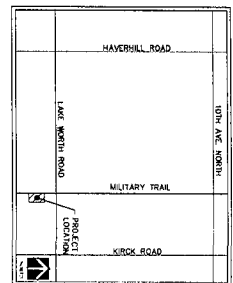
EXHIBIT "A"

LEGAL DESCRIPTION

Parcel 1. Lots 4, 5, 6, and 7, LESS the west 32 feet for State Road 809 Right-of-Way, Block 7, Plat No. 1 of Green Acres, according to the plat thereof as recorded in Plat Book 12, Page 72 of the Public Records of Palm Beach County, Florida.

Parcel 2. Lot 8 Block 4, Plat No. 1 of Green Acres, according to the plat thereof as recorded in Plat Book 12, Page 72 of the Public Records of Palm Beach County, Florida.

TOGETHER WITH all the tenements, hereditaments, appurtenances, and reversions thereto belonging or in anywise appertaining.



612 N. Orange Ave. Ste D12
Jupiter, FL 33458
Phone: 561-222-9284/Fax: 561-348-9491

Conceptual Site Plan
BOB'S AUTO GLASS
Village of Palm Springs, Florida

Scale: 1" = 20'-0"

SP-1
JOB NO. 14-0

JOB NO. 14-019



NOTICE OF PUBLIC HEARING

The Village of Palm Springs proposes to adopt:

ORDINANCE NO. 2014-35
AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR AND VILLAGE CLERK TO EXECUTE AN AGREEMENT WITH TACOS AL CARBON, INC., OWNERS OF FIVE PARCELS OF LAND, TOTALING 1.5 ACRES, LOCATED AT 4420 LAKE WORTH ROAD, FOR VOLUNTARY ANNEXATION INTO THE VILLAGE; PROVIDING FOR USE AND DEVELOPMENT REQUIREMENTS AND ALLOWANCES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE NO. 2014-36
AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR AND VILLAGE CLERK TO EXECUTE AN AGREEMENT WITH TULLER PROPERTIES, LLC, OWNERS OF FIVE PARCELS OF LAND, TOTALING 0.49 ACRES, LOCATED AT 4040 SOUTH MILITARY TRAIL, FOR VOLUNTARY ANNEXATION INTO THE VILLAGE; PROVIDING FOR USE AND DEVELOPMENT REQUIREMENTS AND ALLOWANCES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE NO. 2014-37
AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR AND VILLAGE CLERK TO EXECUTE AN AGREEMENT WITH PURDY LANE INVESTMENTS, INC., OWNERS OF A PARCEL OF LAND, TOTALING 0.92 ACRES, LOCATED AT 4053 COOLEY COURT, FOR VOLUNTARY ANNEXATION INTO THE VILLAGE; PROVIDING FOR USE AND DEVELOPMENT REQUIREMENTS AND ALLOWANCES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

ORDINANCE NO. 2014-38
AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AUTHORIZING THE MAYOR AND VILLAGE CLERK TO EXECUTE AN AGREEMENT WITH PAUSA ASSOCIATES, LLC, OWNERS OF A PARCEL OF LAND, TOTALING 4.73 ACRES, LOCATED AT 4481 LAKE WORTH ROAD, FOR VOLUNTARY ANNEXATION INTO THE VILLAGE; PROVIDING FOR USE AND DEVELOPMENT REQUIREMENTS AND ALLOWANCES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Public Hearings on the proposed ordinance will be held in Council Chambers at Village Hall, 226 Cypress Lane, Palm Springs, Florida, on the following dates:

Land Development Board, Tuesday, May 13, 2014 at 6:30 PM
Regular Council Meeting, Thursday, June 12, 2014 at 6:30 PM
Regular Council Meeting, Thursday, July 10, 2014 at 6:30 PM

These ordinances in their entirety may be inspected at the Office of the Village Clerk during Monday through Friday between 8:00 a.m. and 5:00 p.m. All interested parties may appear at the meeting and be heard with respect to the proposed ordinances at the public hearing.

If a person decides to appeal any decision made by the above Village Council with respect to any matter considered at such hearing, he or she will need a record of the proceedings, and for such purpose may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based. Persons who need an accommodation in order to attend or participate in this meeting should contact the Village Clerk at 954-4010 at least 3 days prior to the meeting in order to request such assistance.

Virginia M Walton, MMC, Village Clerk
PUB: The Palm Beach Post
10-25/2014 #322107

VILLAGE OF PALM SPRING PROOF OF PUBLICATION STATE OF FLORIDA COUNTY OF PALM BEACH Before the undersigned authority personally appeared Tiffani Everett, who on oath says that she is Call Center Legal Advertising Representative of The Palm Beach Post, a daily and Sunday newspaper, published at West Palm Beach in Palm Beach County, Florida; that the attached copy of advertising for a Notice was published in said newspaper on First date of Publication 10/25/2014 and last date of Publication 10/25/2014 Affiant further says that the said The Post is a newspaper published at West Palm Beach, in said Palm Beach County, Florida, and that the said newspaper has heretofore been continuously published in said Palm Beach County, Florida, daily and Sunday and has been entered as second class mail matter at the post office in West Palm Beach, in said Palm Beach County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that she/he has neither paid nor promised any person, firm or corporation any discount rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper. Also published in Martin and St. Lucie Counties. PUBLIC HEARING Ad ID: 634082 Ad Cost: 392.16

Signed

Sworn to and subscribed before 10/27/2014.

Who is personally known to me.



KARIE BELL
NOTARY PUBLIC - OHIO
MY COMMISSION EXPIRES 4-12-15



Village of Palm Springs

"a great place to call home"

226 Cypress Lane • Palm Springs, Florida 33461-1699
561.965.4010 • Fax 561.965.0899

December 15, 2014

Tuller Properties, LLC
4040 S. Military Trail
Lake Worth, FL 33463

Re: Voluntary Annexation Agreement

Dear Respondent:

At their Regular Council Meeting on December 11, 2014, the Mayor and Village Council adopted Resolution No. 2014-36, approving the Voluntary Annexation Agreement for five parcels of land located at 4040 South Military Trail.

Enclosed are a copy of the signed Resolution No. 2014-36 and a copy of the Agreement for your records.

Should you have any questions, please contact Kim Glas-Castro, Land Development Director, at 965-4016.

Sincerely,

Virginia M. Walton, MMC
Village Clerk

Enclosures



**VILLAGE OF PALM SPRINGS, FLORIDA
CODE ENFORCEMENT
SPECIAL MAGISTRATE**

Case #: 2025-04 (MS 24-01235)

**VILLAGE OF PALM SPRINGS, FLORIDA
Petitioner,**

**vs.
GRAEVE MICHAEL R
3808 CANAL 9 RD
PALM SPRINGS, FL 33406**

Respondent.

Notices

Certified 2-4-25

9489 0178 9820 3034 7923 11

Regular 2-4-25

Posting 2-7-25

PCN: 70434418000007520

NOTICE OF VIOLATION AND NOTICE OF HEARING

**STATE OF FLORIDA
COUNTY OF PALM BEACH**

THE UNDERSIGNED CERTIFIES AND SWEARS that he has just and reasonable grounds to believe, and does believe that on February 04, 2025, the GRAEVE MICHAEL R, owners of the property at 3808 CANAL 9 RD, Palm Springs, FL 33406 is in violation of local ordinances.

Section 30-141. Overgrowth - Excessive growth of weeds and vegetation

Section 30-143. Nuisance - Removal of rubbish, stagnant water, weeds and overgrowth required

Section 34-914. Parking - Parking in residential land use districts.

Section 34-225. Fencing - Missing or broken fence, wall or gate (No Pool)

These violations must be corrected on or before February 12, 2025, failing, this matter shall be heard at a public hearing by a Code Enforcement Special Magistrate at Village Hall, 226 Cypress Lane, Palm Springs, FL, 33461 on FEBRUARY 20, 2025 at 10:00 a.m. IF THE VIOLATION IS CORRECTED PRIOR TO THE HEARING DATE AS SET FORTH HEREIN, THIS CASE MAY STILL BE PRESENTED TO THE SPECIAL MAGISTRATE FOR A HEARING FOR THE DETERMINATION OF THE VIOLATION(S), FINES AND THE IMPOSITION OF REASONABLE ENFORCEMENT FEES, INCLUDING SPECIAL MAGISTRATE AND ATTORNEY'S FEES.

YOU ARE HEREBY ORDERED to appear and answer the above charges. You may choose to waive your rights to this hearing and the costs as determined by the Special Magistrate. Your failure to appear may result in the Special Magistrate proceeding in your absence.

IMPORTANT: It is the responsibility of the Respondent to request an inspection as soon as compliance is achieved by calling the Code Enforcement Office at (561) 584-8300 ext. 8520 and providing proof of Compliance. A request for inspection must be made at least 1 day(s) prior to the requested inspection.

If you are found in violation of the Village Code, the Special Magistrate has the legal authority to levy fines of up to **\$500.00** per day, per violation, for each and every day that each violation continues, and to levy all administrative costs required to obtain compliance. **ALL FINES AND COSTS BECOME LIENS ON YOUR PROPERTY.**

You have the right to obtain an attorney, at your own expense, to represent you before the Special Magistrate at the hearing. All testimony at the hearing will be under oath and recorded. The Special Magistrate shall take testimony from the Code Compliance Officer and the Respondent. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings. You will have the opportunity to present witnesses as well as question witnesses against you, prior to a final determination by the Magistrate. If you wish to have witnesses subpoenaed or if you have other questions, you may contact the Village Clerk's Office at (561) 584-8200, ext. 8430.

Any interested party seeking to appeal any decision of the Special Magistrate with respect to any matter considered at the hearing will need a record of the proceedings and will need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence presented. Persons who need special accommodation in order to attend or participate in this hearing must advise the Village Clerk at (561) 584-8200 ext. 8430, at least 36 hours prior to the hearing.

 561-814-3208
Code Enforcement Officer


tgehrman@vpscl.org

February 04, 2025
Date Issued

**CODE ENFORCEMENT BOARD
VILLAGE OF PALM SPRINGS, FLORIDA**

**VILLAGE OF PALM SPRINGS,
FLORIDA,**

Petitioner

Case No. 2025- 04

RETURN OF SERVICE

**MICHAEL R. GRAEVE
3808 CANAL 9 ROAD
WEST PALM BEACH, FL 33406 8504**
_____ /

Respondent

On the **7th Day of FEBRUARY 2025 at 8:31 am**, I served the attached Notice of Violation/Notice of Hearing on the within named Respondents, **MICHAEL GRAEVE** at **3808 CANAL 9 ROAD**, Palm Springs, FL 33406 and posted the notice at Palm Springs Village Hall, 226 Cypress Lane, Palm Springs, FL 33461 Palm Beach County, Florida, by:

_____ **INDIVIDUAL SERVICE:** By serving the within named Respondent a true copy with the date and hour of service endorsed thereon by me.

_____ **SUBSTITUTE SERVICE:** By serving a true copy with the date and hour of service endorsed thereon by me, at the Respondent's usual place of abode with any person residing therein the age of 15 years or older, to-wit: _____ and informing such person of their contents pursuant to F.S. 48.031.

_____ **XX** **POSTED BY:** Securely affixing a copy to a conspicuous place on the property described within. **PHOTO INCLUDED**

VILLAGE OF PALM SPRINGS
DEPARTMENT OF PUBLIC SAFETY

By: Tom Aheuman



PALM SPRINGS POLICE DEPARTMENT

230 Cypress Lane · Palm Springs, Florida 33461 · Phone 561-968-8243 · www.vpsfl.org

FEBRUARY 4, 2025

MICHAEL R. GRAVES
3808 CANAL 9 ROAD
WEST PALM BEACH, FL 33406 8504

Dear Property Owner,

A NOTICE OF VIOLATION/NOTICE OF HEARING has been issued by the Code Enforcement unit of the Palm Springs Police Department. This is regarding the property at 3808 CANAL 9 ROAD in Palm Springs, FL
PCN: 70-43-44-18-00-000-7520

CASE 2025 - 04

Violations:

Section 30-141. Overgrowth - Excessive growth of weeds and vegetation

Section 30-143. Nuisance - Removal of rubbish, stagnant water, weeds and overgrowth required

Section 34-914. Parking - Parking in residential land use districts

Section 34-225. Fencing - Missing or broken fence, wall or gate (No Pool)

The options available include coming into voluntary compliance OR arguing your case at the Special Magistrate hearing THURSDAY FEBRUARY 20, 2025, AT 10:00 AM that is noted on your citation. This is part of your right under the judicial system.

Please be advised, that if you present your case at the hearing and the Magistrate rules against you, there may be court costs assessed in addition to the citation amount. Court costs for a Code Enforcement case typically run from \$200.00 to \$300.00.

Please call me if you have any questions at (561) 814-3208.

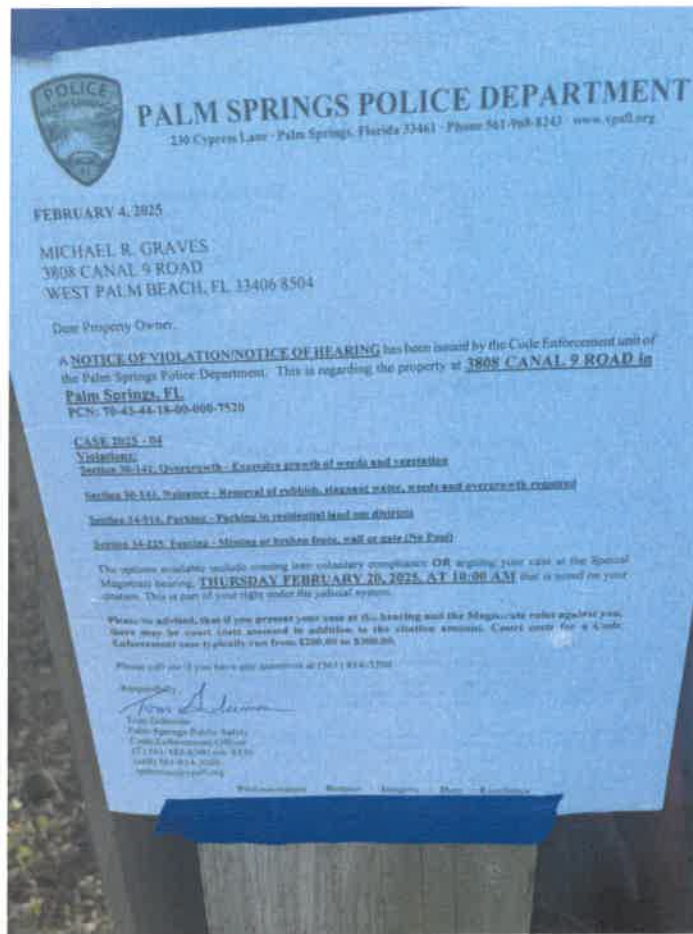
Respectfully,

Tom Gehman
Palm Springs Public Safety
Code Enforcement Officer
(T) 561-583-8300 ext. 8520
(cell) 561-814-3208
tgehman@vpsfl.org

Professionalism · Respect · Integrity · Duty · Excellence

2/7/2025 8:31

Posting Case 2025-04 3808 Canal 9 Road



2/7/2025 8:31:49 AM

Posting
Case 2025-04
3808 Canal 9 Rd



2/7/2025 8:32:10 AM



2/7/2025 8:31

CASE 2025-01 3808 CAMAL 9. Rd



Case 2025-04 3808 Canal 9 Road
• Debris, Overgrowth Parking



2/3/2025 10:22:36 AM

Case 2025-04
3808 Canal 9 Rd

- Debris
- Overgrowth
- Parking

• Broken Fence



2/3/2025 10:23:38 AM



2/3/2025 10:23:27 AM

CASE 2025-04
3808 Canal 9 Rd



- Debris
- Overgrowth
- PARKING

2/3/2025 10:23:15 AM



1/10/2025 2:18:03 PM



1/10/2025 2:17:57 PM



1/10/2025 2:17:30 PM



1/10/2025 2:17:24 PM

Case 2025-04
3808 Canal 9 Rd
• Parking
• Overgrowth
• Debris



1/10/2025 2:17

Case 2025-04 3808 Canal 9 Rd
• Debris • PARKING • OVERGROWTH



1/10/2025 2:17

Case 2025-04 3808 Canal 9 Rd
• Overgrowth • Debris • PARKING

3808 Canal 9 Rd

1-1-2024



01/01/2024



PALM SPRINGS POLICE DEPARTMENT

230 Cypress Lane • Palm Springs, Florida 33461 • Phone 561-968-8243 • www.vpsfl.org

FEBRUARY 4, 2025

MICHAEL R. GRAVES
3808 CANAL 9 ROAD
WEST PALM BEACH, FL 33406 8504

Dear Property Owner,

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PCN: 70-43-44-18-00-000-7520

CASE 2025 - 04

Violations:

Section 30-141. Overgrowth - Excessive growth of weeds and vegetation

Section 30-143. Nuisance - Removal of rubbish, stagnant water, weeds and overgrowth required

Section 34-914. Parking - Parking in residential land use districts

Section 34-225. Fencing - Missing or broken fence, wall or gate (No Pool)

The options available include coming into voluntary compliance **OR** arguing your case at the Special Magistrate hearing, **THURSDAY FEBRUARY 20, 2025, AT 10:00 AM** that is noted on your citation. This is part of your right under the judicial system.

Please be advised, that if you present your case at the hearing and the Magistrate rules against you, there may be court costs assessed in addition to the citation amount. Court costs for a Code Enforcement case typically run from \$200.00 to \$300.00.

Please call me if you have any questions at (561) 814-3208.

Respectfully,

Tom Gehrman
Palm Springs Public Safety
Code Enforcement Officer
(T) 561-583-8300 ext. 8520
(cell) 561-814-3208
tgehrman@vpsfl.org

Professionalism • Respect • Integrity • Duty • Excellence



PALM SPRINGS POLICE DEPARTMENT

230 Cypress Lane • Palm Springs, Florida 33461 • Phone 561-968-8243 • www.vpsfl.org

FEBRUARY 4, 2025

MICHAEL R. GRAVES
3808 CANAL 9 ROAD
WEST PALM BEACH, FL 33406 8504

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PCN: 70-43-44-18-00-000-7520

CASE 2025 - 04

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Please call me if you have any questions at (561) 814-3208.

Respectfully,

Tom Gehrman
Palm Springs Public Safety
Code Enforcement Officer
(T) 561-583-8300 ext. 8520
(cell) 561-814-3208
tgehrman@vpsfl.org

Professionalism • Respect • Integrity • Duty • Excellence



PALM SPRINGS POLICE
230 CYPRESS LANE
PALM SPRINGS, FL 33461

UNITED STATES POSTAL SERVICE CERTIFIED MAIL



9489 0178 9820 3034 7923 11

Label 890-QDT, March 2023



quodient
FIRST-CLASS MAIL
IMI
\$008.16
02/04/2025 ZIP 33480
043M31255277

US POSTAGE

MICHAEL R. GRAEVES
3808 CANAL 9 ROAD
WEST PALM BEACH, FL 33406 8504



PALM SPRINGS POLICE DEPARTMENT
230 CYPRESS LANE
PALM SPRINGS, FL 33461

MICHAEL R. GRAEVES
3808 CANAL 9 ROAD
WEST PALM BEACH, FL 33406 8504



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\$000.69
02/04/2025 ZIP 33480
043M31255277

US POSTAGE

Track USPS package

Enter tracking number

Track



USPS package #9489017898203034792311

www.usps.com

Delivered: Thu, Feb 6, 04:31 PM



Processed

In transit

Delivered

DATE	TIME	LOCATION	STATUS
Feb 6	4:31 PM	West Palm Beach, FL, United States	Delivered, left with individual
Feb 4	9:14 PM	West Palm Beach FL Distribution Center	Arrived at USPS regional facility
Feb 4	7:59 PM	Lake Worth, FL, United States	Accepted at USPS origin facility

Sec. 30-141. Excessive growth of weeds and vegetation.

- (a) The growth of weeds over 12 inches in height, or that which is conducive to harboring vermin, reptiles or other wild animal life, upon any lot, piece or parcel of land within the limits of the village, is hereby declared to be a nuisance and a violation of this article.
- (b) All lands in the village shall be kept free from debris, overgrowth, vegetation, including trees, or any other matter which by reason of height, proximity to neighboring structures, physical condition, disease such as, but not limited to, lethal yellowing of palms, or any other peculiar characteristics, might, in time of hurricane winds prevalent in the region, cause damage to life or property within the immediate area surrounding the region or which constitutes a hazard to health, safety or proper fire control. The existence of any debris, overgrowth, vegetation or other matter as shall create such a hazard is declared to be a nuisance.

(Code 1994, § 26-86)

Sec. 30-143. Removal of rubbish, stagnant water and weeds required.

- (a) *Public nuisance declared.* The presence of new or used construction materials (without valid permit), debris, rubbish, trash, cans, paper, stagnant water, vines, underbrush, weeds, wild growth or grass in excess of 12 inches in height from the ground on any lot, tract or parcel of land within the village shall be unlawful and is hereby prohibited and declared to be a public nuisance to the extent that it constitutes a menace to life, property, the public health or the public welfare; creates a fire hazard; or provides a nest or breeding ground for sand flies, mosquitoes, rats, mice, other rodents, snakes or other types of pests and vermin.
- (b) *Notice.* The village manager, his designee or any code enforcement officer is hereby authorized and empowered to notify, in writing, the owner of any such lot, place or area within the village, or the agent of such owner, to cut, destroy, remove or alleviate conditions existing on such lot, place or area within the village as described in subsection (a) of this section. Such notice shall be by certified mail, addressed to the owner or the agent of the owner at such owner's or agent's last known address.
- (c) *Removal by village.* Upon the failure, neglect or refusal of any owner or agent notified pursuant to subsection (b) of this section to remove and eliminate the conditions described in subsection (a) of this section within the time limit stated in the notice, the village manager is authorized, upon approval by the village council, to contract and pay for such maintenance and bill the property owner or his agent. The charges for such services shall be a lien against the property on which the nuisance is located.

(Code 1994, § 26-86)

State law reference(s)—Nuisance abatement, F.S. § 60.05.

Sec. 34-225. Fences, walls and other structures.

Fences, walls, and other structures included within buffer areas or landscaped areas shall be installed according to requirements of applicable building codes and other codes, if any, and shall be maintained in a proper manner so as to remain in compliance with such codes or shall be replaced.

(Code 1994, § 30-150)

Sec. 34-914. Parking in single-family residential land use districts.

- (a) Parking or storage locations for cars, light trucks, motorcycles, and other vehicles not otherwise provided for in this subdivision, shall be permitted as provided below. Such parking shall first be accomplished, whenever physically possible, based on the layout of the lot and permanent building(s), as follows:
 - (1) Within a garage, covered carport, or front driveway.
 - (2) In any interior, or side yard, behind the front building line, at the height of or below the roofline of the house,
 - (3) In the rear yard behind the setback line, at the height of or below the roofline of the house,
 - (4) In the swale portion of the public right of way, and not within the paved roadway, in front of a single-family residence. However, not more than two automobiles or light trucks may be parallel parked, and no vehicle so parked shall remain parked for more than 48 hours at a time.
- (b) No vehicle, boat and trailer, recreational vehicle, hobby vehicle or race vehicle shall exceed 40 feet in length.
- (d) Parking or storage locations for not more than the following:
 - (1) One boat and trailer, or recreational vehicles, or any combination thereof, shall be permitted so that such parking shall first be accomplished, whenever physically possible, based on the layout of the lot and fixed obstructions as follows:
 - a. Within a garage or covered carport, if not otherwise used to park or store a vehicle such as a car, motorcycle, or light truck;
 - b. In any interior, or side yard, behind the front building line, at the height of or below the roofline of the house.
 - (2) Additional boats and trailers, or recreational vehicles or any combination thereof, shall be permitted in the side yard or rear yard behind the setback lines, at the height of or below the roofline of the house.
- (e) Each vehicle, boat and trailer, trailer, recreational vehicle, hobby vehicle or race vehicle must be parked on an impervious or semipervious surface.
- (f) The maximum area of impervious and semipervious parking surface in the front yard in any residential zoning district, shall be 40 percent, unless the front yard shall contain a semicircular driveway, in which event, the maximum area of impervious and semipervious parking surface shall be 60 percent of the front yard. Paver blocks set in sand shall only be considered as 25 percent pervious and 75 percent impervious. See section 34-881 also.
- (g) Each hobby vehicle or race vehicle must be completely and securely covered by a commercial, weatherproof, opaque fabric cover. Such vehicle shall be screened from view, if parked in an interior, side or rear yard.
- (h) No major repairs or overhaul work on vehicles which constitutes either a public or private nuisance shall be made or performed on any property within the village, unless otherwise permitted by this Code.
- (i) All parking areas shall be maintained in a clean, and neat manner, and the vehicles, boat and trailer, trailer, recreational vehicle, or combination thereof, shall be in usable and operable condition at all times, and shall have a current tag, if required by state law to have a registration and tag.
- (j) Variances from the size, location, screening and distance requirements set forth in this section shall only be for good cause shown in an administrative variance application to the land development director, as set forth in section 34-607.

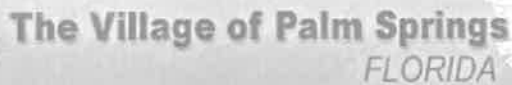
(Ord. No. 2005-25, § 2(30-629), 10-13-2005; Ord. No. 2006-15, § 1, 5-11-2006; Ord. No. 2007-08, § 7, 4-26-2007; Ord. No. 2011-12, § 1, 6-9-2011; Ord. No. 2016-21, § 10, 1-12-2017)

Created: 2021-11-24 09:59:36 [EST]

(Supp. No. 11)

CASE PRESENTATION
CASE No. CASE 2025-04 (MS 24-01235)

1. GOOD MORNING, MY NAME IS TOM GEHRMAN, and I have been sworn in.
2. I AM A CODE ENFORCEMENT OFFICER FOR THE VILLAGE OF PALM SPRINGS, FLORIDA.
3. THIS CASE CONCERNS THE PROPERTY AT 3808 CANAL 9 ROAD IN THE VILLAGE OF PALM SPRINGS.
4. ACCORDING TO THE PALM BEACH COUNTY PROPERTY APPRAISER'S RECORDS AND PALM BEACH COUNTY TAX COLLECTOR RECORDS THE CURRENT OWNER OF THE PROPERTY IS MICHAEL R. GRAEVE.
5. PERSUANT TO Complaints and Personal Observation there are VIOLATIONS OF ORDINANCES,
Section 30-141. Overgrowth - Excessive growth of weeds and vegetation
Section 30-143. Public Nuisance - Removal of trash & debris, stagnant water
Section 34-914. Parking - Parking inoperable vehicles in residential districts
Section 34-225. Fencing - Missing or broken fence, wall or gate (No Pool)
Courtesy were Notices mailed to the owner of record and previous discussions with Mike Graeve regarding keeping the property in compliance with property codes. There has been no communication and/or cleanup of the property to comply.
5. On FEBRUARY 4, 2025, I WROTE Notice of Violation/Notice of Hearing 2025-04 FOR THE VIOLATIONS THE NOTICE WAS Mailed Certified and Regular TO the Property Owner's Address of Record AND ALSO POSTED AT THE PROPERTY and at Village Hall.
6. The Violations remain on the property.
7. **I REQUEST THAT THE RESPONDENT BE ORDERED to COME INTO COMPLIANCE BY MARCH 19, 2025.** Failure to GAIN COMPLIANCE with Village Requirements in time designated will result in a \$100.00 per day, per violation fine for non-compliance.
8. THE VILLAGE HAS ALSO INCURRED COSTS IN THE AMOUNT OF \$279.10 CONDUCTING THIS INVESTIGATION AND HEARING. I REQUEST THAT THE RESPONDENT BE ORDERED TO REIMBURSE THOSE COSTS TO THE VILLAGE BY NO LATER THAN, MARCH 19, 2025.
9. SUBJECT TO ANY QUESTIONS YOU MIGHT HAVE, THIS CONCLUDES THE VILLAGE TESTIMONY.



Case 2025-04

[illegible]



PALM SPRINGS POLICE DEPARTMENT

230 Cypress Lane • Palm Springs, Florida 33461 • Phone 561-584-8300 ext. 8520 • www.vpsfl.org

December 10, 2024

**GRAEVE MICHAEL R
3808 CANAL 9 RD
PALM SPRINGS, FL 33406**

Dear Property Owner,

You have been issued a courtesy notice for code violations by the Code Enforcement unit of the Palm Springs Police Department. This is regarding the property at **3808 CANAL 9 RD**, Palm Springs, FL 33406.
PCN: 70434418000007520

This property is in violation of local ordinances.

Section 30-141. Overgrowth - Excessive growth of weeds and vegetation
Section 30-143. Nuisance - Removal of rubbish, stagnant water, weeds and overgrowth
Section 34-914. Parking - Parking in residential land use districts
Section 34-225. Fencing - Missing or broken fence, wall or gate (No Pool)
Section 14-32. Rental - Permits required for Residential Rental Units

Compliance Date: **DECEMBER 23, 2024**

Failure to comply can result in a Citation Fine, Court Costs and possible Lien on the property. Please call Code Enforcement at (561) 584-8300 ext. 8520 or Code Officer listed below if you have any concerns or questions.

Respectfully,


Tom Gehrman
Palm Springs Police Department
Code Enforcement Officer
561-584-8300 ext.8522
561-814-3208
tgehrman@vpsfl.org

Professionalism • Respect • Integrity • Duty • Excellence



PALM SPRINGS POLICE DEPARTMENT

230 Cypress Lane · Palm Springs, Florida 33461 · Phone 561-584-8300 ext. 8520 · www.vpsfl.org

November 14, 2024

GRAEVE MICHAEL R
3808 CANAL 9 RD
PALM SPRINGS, FL 33406

Dear Property Owner,

You have been issued a courtesy notice for code violations by the Code Enforcement unit of the Palm Springs Police Department. This is regarding the property at 3808 CANAL 9 RD, Palm Springs, FL 33406.

PCN: 70434418000007520

This property is in violation of local ordinances.

Section 30-141 Overgrowth Excessive growth of weeds and vegetation

Section 30-143. Nuisance - Removal of rubbish, stagnant water, weeds and overgrowth required

Section 34-914. Parking-Parking in residential land use districts

Section 34-225. Fencing - Missing or broken fence, wall or gate (No Pool)

Section 14-32. Rental - Permits required for Residential Rental Units

Compliance Date: NOVEMBER 29, 2024

Failure to comply can result in a Citation Fine, Court Costs and possible Lien on the property. Please call Code Enforcement at (561) 584-8300 ext. 8520 or Code Officer listed below if you have any concerns or questions.

Respectfully,

Tom Gehrman
Palm Springs Police Department
Code Enforcement Officer
561-584-8300 ext.8522
561-814-3208
tgehrman@vpsfl.org

Professionalism · Respect · Integrity · Duty · Excellence



PALM SPRINGS POLICE DEPARTMENT

230 Cypress Lane • Palm Springs, Florida 33461 • Phone 561-968-8243 • www.vpsfl.org

JULY 14, 2022

MICHAEL R. GRAEVE
3808 CANAL 9 RD
WEST PALM BEACH, FL 33406 8504

Dear Property Owner,

You have been issued a courtesy notice for code violations by the Code Enforcement unit of the Palm Springs Police Department. This is regarding the property at **3808 CANAL 9 RD.**
Florida PCN: 70-43-44-18-00-000-7520

SECTION 14-32 Permit required for residential rental property.
(2 UNITS LISTED ON THE PROPERTY)

Per local ordinance, compliance is required. Contact Village Planning, Zoning Department to obtain permit (561-965-4016 or 561-584-8200 ext. 8460). Please obtain permit from the Village Planning Zoning & Building Department (PZ&B)

Section 34-914 All vehicles must be operable with current registration and tag, parking on the grass and dirt NOT Allowed.

Section 30-143 Public Nuisance Overgrowth and Debris visible.

Please maintain the property. **All of the property** is required to be maintained in a neat, clean and sanitary manner, trash and debris picked up and grass mowed.

Compliance Date: JULY 24, 2022

Failure to comply can result in a Citation Fine, Court Costs and possible Lien on the property.

Please call me if you have any questions at (561) 304-4826 or 561-584-8300 ext. 8522

Thank you for your cooperation and feel free to contact me at any time.

Respectfully,

A handwritten signature in blue ink that reads "Tom Gehrman". The signature is fluid and cursive.

Tom Gehrman
Palm Springs Police Department
Code Enforcement Officer
(T) 561-304-4826 or 561-584-8300 ext. 8522
tgehrman@vpsfl.org



PALM SPRINGS POLICE DEPARTMENT

230 Cypress Lane · Palm Springs, Florida 33461 · Phone 561-968-8243 · www.vpsfl.org

SEPTEMBER 15, 2020

MICHAEL R GRAEVE
3808 CANAL 9 RD
WEST PALM BEACH, FL 33406 8504

Dear Property Owner,

You have been issued a courtesy notice for code violations by the Code Enforcement unit of the Palm Springs Police Department. This is regarding the property at **3808 CANAL 9 RD in Palm Springs, FL**
PCN: 70-43-44-18-00-000-7520

Violations on the property.

SECTION 30-142 MAINTENANCE OF SWALE AREA

All tenants or occupants of any real property abutting upon any street, or if no tenant or occupant, then the owner, shall be required to keep that part of the street between the property lines and the curb lines of the street of which the property always abuts in a clean and sanitary condition by keeping the grass mowed, all trees and shrubbery trimmed and free of trash, debris and vermin.

Illegal dumping of mixed garbage in a swale area where dumping is not allowed. Removal required.

SECTION 34-914 PARKING

**Parking violations, commercial vehicles are not allowed at residential properties.
Please remove vehicles from property.**

SECTION 30-141

OVERGROWN RESIDENTIAL LOT

Please have the lot mowed and maintained. Property must be kept neat and clean.

Compliance Date: SEPTEMBER 23, 2020

Failure to comply can result in a Citation Fine, Court Costs and possible Lien on the property.

Respectfully,

Osvaldo Landa
Palm Springs Public Safety
Code Enforcement Officer
(T) 561-304-4820
olanda@vpsfl.org

Property Detail

Location Address : 3808 CANAL 9 RD
Municipality : PALM SPRINGS
Parcel Control Number : 70-43-44-18-00-000-7520
Subdivision :
Official Records Book/Page : 21289 / 1790
Sale Date : 12/21/2006
Legal Description : 18-44-43, W 115 FT OF E 400 FTOF S 298.3 FT OF N 378.3 FT OF NE 1/4 OF NW 1/4 OF SW 1/4

Owner Information**Owner(s)**

GRAEVE MICHAEL R

Mailing Address

3808 CANAL 9 RD
WEST PALM BEACH FL 33406 8504

Sales Information

Sales Date	Price	OR Book/Page	Sale Type	Owner
12/21/2006	\$10	21289 / 01790	QUIT CLAIM	GRAEVE MICHAEL R
06/14/2006	\$250,000	20484 / 01956	WARRANTY DEED	GRAEVE RAYMOND J &
03/20/1998	\$105,000	10297 / 01943	WARRANTY DEED	DIRIENZO E J JR
09/01/1992	\$100	07400 / 00660	QUIT CLAIM	
06/01/1982	\$100	03736 / 00557	QUIT CLAIM	

Exemption Information

Applicant/Owner(s)	Year	Detail
GRAEVE MICHAEL R	2025	HOMESTEAD
GRAEVE MICHAEL R	2025	ADDITIONAL HOMESTEAD

Property Information

Number of Units : 2
***Total Square Feet :** 2158
Acres : .79
Property Use Code : 0100—SINGLE FAMILY
Zoning : RM—RESIDENTIAL MULTI-FAMILY (70-PALM SPRINGS)

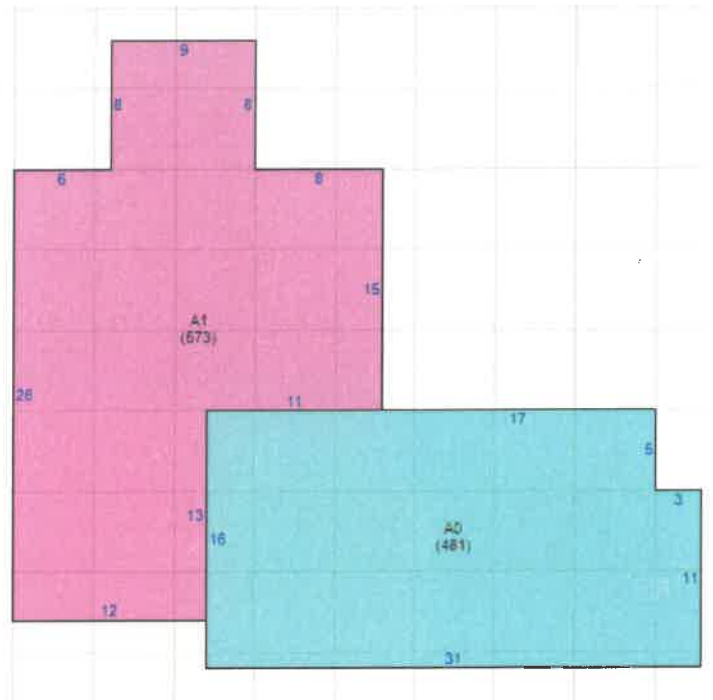
Building Details**Structural Details**

Structural Element for Building 1	Sketch for Building 1
Exterior Wall 1	WSF: WOOD SIDING
Year Built	1949
Air Condition Desc.	HTG & AC
Heat Type	FORCED AIR DUCT
Heat Fuel	ELECTRIC
Bed Rooms	2
Full Baths	1
Half Baths	0
Exterior Wall 2	NONE
Roof Structure	GABLE/HIP
Roof Cover	ASPHALT/COMPOSITION
Interior Wall 1	WALL BOARD OR WOOD WALL
Interior Wall 2	N/A
Floor Type 1	HARDWOOD

Floor Type 2 N/A
Stories 1

Subarea and Square Footage for Building 1

Code Description	square Footage
BAS Base Area	481
SFB Semi Finished Base Area	573
Total Square Footage	1054
Area Under Air	1054



Property Extra Feature

Description	Year Built	Units
Utility Building	1981	480
Patio	1985	535
Screen Enclosure	1986	432
Patio Roof	1986	811

Property Land Details

Land Line #	Description	Zoning	Acres
1	SFR	RM	0.7875

Appraisals

Tax Year	2024	2023	2022	2021	2020
Improvement Value	\$198,862	\$163,474	\$133,521	\$128,349	\$139,040
Land Value	\$232,165	\$178,090	\$161,893	\$108,900	\$99,000
Total Market Value	\$431,027	\$341,564	\$295,414	\$237,249	\$238,040

Assessed and Taxable Values

Tax Year	2024	2023	2022	2021	2020
Assessed Value	\$126,390	\$122,709	\$119,135	\$115,665	\$114,068
Exemption Amount	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000
Taxable Value	\$76,390	\$72,709	\$69,135	\$65,665	\$64,068

Taxes

Tax Year	2024	2023	2022	2021	2020
AD VALOREM	\$1,642	\$1,586	\$1,547	\$1,524	\$1,506
NON AD VALOREM	\$935	\$924	\$868	\$756	\$746
TOTAL TAX	\$2,577	\$2,509	\$2,415	\$2,280	\$2,252

Property Detail

Location Address : 3808 CANAL 9 RD
Municipality : PALM SPRINGS
Parcel Control Number : 70-43-44-18-00-000-7520
Subdivision :
Official Records Book/Page : 21289 / 1790
Sale Date : 12/21/2006
Legal Description : 18-44-43, W 115 FT OF E 400 FTOF S 298.3 FT OF N 378.3 FT OF NE 1/4 OF NW 1/4 OF SW 1/4

Owner Information

Owner(s)	Mailing Address
GRAEVE MICHAEL R	3808 CANAL 9 RD WEST PALM BEACH FL 33406 8504

Sales Information

Sales Date	Price	OR Book/Page	Sale Type	Owner
12/21/2006	\$10	21289 / 01790	QUIT CLAIM	GRAEVE MICHAEL R
06/14/2006	\$250,000	20484 / 01956	WARRANTY DEED	GRAEVE RAYMOND J &
03/20/1998	\$105,000	10297 / 01943	WARRANTY DEED	DIRIENZO E J JR
09/01/1992	\$100	07400 / 00660	QUIT CLAIM	
06/01/1982	\$100	03736 / 00557	QUIT CLAIM	

Exemption Information

Applicant/Owner(s)	Year	Detail
GRAEVE MICHAEL R	2025	HOMESTEAD
GRAEVE MICHAEL R	2025	ADDITIONAL HOMESTEAD

Appraisals

Tax Year	2024	2023	2022	2021	2020
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NON AD VALOREM	\$935	\$924	\$868	\$756	\$746
TOTAL TAX	\$2,577	\$2,509	\$2,415	\$2,280	\$2,252

Account Information

Property Control Number: 70-43-44-18-00-000-7520	Property Type: Real Property	Status: Active
Mailing Address: 3808 CANAL 9 RD West Palm Beach, FL 33406-8504	Property Address: 3808 CANAL 9 RD PALM SPRINGS, FL 33406	Legal Description: 18-44-43, W 115 FT OF E 400 FTOF S 298.3 FT OF N 378.3 FT OF NE 1/4 OF NW 1/4 OF SW 1/4
Owner of Record: GRAEVE MICHAEL R	Second Owner:	

Last updated: 2/12/2025 11:51:38 AM

2024 Real Estate and Tangible Personal Property Taxes will be delinquent as of April 1, 2025.
Delinquent Property Tax cannot be paid online.
Visit our [Payment Options](#) page to [view delinquent tax payment options](#).

Interest and associated costs for delinquent taxes are determined by the date payment is received to the Tax Collector.
A minimum charge of 3% is collected. Interest accrues at up to 1.5% per month (18% annually).

Tax Bills

Add Tax Bills to the cart then select cart icon (🛒) above to checkout.

Total Payable: \$0.00

Recently Paid Bills

INFORMATIONAL NOTICE: THE ORIGINAL TAX BILL WAS SENT TO YOUR ESCROW AGENT/LOAN SERVICER FOR PAYMENT				
Due Date	Net Tax	Last Paid	Amount Paid	Status
3/31/25	\$2,473.52 Net Tax: \$2,576.58 Interest: \$0.00 Penalty: \$0.00 Fees: \$0.00 Discount: -\$103.06	11/27/24	-\$2,473.52	Paid
Due Date	Net Tax	Last Paid	Amount Paid	Status
4/1/24	\$2,409.04 Net Tax: \$2,509.41 Interest: \$0.00 Penalty: \$0.00 Fees: \$0.00 Discount: -\$100.37	11/28/23	-\$2,409.04	Paid
Due Date	Net Tax	Last Paid	Amount Paid	Status
3/31/23	\$2,318.23 Net Tax: \$2,414.82 Interest: \$0.00 Penalty: \$0.00 Fees: \$0.00 Discount: -\$96.59	11/21/22	-\$2,318.23	Paid

Due Date	Net Tax	Last Paid	Amount Paid	Status
3/31/22	☐ \$2,188.38 Net Tax: \$2,279.57 Interest: \$0.00 Penalty: \$0.00 Fees: \$0.00 Discount: -\$91.19	11/22/21	-\$2,188.38	 Paid
Due Date	Net Tax	Last Paid	Amount Paid	Status
3/31/21	☐ \$2,161.52 Net Tax: \$2,251.59 Interest: \$0.00 Penalty: \$0.00 Fees: \$0.00 Discount: -\$90.07	11/23/20	-\$2,161.52	 Paid
Due Date	Net Tax	Last Paid	Amount Paid	Status
3/31/20	☐ \$2,132.07 Net Tax: \$2,220.90 Interest: \$0.00 Penalty: \$0.00 Fees: \$0.00 Discount: -\$88.83	11/22/19	-\$2,132.07	 Paid

 [Payment Info](#) - [Select to Expand Payment History for PIN](#)



**VILLAGE OF PALM SPRINGS CODE
ENFORCEMENT**

CODE CASE: 2025-04

**VILLAGE OF PALM SPRINGS, FLORIDA
Petitioner,**

**MICHAEL GRAEVE
3808 CANAL 9 ROAD
PALM SPRINGS, FL 33406 8504**

**MAILING ADDRESS:
(SAME AS ABOVE)**

Respondent(s).

ORDER FINDING VIOLATION

Re: Violation of the following Village of Palm Springs Code of Ordinances:

Section 30-141: Overgrowth. Excessive growth of weeds and vegetation.

Section 30-143: Nuisance. Removal of rubbish, stagnant water, weeds and overgrowth.

Section 34-914: Parking. Parking inoperable vehicles in residential land use districts.

Section 34-225: Fencing. Missing or broken fence, wall or gate (no pool).

Address: 3808 CANAL 9 ROAD
Legal Description: 18-44-43, W 115 FT OF E 400 FTOF S 298.3 FT OF N 378.3 FT
OF NE 1/4 OF NW 1/4 OF SW 1/4
PCN: 70-43-44-18-00-000-7520

The Special Magistrate appointed by the Village of Palm Springs to hear code enforcement cases for the Village of Palm Springs, in accordance with Chapter 162, Florida Statutes, has heard testimony at the Code Enforcement hearing held on the **20th** day of **February 2025**, and based on the evidence and testimony presented, the following FINDINGS OF FACT, CONCLUSIONS OF LAW, and ORDER are hereby entered:

FINDINGS OF FACT

1. The Respondent _____ was / _____ was not present at the hearing. There was a finding of proper notice.
2. The Code Inspector presented competent substantial evidence which included testimony and/or photographs to establish that the respondent is in violation of the code section(s) referenced above.

- ☐ Respondent **is in violation** of the following Village of Palm Springs Code of Ordinances:

☐ **Section 30-141: Overgrowth. Excessive growth of weeds and vegetation.**

☐ **Section 30-143: Nuisance. Removal of rubbish, stagnant water, weeds and overgrowth.**

☐ **Section 34-914: Parking. Parking inoperable vehicles in residential land use districts**

☐ **Section 34-225: Fencing. Missing or broken fence, wall or gate (no pool).**

- ☐ Respondent **was in violation** of the following Village of Palm Springs Code of Ordinances but is currently in compliance:

☐ **Section 30-141: Overgrowth. Excessive growth of weeds and vegetation.**

☐ **Section 30-143: Nuisance. Removal of trash, stagnant water, weeds and overgrowth.**

☐ **Section 34-914: Parking. Parking inoperable vehicles in residential land use districts.**

☐ **Section 34-225: Fencing. Missing or broken fence, wall or gate (no pool).**

ORDER

It is the Order of the Code Enforcement Special Magistrate that:

- ☐ Respondent **has** brought the cited code violation(s) into compliance. The Respondent has failed to pay and is ordered to pay the following amounts on or before **March 19, 2025:**

- ☐ Administrative costs of **\$279.10**
- ☐ Citation fine of **\$ N/A**
- ☐ Re-inspection fee of **\$ N/A**

- ☐ Respondent **has not** brought the cited code violation(s) into compliance and remains in violation. Respondent must comply with all code violations on or before **March 19, 2025.** If Respondent fails to comply within the time given, a fine of **\$100.00 per day, per violation** will continue to accrue until the Respondent contacts the Code Inspector/Officer and re-inspection indicates that the property is in compliance. The Respondent has failed to pay and is ordered to pay the following amounts on or before the date set for compliance or by **March 19, 2025.**

- ☐ Administrative costs of **\$279.10**
- ☐ Citation fine of **\$ N/A**
- ☐ Re-inspection fee of **\$ N/A**

All payments shall be made to Village at 226 Cypress Lane, Palm Springs, Florida 33461.

A certified copy of this order may be immediately recorded in the Public Records of Palm Beach County and if recorded, shall constitute notice pursuant to section 162.07(4), Fla. Stat. Within twenty (20) days of the date of this order, the Respondent may submit a written request to Code Inspector/Officer Tom Gehrman at the Village of Palm Springs, 226 Cypress Lane, Palm Springs, FL 33461, for a hearing to challenge the fine amount imposed by this order. If such a hearing is timely requested, the Village shall notify the Respondent of the hearing date and time by regular U.S. mail sent to the address provided in the written request for the hearing. The requested hearing will be limited to consideration of only those new findings necessary to impose an appropriate fine amount. The Respondent shall bear the burden of proof at such hearing and shall be required to show cause why this order and the fine amount stated herein shall not be imposed. However, if the Respondent fails to timely request a hearing as described above and fails to bring the violations into compliance and/or pay all administrative costs and fees as ordered herein, the Village, if it has not already done so pursuant to section 162.07(4) Fla. Stat., may record a certified copy of this order in the Public Records of Palm Beach County, Florida, and thereafter this order shall constitute a lien pursuant to section 162.09, Fla. Stat. If a certified copy of this order has previously been recorded pursuant to section 162.07(4) Fla. Stat., then that recorded order shall constitute a lien pursuant to section 162.09, Fla. Stat. The lien shall be assessed against the real property at issue (if applicable) and the real and personal property of the Respondent. After three (3) months from recording the lien which remains unpaid, the Special Magistrate may authorize the Village Attorney to foreclose on the lien or to sue to recover a money judgment for the amount of the lien plus accrued interest.

Future violations of the aforementioned code section(s) may be considered a repeat violation for which a fine of up to five hundred dollars (\$500.00) per day may be imposed beginning on the date the violation begins.

Upon complying, it is the responsibility of the Respondent to notify the Village of Palm Springs Code Inspector/Officer at (561) 584-8300 ext. 8520 to request a reinspection of the property and/or violation(s).

DONE AND ORDERED this 20th day of February 2025.

VILLAGE OF PALM SPRINGS CODE ENFORCEMENT

Special Magistrate

A copy of this order has been furnished to the respondent at the following statutory address:

[3808 Canal 9 Road](#)
[Palm Springs, FL 33406 8504](#)

VILLAGE OF PALM SPRINGS, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
Case No. 2025-05

VILLAGE OF PALM SPRINGS, FLORIDA
Petitioner,
V.

Kevine Joseph & Bernadette J Saint Hubert
3697 Gulfstream RD
Palm Springs, FL 33461

Respondent(s).

70-43-44-19-11-003-0051

NOTICE OF VIOLATION AND NOTICE OF HEARING

STATE OF FLORIDA
COUNTY OF PALM BEACH

THE UNDERSIGNED CERTIFIES AND SWEARS that he has just and reasonable grounds to believe, and does believe that on **February 9th, 2025**, the Respondent(s), **Kevine Joseph & Bernadette J Saint Hubert** owner(s) of the property at **3697 Gulfstream RD, PALM SPRINGS, FL, 33461** is in violation of local ordinances.

SECTION 30-141: Overgrowth-Trim all overgrown trees/bushes/vegetation.

SECTION 34-1381: Open Storage-Remove all misc. items stored around the property.

SECTION 34-221: Landscape Maintenance-Replace all sections of dead grass.

SECTION 34-915: Vehicles-RV/campers may not be used for living or sleeping purposes and must be shielded from public view and parked on an impervious surface.

SECTION 10-31 (FBC 105.1 & 110.1)-Work w/o Permits- Obtain an after the fact permit for the installation of a fence and pavers.

SECTION 30-143: Trash/Debris/Materials-Remove all trash/debris/materials stored around the property.

SECTION 34-914: Shipping Containers/Vehicles-Remove all prohibited shipping containers and remove all vehicles parked on the grass.

SECTION 10-8: Driveways/Weeds-Remove all weeds attached to the rear fence and maintain the driveway.

SECTION 10-9: Exterior Property Maintenance-Post "3697" house ID numbers on the front exterior wall of the property.

These violations must be corrected on or before **February 18th, 2025**, failing, this matter shall be heard at a public hearing by a Code Enforcement Special Magistrate at Village Hall, 226 Cypress Lane, Palm Springs, FL. 33461, Tel. 561-584-8200 Ext. 8400, **at 10:00 A.M., on THURSDAY February 20th, 2025**. IF THE VIOLATION IS CORRECTED PRIOR TO THE HEARING DATE AS SET FORTH HEREIN, THIS CASE MAY STILL BE PRESENTED TO THE SPECIAL MAGISTRATE FOR A HEARING FOR THE DETERMINATION OF THE VIOLATION(S), FINES AND THE IMPOSITION OF REASONABLE ENFORCEMENT FEES, INCLUDING SPECIAL MAGISTRATE AND ATTORNEY'S FEES.

YOU ARE HEREBY ORDERED to appear and answer the above charges. You may choose to waive your rights to this hearing and the costs as determined by the Special Magistrate. Your failure to appear may result in the Special Magistrate proceeding in your absence.

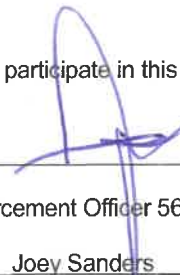
IMPORTANT: It is the responsibility of the Respondent to request an inspection as soon as compliance is achieved by calling the Code Enforcement Office at (561) 584- 8300 Ext 8520 and providing proof of Permits and Inspections. A request for inspection must be made at least 1 day(s) prior to the requested inspection.

If you are found in violation of the Village Code, the Special Magistrate has the legal authority to levy fines of up to **\$500.00** per day, per violation, for each and every day that each violation continues, and to levy all administrative costs required to obtain compliance. **ALL FINES AND COSTS BECOME LIENS ON YOUR PROPERTY.**

You have the right to obtain an attorney, at your own expense, to represent you before the Special Magistrate at the hearing. All testimony at the hearing will be under oath and recorded. The Special Magistrate shall take testimony from the Code Compliance Officer and the Respondent. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings. You will have the opportunity to present witnesses as well as question witnesses against you, prior to a final determination by the Magistrate. If you wish to have witnesses subpoenaed or if you have other questions, you may contact the Village Clerk's Office at (561)584-8200 EXT 8430. Any interested party seeking to appeal any decision of the Special Magistrate with respect to any matter considered at the hearing will need a record of the proceedings and will need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence

CE/ CEB Case No. _____

presented. Persons who need a special accommodation in order to attend or participate in this hearing must advise the Village Clerk at (561) 584-8200 Ext 8430, at least 36 hours prior to the hearing.



Code Enforcement Officer 561-584-8300 ext. 8525

Date Issued: February 9th, 2025

Joey Sanders
Printed Name of Officer

**CODE ENFORCEMENT BOARD
VILLAGE OF PALM SPRINGS, FLORIDA**

**VILLAGE OF PALM SPRINGS,
FLORIDA,**

Petitioner

Case No. 2025-05

RETURN OF SERVICE

**KEVINE JOSEPH &
BERNADETTE J SAINT HUBERT
3697 GULFSTREAM RD
PALM SPRINGS, FL 33461 3523**
_____ /

Respondent

On the **9th Day of February 2025 at 3:41PM**, I served the attached NOV/NOH on the within named Respondent, **Kevine Joseph & Bernadette J Saint Hubert at 3697 Gulfstream RD**, Palm Springs, FL 33461 and posted the notice at Palm Springs Village Hall, 226 Cypress Lane, Palm Springs, FL 33461 Palm Beach County, Florida, by:

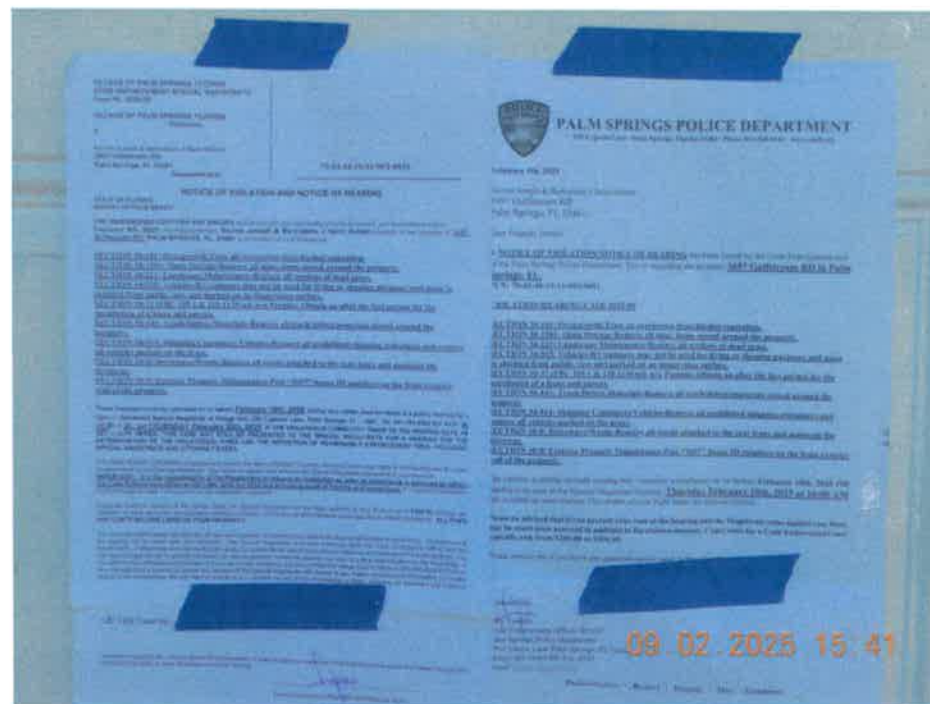
_____ **INDIVIDUAL SERVICE:** By serving the within named Respondent a true copy with the date and hour of service endorsed thereon by me.

_____ **SUBSTITUTE SERVICE:** By serving a true copy with the date and hour of service endorsed thereon by me, at the Respondent's usual place of abode with any person residing therein the age of 15 years or older, to-wit: _____ and informing such person of their contents pursuant to F.S. 48.031.

_____ **XX** **POSTED BY:** Securely affixing a copy to a conspicuous place on the property described within. PHOTO INCLUDED

**VILLAGE OF PALM SPRINGS
DEPARTMENT OF PUBLIC SAFETY**

By: Joey Sanders ^{10*211}
Code Enforcement Officer



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DSCN8826.JPG

3697 Gulfstream RD-2024



3697 Gulfstream RD-2020



02/08/2020



DSCN8812.JPG



DSCN8810.JPG



DSCN8807.JPG



DSCN8806.JPG



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PALM SPRINGS POLICE DEPARTMENT

230 Cypress Lane · Palm Springs, Florida 33461 · Phone 561-968-8243 · www.vpsfl.org

February 9th, 2025

Kevine Joseph & Bernadette J Saint Hubert
3697 Gulfstream RD
Palm Springs, FL 33461

Dear Property Owner,

A **NOTICE OF VIOLATION/NOTICE OF HEARING** has been issued by the Code Enforcement unit of the Palm Springs Police Department. This is regarding the property **3697 Gulfstream RD in Palm Springs, FL.**

PCN: 70-43-44-19-11-003-0051

VIOLATION/HEARING CASE 2025-05

SECTION 30-141: Overgrowth-Trim all overgrown trees/bushes/vegetation.

SECTION 34-1381: Open Storage-Remove all misc. items stored around the property.

SECTION 34-221: Landscape Maintenance-Replace all sections of dead grass.

SECTION 34-915: Vehicles-RV/campers may not be used for living or sleeping purposes and must be shielded from public view and parked on an impervious surface.

SECTION 10-31 (FBC 105.1 & 110.1)-Work w/o Permits- Obtain an after the fact permit for the installation of a fence and pavers.

SECTION 30-143: Trash/Debris/Materials-Remove all trash/debris/materials stored around the property.

SECTION 34-914: Shipping Containers/Vehicles-Remove all prohibited shipping containers and remove all vehicles parked on the grass.

SECTION 10-8: Driveways/Weeds-Remove all weeds attached to the rear fence and maintain the driveway.

SECTION 10-9: Exterior Property Maintenance-Post "3697" house ID numbers on the front exterior wall of the property.

The options available include coming into voluntary compliance on or before **February 18th, 2025 OR** arguing your case at the Special Magistrate Hearing, **Thursday February 20th, 2025 at 10:00 AM** that is noted on your citation. This is part of your right under the judicial system.

Please be advised that if you present your case at the hearing and the Magistrate rules against you, there may be court costs assessed in addition to the citation amount. Court costs for a Code Enforcement case typically run from \$200.00 to \$300.00.

Please contact me if you have any questions and/or need further assistance.

Respectfully,

Joey Sanders

Code Enforcement Officer ID #211

Palm Springs Police Department

230 Cypress Lane Palm Springs, FL 33461

Phone: 561-584-8300 Ext. 8525

Email: jsanders@vpsfl.org

Professionalism · Respect · Integrity · Duty · Excellence



PALM SPRINGS POLICE DEPARTMENT
CODE ENFORCEMENT DIVISION
230 CYPRESS LANE
PALM SPRINGS, FL 33461



Kevine Joseph & Bernadette J Saint Hubert
3697 Gulfstream RD
Palm Springs, FL 33461



PALM SPRINGS POL
CODE ENFORCEME
230 CYPRESS LANE
PALM SPRINGS, FL



Label 890-CDT, March 2023

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Kevine Joseph & Bernadette J Saint Hubert
3697 Gulfstream RD
Palm Springs, FL 33461

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Sec. 10-8. Exterior property areas.

- (a) *Sanitation.* All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which the occupant occupies or controls in a clean, neat, and sanitary condition.
- (b) *Sidewalks and driveways.* All sidewalks, walkways, stairs, driveways, parking lots, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions. Stairs shall comply with the requirements of subsection 10-10(g).
- (c) *Weeds.* All premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches, as set forth in chapter 30. All noxious weeds shall be prohibited. This term shall not include cultivated flowers and gardens, or native vegetation.
- (d) *Accessory structures.* All accessory structures, including detached garages, fences, walls, and swimming pools shall be maintained structurally sound and in good repair.
 - (1) *Water clarity in swimming pools.* Water clarity shall be maintained. When standing at the pool's edge at the deep end, the deepest portion of the swimming pool floor shall be visible.

(Ord. No. 2006-47, § 2, 11-9-2006)

Sec. 10-9. Exterior of structure or building.

- (a) *General.* The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.
- (b) *Exterior painting.* All wood and metal surfaces including but not limited to, window frames, doors, door frames, cornices, porches and trim shall be maintained in good condition. Peeling, flaking and chipped paint shall be eliminated, and surfaces repainted.
- (c) *Street numbers.* One address sign shall be required for each principal building or use on premises showing only the numerical address designation on the premises upon which they are maintained or multi-unit buildings which utilize a roadside marquee/signboard, the full building address shall be posted on such marquee/signboard. The address shall be posted in a color contrasting that of the marquee/signboard or building a minimum of four inches for residential and six inches for commercial structure, and of sufficient size to be plainly visible and legible from the roadway. When the building utilizes multiple addresses, such as multiple occupant mercantile buildings, the address range shall be posted as indicated above. Signs shall be plainly visible from the street or right-of-way providing access to the lot and shall be installed and maintained pursuant to the county building security code. This requirement shall apply to all new and existing structures.
- (d) *Structural members.* All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.
- (e) *Foundation walls.* All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rats.
- (f) *Exterior walls.* All exterior walls shall be free from holes, breaks, loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.
- (g) *Roofs and drainage.* The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and down spouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates an adjacent public nuisance.

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- (h) *Decorative features.* All cornices, belt courses, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.
 - (i) *Overhang extensions.* All canopies, marquees, signs, metal awnings, fire escapes, stand pipes, exhaust ducts and similar overhang extensions shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
 - (j) *Stairways, decks, porches and balconies.* Every exterior stairway, deck, porch, balcony, railings and all other appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.
 - (k) *Chimneys and towers.* All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair.
 - (l) *Handrails and guards.* Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.
 - (m) *Window and doorframes.* Every window, door and frame shall be kept in sound condition, good repair and weather tight.
 - (1) *Glazing.* All glazing materials shall be maintained free from cracks and holes.
 - (2) *Openable window.* Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.
 - (n) *Doors.* All exterior doors and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guestrooms shall tightly secure the door.
 - (o) *Holiday lights and decorations,* erected during the appropriate holiday season, shall comply with all applicable building and electrical codes. Holiday lights and decorations may be erected no earlier than 30 days prior to the subject holiday, with the exception of the Christmas/Hanukkah holidays. Christmas/Hanukkah lights and decorations may be erected no earlier than October 15. All Christmas/Hanukkah lights and decorations must be removed within 30 days following the holiday. All other holiday lights and decorations shall be removed within 14 days following the holiday.
 - (p) Protection from windborne debris is encouraged for all structures certified for occupancy in the village. Storm shutters, or hurricane protection devices, shall be designed and installed in conformance with the building code in effect at the time such hurricane protection was permitted by the building department.
 - (q) It is prohibited to maintain any device (including but not limited to wood, aluminum, or approved hurricane shutters) used for securing property, which impede egress, light, and/or ventilation in a closed/secured position on occupied buildings after a designated hurricane watch or warning has terminated. In addition, it is prohibited to maintain any hurricane protective devices, with the exception of those covering clerestory windows, in a closed/secured position for periods in excess of ten consecutive days unless:
 - (1) A hurricane occurs during the ten-day period, at which point the ten-day period begins anew the day after hurricane conditions have subsided; or
 - (2) Hurricane or tropical storm watch conditions are predicted to occur within 48 hours after the tenth day; or
 - (3) The structure is used for residential purposes, but no person is in residence for a period in excess of ten consecutive days, except that (1) and (2), above, shall still apply during periods when a person is in residence.

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- (4) Clerestory windows exempted under this section, shall be removed ten days after the official conclusion of the hurricane season.
- (r) The owner of an occupied structure shall promptly repair any broken door or window so that a temporary boarded up condition is limited. Any such repair, other than in the case of a natural disaster, shall be made within ten (10) consecutive days. Any means of securing property including crime prevention devices shall be subject to review by the building official for safety and compliance with the Florida Building Code. In no instance shall safety bars, grating, or other similar apparatus be allowed over any window, door, or other opening of any building. Real property may be secured via boarding up windows, doors, or other openings upon the requirement of the building official provided a permit is issued by the village prior to securing a property.
- (Ord. No. 2006-47, § 2, 11-9-2006; Ord. No. 2007-07, § 2, 9-13-2007)

Sec. 10-31. Chapter one amendments.

These amendments to the Florida Building Code 7th Edition (2020) are hereby adopted and incorporated in this article as the minimum construction standards for the village.

Chapter 1 Scope and Administration

PART 1—SCOPE AND APPLICATION

SECTION 101 GENERAL

101.1 Title. These regulations shall be known as the Florida Building Code, hereinafter referred to as "this code."

101.2 Scope. The provisions of this code shall apply to the construction, alteration, relocation, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

Exception:

1. Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height with a separate means of egress and their accessory structures not more than three stories above grade plane in height, shall comply with the Florida Building Code, Residential.
2. Code Requirements that address snow loads and earthquake protection are pervasive; they are left in place but shall not be utilized or enforced because Florida has no snow load or earthquake threat.

101.2.1 Appendices. Provisions in the appendices shall not apply unless specifically adopted.

101.2.2 Florida Building Code, Residential Construction standards or practices which are not covered by Florida Building Code, Residential volume shall be in accordance with the provisions of Florida Building Code, Building.

101.3 Intent. The purpose of this code is to establish the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations.

101.3.1 Quality control. Quality control of materials and workmanship is not within the purview of this code except as it relates to the purposes stated herein.

101.3.2 Warranty and Liability. The permitting, plan review or inspection of any building, system or plan by this jurisdiction, under the requirements of this code, shall not be construed in any court as a warranty of the physical condition of such building, system or plan or their adequacy. This jurisdiction shall not be liable in tort for damages or hazardous or illegal condition or inadequacy in such building, system or plan, nor for any failure of any component of such, which may occur subsequent to such inspection or permitting. Further, no employee shall be liable in tort for damage from such conditions, in accordance with Section 768.28 Florida Statutes, as may be amended or replaced.

101.4 Referenced codes. The other codes listed in Sections 101.4.1 through 101.4.11 and referenced elsewhere in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference.

101.4.1 Gas. The provisions of the Florida Building Code, Fuel Gas shall apply to the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in this code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories.

101.4.2 Mechanical. The provisions of the Florida Building Code, Mechanical shall apply to the installation, alterations, repairs and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerators and other energy-related systems.

101.4.3 Plumbing. The provisions of the Florida Building Code, Plumbing shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system.

101.4.4 Property maintenance. As provided in Chapter 10, Article 1 of the Village of Palm Springs Code of Ordinance.

101.4.5 Fire prevention. For provisions related to fire prevention, refer to the Florida Fire Prevention Code. The Florida Fire Prevention Code shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression, automatic sprinkler systems and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

101.4.6 Energy. The provisions of the Florida Building Code, Energy Conservation shall apply to all matters governing the design and construction of buildings for energy efficiency.

101.4.7 Existing buildings. The provisions of the Florida Existing Building Code shall apply to matters governing the repair, alteration, change of occupancy, addition to and relocation of existing buildings.

101.4.8 Accessibility. For provisions related to accessibility, refer to the Florida Building Code, Accessibility.

101.4.9 Manufactured buildings. For additional administrative and special code requirements, see Section 458, Florida Building Code. Building, and Rule 61-41 Florida Administrative Code.

101.4.10 Electrical. The provisions of Chapter 27 of the Florida Building Code, Building Volume shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings, and appurtenances thereto.

101.4.11 Flood Damage Prevention. Provisions of Chapter 34, Article II of the Village of Palm Springs Land Development Regulations, shall be considered part of this code relative to flood control.

101.5 Building Official. Whenever, the Building Official is mentioned in this code, it is also intended to mean the Building Official's designee, wherever applicable.

SECTION 102 APPLICABILITY

102.1 General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.

102.1.1 The Florida Building Code does not apply to, and no code enforcement action shall be brought with respect to, zoning requirements, land use requirements and owner specifications or programmatic requirements which do not pertain to and govern the design, construction, erection, alteration, modification, repair or demolition of public or private buildings, structures or facilities or to programmatic requirements that do not pertain to enforcement of the Florida Building Code. Additionally, a local code enforcement agency may not administer or enforce the Florida Building Code, Building to prevent the siting of any publicly owned facility, including, but not limited to, correctional facilities, juvenile justice facilities, or state universities, community colleges, or public education facilities, as provided by law.

102.2 Building. The provisions of the Florida Building Code shall apply to the construction, erection, alteration, modification, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every public and private building, structure or facility or floating residential structure, or any appurtenances connected or attached to such buildings, structures or facilities. Additions, alterations, repairs and changes of use or occupancy group in all buildings and structures shall comply with the provisions provided in the Florida Building Code, Existing Building. The following buildings, structures and facilities, except for those located in a Special Flood Hazard Area are exempt from the Florida Building Code as provided by law, and any further exemptions shall be as determined by the legislature and provided by law:

- (a) Building and structures specifically regulated and preempted by the federal government.
- (b) Railroads and ancillary facilities associated with the railroad.
- (c) Nonresidential farm buildings on farms.
- (d) Temporary buildings or sheds used exclusively for construction purposes.
- (e) Mobile or modular structures used as temporary offices, except that the provisions of Part II (Section 553.501-553.513, Florida Statutes) relating to accessibility by persons with disabilities shall apply to such mobile or modular structures. Permits shall be required for structural support and tie down, electric supply and all other such utility connections to such mobile or modular structures as required by this jurisdiction.
- (f) Those structures or facilities of electric utilities, as defined in Section 366.02, Florida Statutes, which are directly involved in the generation, transmission, or distribution of electricity.
- (g) Temporary sets, assemblies, or structures used in commercial motion picture or television production, or any sound-recording equipment used in such production, on or off the premises.
- (h) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.

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- (i) Family mausoleums not exceeding 250 square feet (23 m²) in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
 - (j) Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.
 - (k) A building or structure having less than 1,000 square feet (93 m²) which is constructed and owned by a natural person for hunting and which is repaired or reconstructed to the same dimension and condition as existed on January 1, 2011, if the building or structure:
 - 1. Is not rented or leased or used as a principal residence;
 - 2. Is not located within the 100-year floodplain according to the Federal Emergency Management Agency's current Flood Insurance Rate Map; and
 - 3. Is not connected to an off-site electric power or water supply.
 - (l) Service providers of water, sewer, storm, gas, cable, telephone, or other similar utility systems are exempt to the point of service connection for the building or structure.

102.2.1 In addition to the requirements of Section 553.79 and 553.80, Florida Statutes, facilities subject to the provisions of Chapter 395, Florida Statutes, and Part II of Chapter 400, Florida Statutes, shall have facility plans reviewed and construction surveyed by the state agency authorized to do so under the requirements of Chapter 395, Florida Statutes, and Part II of Chapter 400, Florida Statutes, and the certification requirements of the federal government.

102.2.2 Residential buildings or structures moved into or within a county or municipality shall not be required to be brought into compliance with the state minimum building code in force at the time the building or structure is moved, provided:

- 1. The building or structure is structurally sound and in occupiable condition for its intended use;
- 2. The occupancy use classification for the building or structure is not changed as a result of the move;
- 3. The building is not substantially remodeled;
- 4. Current fire code requirements for ingress and egress are met;
- 5. Electrical, gas and plumbing systems meet the codes in force at the time of construction and are operational and safe for reconnection; and
- 6. Foundation plans are sealed by a professional engineer or architect licensed to practice in this state, if required by the Florida Building Code, Building for all residential buildings or structures of the same occupancy class.
- 7. The requirements of Florida Building Code, Existing Building Volume, are also satisfied.

102.2.3 The Building Official shall apply the same standard to a moved residential building or structure as that applied to the remodeling of any comparable residential building or structure to determine whether the moved structure is substantially remodeled. The cost of the foundation on which the moved building or structure is placed shall not be included in the cost of remodeling for purposes of determining whether a moved building or structure has been substantially remodeled.

102.2.4 This section does not apply to the jurisdiction and authority of the Department of Agriculture and Consumer Services to inspect amusement rides or the Department of Financial Services to inspect state-owned buildings and boilers.

102.2.5 Each enforcement district shall be governed by a board, the composition of which shall be determined by the affected localities.

1. At its own option, each enforcement district or local enforcement agency may adopt rules granting to the owner of a single-family residence one or more exemptions from the Florida Building Code relating to:
 - a. Addition, alteration, or repairs performed by the property owner upon his or her own property, provided any addition or alteration shall not exceed 1,000 square feet (93 m²) or the square footage of the primary structure, whichever is less.
 - b. Addition, alteration, or repairs by a non-owner within a specific cost limitation set by rule, provided the total cost shall not exceed \$5,000 within any 12-month period.
 - c. Building and inspection fees.
2. However, the exemptions under subparagraph 1 do not apply to single-family residences that are located in mapped flood hazard areas, as defined in the code, unless the enforcement district or local enforcement agency has determined that the work, which is otherwise exempt, does not constitute a substantial improvement, including the repair of substantial damage, of such single-family residences.
3. Each code exemption, as defined in sub-subparagraphs 1a, 1b, and 1c shall be certified to the local board 10 days prior to implementation and shall only be effective in the territorial jurisdiction of the enforcement district or local enforcement agency implementing it.
4. However, each enforcement district or local enforcement agency may establish an alternative permitting program for replacing nonstructural components of building systems in a residential dwelling unit. A licensed contractor performing such work for the resident shall also be exempt from individual permits and inspections if either the owner or the licensed contractor obtains a valid Annual Permit per Section 105.1.1 of this code and all such work is reported as required in Section 105.1.2 of this code for compliance evaluation. No added capacity, system expansion or new building work of any type shall be excluded from individual permit and inspection by this provision.

102.2.6 This section does not apply to swings and other playground equipment accessory to a one- or two-family dwelling.

Exception: Electrical service to such playground equipment shall be in accordance with Chapter 27 of this code.

102.3 *Application of references.* References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section, or provision of this code.

102.4 *Referenced codes and standards.* The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.4.1 and 102.4.2.

102.4.1 *Conflicts.* Where conflicts occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

102.4.2 *Provisions in referenced codes and standards.* Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code or the Florida Codes listed in Section 101.4, the provisions of this code or the Florida Codes listed in Section 101.4, as applicable, shall take precedence over the provisions in the referenced code or standard.

102.5 *Partial invalidity.* In the event that any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

102.6 Existing structures. The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the Florida Building Code, Existing Building, the Florida Fire Prevention Code and the provisions of Chapter 10, Article I of the Village of Palm Springs Code of Ordinances.

102.6.1 Buildings not previously occupied. A building or portion of a building that has not been previously occupied or used for its intended purpose in accordance with the laws in existence at the time of its completion shall comply with the provisions of the Florida Building Code or Florida Residential Code, as applicable, for new construction or with any current permit for such occupancy.

102.6.2 Buildings previously occupied. The legal occupancy of any building existing on the date of adoption of this code shall be permitted to continue without change, except as otherwise specifically provided in this code, the Florida Fire Prevention Code, the provisions of Chapter 10, Article I of the Village of Palm Springs Code of Ordinances, or as is deemed necessary by the Building Official for the general safety and welfare of the occupants and the public.

102.7 Relocation of manufactured buildings.

1. Relocation of an existing manufactured building does not constitute an alteration.
2. A relocated building shall comply with wind speed requirements of the new location, using the appropriate wind speed map. If the existing building was manufactured in compliance with the Standard Building Code (prior to March 1, 2002), the wind speed map of the Standard Building Code shall be applicable. If the existing building was manufactured in compliance with the Florida Building Code (after March 1, 2002), the wind speed map of the Florida Building Code shall be applicable.
3. A relocated building shall comply with the flood hazard area requirements of the new location, if applicable.

102.8 Existing mechanical equipment. An agency or local government may not require that existing mechanical equipment located on or above the surface of a roof be installed in compliance with the requirements of the Florida Building Code except during reroofing when the equipment is being replaced or moved during reroofing and is not in compliance with the provisions of the Florida Building Code relating to roof-mounted mechanical units.

PART 2—ADMINISTRATION AND ENFORCEMENT

SECTION 103

DEPARTMENT OF BUILDING SAFETY

103.1 Creation of enforcement agency. The Division of Building Safety (within the Planning, Zoning & Building Department) is hereby created and the official in charge thereof shall be known as the Building Official.

103.2 Appointment. The Building Official shall be appointed by the chief appointing authority of the jurisdiction.

103.3 Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the Building Official shall have the authority to appoint a deputy Building Official, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the Building Official.

For the maintenance of existing properties, see the provisions of Chapter 10, Article I of the Village of Palm Springs Code of Ordinances.

103.4 Restrictions on employees. (Reserved).

SECTION 104

DUTIES AND POWERS OF THE BUILDING OFFICIAL

104.1 General. The Building Official is hereby authorized and directed to enforce the provisions of this code. The Building Official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

104.2 Applications and permits. The Building Official shall receive applications, review construction documents and issue permits for the erection, and alteration, demolition and moving of buildings and structures and service systems, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

104.2.1 Determination of substantially improved or substantially damaged existing buildings and structures in flood hazard areas. For applications for reconstruction, rehabilitation, repair, alteration, addition or other improvement of existing buildings or structures located in flood hazard areas, the Building Official shall determine if the proposed work constitutes substantial improvement or repair of substantial damage. Where the Building Official determines that the proposed work constitutes substantial improvement or repair of substantial damage, and where required by this code, the Building Official shall require the building to meet the requirements of Section 1612.

104.3 Notices and orders. The Building Official shall issue all necessary notices or orders to ensure compliance with this code.

104.4 Inspections. The Building Official shall make all of the required inspections, or the Building Official shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The Building Official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

104.5 Identification. The Building Official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

104.6 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or where the Building Official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous, the Building Official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the Building Official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the Building Official shall have recourse to the remedies provided by law to secure entry.

104.7 Department records. The Building Official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records per F.S. ch. 119.

104.8 Liability. The Building Official, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be civilly or criminally rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee or board member because of an act performed by that officer or employee or board member in the lawful discharge of duties and under the provisions of this code shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The Building Official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

104.8.1 Legal defense. Any suit or criminal complaint instituted against an officer or employee or board member because of an act performed by that officer or employee or board member in the lawful discharge of duties and under the provisions of this code shall be defended by legal representatives of the jurisdiction until the final termination of the proceedings. The Building Official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

104.9 Approved materials and equipment. Materials, equipment and devices approved by the Building Official shall be constructed and installed in accordance with such approval.

104.9.1 Used materials and equipment. The use of used materials which meet the requirements of this code for new materials is permitted. Used equipment and devices shall not be reused unless approved by the Building Official.

104.10 Modifications. Wherever there are practical difficulties involved in carrying out the provisions of this code, the Building Official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the Building Official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the department of building safety.

104.10.1 Flood hazard areas. The Building Official shall coordinate with the floodplain administrator to review requests submitted to the Building Official that seek approval to modify the strict application of the flood resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a variance pursuant to Section 117.

104.11 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the Building Official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. Where the alternative material, design or method of construction is not approved, the Building Official shall respond in writing, stating the reasons why the alternative was not approved.

104.11.1 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

104.11.2 Tests. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the Building Official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the Building Official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the Building Official for the period required for retention of public records.

104.12 Requirements not covered by code. Any requirements necessary for strength, stability or proper operation of an existing or proposed building, structure, electrical, gas, mechanical or plumbing system, or for the public safety, health and general welfare, not specifically covered by this or other technical codes, shall be determined by the Building Official.

SECTION 105
PERMITS

105.1 Required. Any owner or owner's authorized agent 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 impact-resistant coverings, electrical, gas, mechanical or plumbing, fire protection system, or accessible or flood resistant site element, 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.

105.1.1 Annual facility permit. In lieu of an individual permit for each alteration to an existing electrical, gas, mechanical or plumbing or interior nonstructural office system(s), the Building Official is authorized to issue an annual permit for any occupancy to facilitate routine or emergency service, repair, refurbishing, minor renovations of service systems or manufacturing equipment installations/relocations. The Building Official shall be notified of major changes and shall retain the right to make inspections at the facility site as deemed necessary. An annual facility permit shall be assessed with an annual fee and shall be valid for one year from date of issuance. A separate permit shall be obtained for each facility and for each construction trade, as applicable. The permit application shall contain a general description of the parameters of work intended to be performed during the year.

105.1.2 Annual Facility permit records. The person to whom an annual permit is issued shall keep a detailed record of alterations made under such annual permit. The Building Official shall have access to such records at all times or such records shall be filed with the Building Official as designated. The Building Official is authorized to revoke such permit if code violations are found to exist.

105.1.3 Food permit. In accordance with 500.12, Florida Statutes, a food permit from the Department of Agriculture and Consumer Services is required of any person who operates a food establishment or retail store.

105.1.4 Public swimming pool. The local enforcing agency may not issue a building permit to construct, develop, or modify a public swimming pool without proof of application, whether complete or incomplete, for an operating permit pursuant to Section 514.031, Florida Statutes. A certificate of completion or occupancy may not be issued until such operating permit is issued. The local enforcing agency shall conduct their review of the building permit application upon filing and in accordance with Chapter 553, Florida Statutes. The local enforcing agency may confer with the Department of Health, if necessary, but may not delay the building permit application review while awaiting comment from the Department of Health.

105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction, to include work in any special flood hazard area. Exemptions granted under this section do not relieve the owner or contractor from their duty to comply with applicable provisions of the Florida Building Code, and requirements of the local floodplain management ordinance. Permits shall not be required for the following:

Building:

1. Building permits are not required for replacement or repair work having a value of less than \$1,000.00, providing, however, that such work will not adversely affect the structural integrity, fire rating, exit access or egress requirements.
2. Cabinets and countertops with no reconfiguration for one- and two- Family Dwellings, painting, papering, carpeting, and similar finish work, with no electrical or plumbing work.
3. Temporary motion picture, television and theater sets and scenery.

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4. Traditional swings and other standard playground equipment accessory to detached one- and two-family dwellings, as determined by the Building Official, but they may be subject to Zoning permits.
 5. Retractable awnings supported by an exterior wall and do not require additional support of Groups R-3 and U occupancies, but they may be subject to Zoning permits.
 6. Non-fixed and movable fixtures, cases, racks, and counters not over 5 feet 9 inches (1753 mm) in height.

Electrical:

Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

Radio and television transmitting stations: The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installations of towers and antennas.

Temporary testing systems: A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

Gas:

1. Portable heating appliance.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

Mechanical:

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part that does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing 10 pounds (5 kg) or less of refrigerant and actuated by motors of 1 horsepower (746 W) or less.
8. The installation, replacement, removal, or metering of any electrical load management control device where installed by a utility service provider.

Plumbing:

1. The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.
3. The replacement of common household plumbing fixtures to existing supply lines and outlets in One- and Two-Family Dwellings. This does not include water heaters, bathtubs and showers.

105.2.1 Emergency repairs. Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the Building Official. Notification shall be given to the Building Official, including the work address, nature of emergency, and scope of work immediately, or by the next business day.

105.2.2. Minor repairs. Ordinary minor repairs may be made with the approval of the Building Official without a permit, provided the repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring systems or mechanical equipment or other work affecting public health or general safety, and such repairs shall not violate any of the provisions of the technical codes.

105.2.3 Public service agencies. A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution or metering or other related equipment that is under the ownership and control of public service agencies by established right.

105.3 Application for permit. To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the building department for that purpose.

Permit application forms shall be in the format prescribed by a local administrative board, if applicable, and must comply with the requirements of Section 713.135(5) and (6), Florida Statutes.

Each application shall be inscribed with the date of application, and the code in effect as of that date. For a building permit for which an application is submitted prior to the effective date of the Florida Building Code, the state minimum building code in effect in the permitting jurisdiction on the date of the application governs the permitted work for the life of the permit and any extension granted to the permit.

Effective October 1, 2017, a local enforcement agency shall post each type of building permit application on its website. Completed applications must be able to be submitted electronically to the appropriate building department. Accepted methods of electronic submission include, but are not limited to, e-mail submission of applications in portable document format or submission of applications through an electronic fill-in form available on the building department's website or through a third-party submission management software. Payments, attachments, or drawings required as part of the permit application may be submitted in person in a non-electronic format, at the discretion of the Building Official.

105.3.1 Action on application. The Building Official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the Building Official shall reject such application in writing, stating the reasons therefore. If the Building Official is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the Building Official shall issue a permit therefore as soon as practicable. When authorized through contractual agreement with a school board, in acting on applications for permits, the Building Official shall give first priority to any applications for the construction of, or addition or renovation to, any school or educational facility.

105.3.1.1 If a state university, Florida college or public school district elects to use a local government's code enforcement offices, fees charged by counties and municipalities for enforcement of the Florida Building Code on buildings, structures, and facilities of state universities, state colleges, and public school districts shall not be more than the actual labor and administrative costs incurred for plans review and inspections to ensure compliance with the code.

105.3.1.2 No permit may be issued for any building construction, erection, alteration, modification, repair, or addition unless the applicant for such permit provides to the enforcing

agency which issues the permit any of the following documents which apply to the construction for which the permit is to be issued and which shall be prepared by or under the direction of an engineer registered under Chapter 471, Florida Statutes:

1. Plumbing documents for any new building or addition which requires a plumbing system with more than 250 fixture units or which costs more than \$125,000.
2. Fire sprinkler documents for any new building or addition which includes a fire sprinkler system which contains 50 or more sprinkler heads. Personnel as authorized by chapter 633 Florida Statutes, may design a fire sprinkler system of 49 or fewer heads and may design the alteration of an existing fire sprinkler system if the alteration consists of the relocation, addition or deletion of not more than 49 heads, notwithstanding the size of the existing fire sprinkler system.
3. Heating, ventilation, and air-conditioning documents for any new building or addition which requires more than a 15-ton-per-system capacity which is designed to accommodate 100 or more persons or for which the system costs more than \$125,000. This paragraph does not include any document for the replacement or repair of an existing system in which the work does not require altering a structural part of the building or for work on a residential one, two, three or four-family structure.

An air-conditioning system may be designed by an installing air-conditioning contractor certified under Chapter 489, Florida Statutes, to serve any building or addition which is designed to accommodate fewer than 100 persons and requires an air-conditioning system with a value of \$125,000 or less; and when a 15-ton-per system or less is designed for a singular space of a building and each 15-ton system or less has an independent duct system. Systems not complying with the above require design documents that are to be sealed by a professional engineer.

Example 1: When a space has two 10-ton systems with each having an independent duct system, the contractor may design these two systems since each unit (system) is less than 15 tons.

Example 2: Consider a small single-story office building which consists of six individual offices where each office has a single three-ton package air conditioning heat pump. The six heat pumps are connected to a single water cooling tower. The cost of the entire heating, ventilation and air-conditioning work is \$47,000 and the office building accommodates fewer than 100 persons. Because the six mechanical units are connected to a common water tower this is considered to be an 18-ton system.

NOTE: It was further clarified by the Commission that the limiting criteria of 100 persons and \$125,000 apply to the building occupancy load and the cost for the total air-conditioning system of the building.

4. Any specialized mechanical, electrical, or plumbing document for any new building or addition which includes a medical gas, oxygen, steam, vacuum, toxic air filtration, halon, or fire detection and alarm system which costs more than \$5,000.
5. Electrical documents. See Florida Statutes 471.003(2)(h). Any electrical or plumbing or air-conditioning and refrigeration system meeting the following thresholds are required to be designed by a Florida Registered Engineer. Any system which:
 1. Requires an electrical or plumbing or air-conditioning and refrigeration system with a value greater than \$125,000; and

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2. a. Requires an aggregate service capacity of greater than 600 amperes (240 volts) on a residential electrical system or greater than 800 amperes (240 volts) on a commercial or industrial electrical system;
 - b. Requires a plumbing system with more than 250 fixture units; or
 - c. Requires a heating, ventilation, and air-conditioning system which exceeds a 15-ton-per-system capacity, or if the project is designed to accommodate more than 100 persons. Documents requiring an engineer seal by this part shall not be valid unless a professional engineer who possesses a valid certificate of registration has signed, dated, and stamped such document as provided in Section 471.025, Florida Statutes.

6. All public swimming pools and public bathing places defined by and regulated under Chapter 514, Florida Statutes.

105.3.2 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned becoming null and void 180 days after the date of filing, or for any 180 day period of abandonment or suspension during the application process, unless such application has been pursued in good faith or a permit has been issued; except that the Building Official is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing prior to the abandonment date, with justifiable cause demonstrated. Abandoned applications shall be subject to destruction in accordance with state law. The fee for renewal, re-issuance, and extension of a permit application shall be set forth by the administrative authority. There may be fees or requirements from other government agencies for permit application extensions and renewals.

105.3.3 An enforcing authority may not issue a building permit for any building construction, erection, alteration, modification, repair or addition, unless the permit either includes on its face or there is attached to the permit the following statement: "NOTICE: In addition to the requirements of this permit, there may be additional restrictions applicable to this property that may be found in the public records of this county, such as the requirement for Home or Property Owners Association approval, and there may be additional permits required from other governmental entities such as water management districts, state agencies, or federal agencies."

105.3.4 A building permit for a single-family residential dwelling must be issued within 30 working days of application therefore unless unusual circumstances require a longer time for processing the application or unless the permit application fails to satisfy the Florida Building Code or the enforcing agency's laws or ordinances.

105.3.5 Identification of minimum premium policy. Except as otherwise provided in Chapter 440, Florida Statutes, Workers' Compensation, every employer shall, as a condition to receiving a building permit, show proof that it has secured compensation for its employees as provided in Section 440.10 and 440.38, Florida Statutes.

105.3.6 Asbestos removal contractor exemption. Refer to Section 105.9 for additional requirements. A licensed asbestos removal contractor is not required when moving, removal or disposal of asbestos-containing materials on a residential building where the owner occupies the building, the building is not for sale or lease, and the work is performed according to the owner-builder limitations provided in this paragraph. To qualify for exemption under this paragraph, an owner must personally appear and sign the building permit application. The permitting agency shall provide the person with a disclosure statement in substantially the following form:

Disclosure Statement: State law requires asbestos abatement to be done by licensed contractors. You have applied for a permit under an exemption to that law. The exemption allows you, as the owner of your property, to act as your own asbestos abatement contractor even though you do

not have a license. You must supervise the construction yourself. You may move, remove or dispose of asbestos-containing materials on a residential building where you occupy the building and the building is not for sale or lease, or the building is a farm outbuilding on your property. If you sell or lease such building within 1 year after the asbestos abatement is complete, the law will presume that you intended to sell or lease the property at the time the work was done, which is a violation of this exemption. You may not hire an unlicensed person as your contractor. Your work must be done according to all local, state and federal laws and regulations which apply to asbestos abatement projects. It is your responsibility to make sure that people employed by you have licenses required by state law and by county or municipal licensing ordinances.

105.3.7 Applicable Code for Manufactured Buildings. Manufacturers should be permitted to complete all buildings designed and approved prior to the effective date of a new code edition, provided a clear signed contract is in place. The contract shall provide specific data mirroring that required by an application for permit, specifically, without limitation, date of execution, building owner or dealer, and anticipated date of completion. However, the construction activity must commence within 6 months of the contract's execution. The contract is subject to verification by the Department of Business and Professional Regulation.

105.3.8 Public right-of-way. A permit shall not be given by the Building Official for the construction of any building, or for the alteration of any building where said building is to be changed and such change will affect the exterior walls, bays, balconies, or other appendages or projections fronting on any street, alley or public lane, or for the placing on any lot or premises of any building or structure removed from another lot or premises, unless the applicant has received a right of way permit from the authority having jurisdiction over the street, alley or public lane.

105.4 Conditions of the permit. The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of any other federal, state and local laws, ordinances, codes and regulations. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of any other federal, state and local laws, ordinances, codes and regulations shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the Building Official from requiring the correction of errors in the construction documents and other data. The Building Official is also authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinances of this jurisdiction or of any other federal, state and local laws, ordinances, codes and regulations.

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.

105.4.1.1 If work has commenced and the permit is revoked, becomes null and void, or expires because of lack of progress or abandonment, a new permit covering the proposed construction shall be obtained before proceeding with the work.

105.4.1.2 If a new permit, or revalidation (renewal) of the original permit, is not obtained within 180 days from the date the initial permit became null and void, the Building Official is authorized to require that any work which has been commenced or completed be removed from the building site. Alternately, a new permit may be issued on application, providing the work in place and required to complete the structure meets all applicable regulations in effect at the time the initial permit became null and void and any regulations which may have become effective between the date of expiration and the date of issuance of the new permit.

105.4.1.3 Work shall be considered to be in active progress when the permit has received an approved inspection within 180 days. This provision shall not be applicable in case of civil commotion or strike or when the building work is halted due directly to judicial injunction, order or similar process, or due to action by an environmental or archeological agency having jurisdiction. The Building Official is authorized to grant, in writing, one or more extensions of time, for periods not more than 3 months each. The extension shall be requested in writing and justifiable cause demonstrated, prior to expiration.

105.4.1.4 The fee for renewal, reissuance and extension of a permit shall be set forth by the administrative authority. There may be fees or requirements from other government agencies for permit extensions and renewals.

105.4.2 Additional options for closing a permit. Pursuant to Section 553.79(15), Florida Statutes, a property owner, regardless of whether the property owner is the one listed on the application for the building permit, may close a building permit by complying with the following requirements:

1. The property owner may retain the original contractor listed on the permit or hire a different contractor appropriately licensed in this state to perform the work necessary to satisfy the conditions of the permit and to obtain any necessary inspection in order to close the permit. If a contractor other than the original contractor listed on the permit is hired by the property owner to close the permit, such contractor is not liable for any defects in the work performed by the original contractor and is only liable for the work that he or she performs.
2. The property owner may assume the role of an owner-builder, in accordance with Sections 489.103(7) and 489.503(6), Florida Statutes.
3. If a building permit is expired and its requirements have been substantially completed as determined by the local enforcement agency, the permit may be closed without having to obtain a new building permit, and the work required to close the permit may be done pursuant to the building code in effect at the time the local enforcement agency received the application for the permit, unless the contractor has sought and received approval from the local enforcement agency for an alternative material, design or method of construction.
4. A local enforcement agency may close a building permit 6 years after the issuance of the permit, even in the absence of a final inspection, if the local enforcement agency determines that no apparent safety hazard exists.

For purposes of this section, the term "close" means that the requirements of the permit have been satisfied.

105.5 Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The Building Official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated as determined by the Building Official.

105.6 Denial or revocation. Whenever a permit required under this section is denied or revoked because the plan, or the construction, erection, alteration, modification, repair, or demolition of a building, is found by the local enforcing agency to be not in compliance with the Florida Building Code, the local enforcing agency shall identify the specific plan or project features that do not comply with the applicable codes, identify the specific code chapters and sections upon which the finding is based, and provide this information to the permit applicant. If the local building code administrator or inspector finds that the plans are not in compliance with the Florida Building Code, the local building code administrator or inspector shall identify the specific plan features that do not comply with the applicable codes, identify the specific code chapters

and sections upon which the finding is based, and provide this information to the local enforcing agency. The local enforcing agency shall provide this information to the permit applicant.

Pursuant to Section 553.79(16), Florida Statutes, a local enforcement agency may not deny issuance of a building permit to; issue a notice of violation to; or fine, penalize sanction or assess fees against an arm's-length purchaser of a property for value solely because a building permit applied for by a previous owner of the property was not closed. The local enforcement agency shall maintain all rights and remedies against the property owner and contractor listed on the permit.

Pursuant to Section 553.79(16), Florida Statutes, a local enforcement agency may not deny issuance of a building permit to a contractor solely because the contractor is listed on other building permits that were not closed.

105.6.1 Misrepresentation of application. The Building Official may revoke a permit or approval, issued under the provisions of this code, when there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.

105.6.2 Violation of code provisions. The Building Official may require correction or revoke the permit upon determination by the Building Official that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the building, structure, electrical, gas, mechanical or plumbing systems for which the permit was issued is in violation of, or not in conformity with, the provisions of this code.

105.7 Placement of permit. The building permit or copy shall be kept on the site of the work until the completion of the project.

105.8 Notice of commencement. In accordance with Section 713.135, Florida Statutes, when any person applies for a building permit, the authority issuing such permit shall print on the face of each permit card in no less than 14-point, capitalized, boldfaced type: "WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT."

105.9 Asbestos. The enforcing agency shall require each building permit for the demolition or renovation of an existing structure to contain an asbestos notification statement which indicates the owner's or operator's responsibility to comply with the provisions of Section 469.003, Florida Statutes, and to notify the Department of Environmental Protection of his or her intentions to remove asbestos, when applicable, in accordance with state and federal law. Refer to Section 105.3.6 "Asbestos Removal Contractor Exemption" of this code for additional requirements.

105.10 Certificate of protective treatment for prevention of termites. A weather-resistant job-site posting board shall be provided to receive duplicate treatment certificates as each required protective treatment is completed, providing a copy for the person the permit is issued to and another copy for the building permit files. The treatment certificate shall provide the product used, identity of the applicator, time and date of the treatment, site location, area treated, chemical used, percent concentration and number of gallons used, to establish a verifiable record of protective treatment. If the soil chemical barrier method for termite prevention is used, final exterior treatment shall be completed prior to final building approval. For a bait system, see Section 1816.1.7 of the Florida Building Code for contract document requirements.

105.11 Notice of termite protection. A permanent sign which identifies the termite treatment provider and need for reinspection and treatment contract renewal shall be provided. The sign shall be posted near the water heater or electric panel.

105.12 Work starting before permit issuance. Upon written request and approval of the Building Official, the scope of work delineated in the building permit application and plan may be started prior to the final

approval and issuance of the permit, provided any work completed is entirely at risk of the permit applicant and the work does not proceed past the first required inspection.

105.13 Phased permit approval. After submittal of the appropriate construction documents, the Building Official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted. Corrections may be required to meet the requirements of the technical codes.

105.14 Permit issued on basis of an affidavit. The Building Official may accept a sworn affidavit from a registered architect or engineer stating that the plans submitted conform to the technical codes. For buildings and structures, the affidavit shall state that the plans conform to the laws as to egress, type of construction and general arrangement and, if accompanied by drawings, show the structural design and that the plans and design conform to the requirements of the technical codes as to strength, stresses, strains, loads and stability. Whenever a permit is issued in reliance upon an affidavit or whenever the work to be covered by a permit involves installation under conditions which, in the opinion of the Building Official, are hazardous or complex, the Building Official shall require that the architect or engineer who signed the affidavit or prepared the drawings or computations shall supervise such work. In addition, they shall be responsible for conformity to the permit, provide copies of inspection reports as inspections are performed, and upon completion make and file with the Building Official written affidavit that the work has been done in conformity to the reviewed plans and with the structural provisions of the technical codes. In the event such architect or engineer is not available, the owner shall employ in his stead a competent person or agency whose qualifications are reviewed by the Building Official. The Building Official shall ensure that any person conducting plans review is qualified as a plans examiner under Part XII of Chapter 468, Florida Statutes, and that any person conducting inspections is qualified as a building inspector under Part III of Chapter 468, Florida Statutes. Nothing aforesaid shall preclude plan review or inspections by the Building Official (See also Section 107.6).

Exception: Permit issued on basis of an affidavit shall not extend to the flood load and flood resistance requirements of the Florida Building Code.

105.15 Opening protection. When any activity requiring a building permit that is applied for on or after July 1, 2008, and for which the estimated cost is \$50,000 or more for a site built single-family detached residential structure that is located in the wind borne debris region as defined in this Code and that has an insured value of \$750,000 or more, or, if the site built single-family detached residential structure is uninsured or for which documentation of insured value is not presented, has a just valuation for the structure for purposes of ad valorem taxation of \$750,000 or more; opening protections as required within this Code or Florida Building Code, Residential for new construction shall be provided.

Exception: Single-family residential structures permitted subject to the Florida Building Code are not required to comply with this section.

105.16 Inspection of existing residential building not impacted by construction.

- (a) A local enforcing agency, and any local building code administrator, inspector, or other official or entity, may not require as a condition of issuance of a one- or two-family residential building permit the inspection of any portion of a building, structure, or real property that is not directly impacted by the construction, erection, alteration, modification, repair, or demolition of the building, structure, or real property for which the permit is sought.
- (b) This subsection does not apply to a building permit sought for:
 - 1. A substantial improvement as defined in Section 161.54, Florida Statutes or as defined in the Florida Building Code.

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2. A change of occupancy as defined in the Florida Building Code.
 3. A conversion from residential to nonresidential or mixed use pursuant to Section 553.507(2)(a), Florida Statutes or as defined in the Florida Building Code.
 4. A historic building as defined in the Florida Building Code.
- (c) This subsection does not prohibit a local enforcing agency, or any local building code administrator, inspector, or other official or entity, from:
1. Citing any violation inadvertently observed in plain view during the ordinary course of an inspection conducted in accordance with the prohibition in paragraph (a).
 2. Inspecting a physically nonadjacent portion of a building, structure, or real property that is directly impacted by the construction, erection, alteration, modification, repair, or demolition of the building, structure, or real property for which the permit is sought in accordance with the prohibition in paragraph (a).
 3. Inspecting any portion of a building, structure, or real property for which the owner or other person having control of the building, structure, or real property has voluntarily consented to the inspection of that portion of the building, structure, or real property in accordance with the prohibition in paragraph (a).
 4. Inspecting any portion of a building, structure, or real property pursuant to an inspection warrant issued in accordance with Sections 933.20—933.30, Florida Statutes.

105.17 Streamlined low-voltage alarm system installation permitting.

- (1) As used in this section, the term:
- (a) "Contractor" means a person who is qualified to engage in the business of electrical or alarm system contracting pursuant to a certificate or registration issued by the department under part II of Chapter 489, Florida Statutes.
 - (b) "Low-voltage alarm system project" means a project related to the installation, maintenance, inspection, replacement, or service of a new or existing alarm system, as defined in Section 489.505, Florida Statutes, that is hardwired and operating at low voltage, as defined in the National Electrical Code Standard 70, and ancillary components or equipment attached to such a system, including, but not limited to, home-automation equipment, thermostats, and video cameras.
 - (c) "Wireless alarm system" means a burglar alarm system or smoke detector that is not hardwired.
- (2) Notwithstanding any provision of this Code, this section applies to all low-voltage alarm system projects for which a permit is required by a local enforcement agency. However, a permit is not required to install, maintain, inspect, replace, or service a wireless alarm system, including any ancillary components or equipment attached to the system.
- (3) This section does not apply to the installation or replacement of a fire alarm, or access control system affecting required means of egress as required by Florida Building Code Chapter 10, if a plan review is required.
- (4) A local enforcement agency shall make uniform basic permit labels available for purchase by a contractor to be used for the installation or replacement of a new or existing alarm system at a cost as indicated in Section 553.793, Florida Statutes. The local enforcement agency may not require the payment of any additional fees, charges, or expenses associated with the installation or replacement of a new or existing alarm.

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- (a) A local enforcement agency may not require a contractor, as a condition of purchasing a label, to submit information other than identification information of the licensee and proof of registration or certification as a contractor.
 - (b) A label is valid for 1 year after the date of purchase and may only be used within the jurisdiction of the local enforcement agency that issued the label. A contractor may purchase labels in bulk for one or more unspecified current or future projects.
- (5) A contractor shall post an unused uniform basic permit label in a conspicuous place on the premises of the low-voltage alarm system project site before commencing work on the project.
 - (6) A contractor is not required to notify the local enforcement agency before commencing work on a low-voltage alarm system project. However, a contractor must submit a Uniform Notice of a Low-Voltage Alarm System Project as provided under subsection (7) to the local enforcement agency within 14 days after completing the project. A local enforcement agency may take disciplinary action against a contractor who fails to timely submit a Uniform Notice of a Low-Voltage Alarm System Project.
 - (7) The Uniform Notice of a Low-Voltage Alarm System Project may be submitted electronically or by facsimile if all submissions are signed by the owner, tenant, contractor, or authorized representative of such persons. The Uniform Notice of a Low-Voltage Alarm System Project shall be in the format prescribed by the local enforcement agency and must comply with the requirements of Section 553.793(7), Florida Statutes.
 - (8) A local enforcement agency may coordinate directly with the owner or customer to inspect a low-voltage alarm system project may be inspected by the local enforcement agency to ensure compliance with applicable codes and standards. If a low-voltage alarm system project fails an inspection, the contractor must take corrective action as necessary to pass inspection.
 - (9) A municipality, county, district, or other entity of local government may not adopt or maintain in effect any ordinance or rule regarding a low-voltage alarm system project that is inconsistent with this section.
 - (10) A uniform basic permit label shall not be required for the subsequent maintenance, inspection, or service of an alarm system that was permitted in accordance with this section.

The provisions of this act are not intended to impose new or additional licensure requirements on persons licensed in accordance with the applicable provisions of chapter 489, Florida Statutes.

SECTION 106 FLOOR AND ROOF DESIGN LOADS

106.1 Live loads posted. Where the live loads for which each floor or portion thereof of a commercial or industrial building is or has been designed to exceed 50 psf (2.40 kN/m²), such design live loads shall be conspicuously posted by the owner or the owner's authorized agent in that part of each story in which they apply, using durable signs. It shall be unlawful to remove or deface such notices

106.2 Issuance of certificate of occupancy. A certificate of occupancy required by Section 111 shall not be issued until the floor load signs, required by Section 106.1, have been installed.

106.3 Restrictions on loading. It shall be unlawful to place, or cause or permit to be placed, on any floor or roof of a building, structure or portion thereof, a load greater than is permitted by this code.

SECTION 107 SUBMITTAL DOCUMENTS

107.1 General. Submittal documents consisting of construction documents, statement of special inspections, geotechnical report and other data shall be submitted in two or more sets with each permit application. The construction documents shall be prepared by a registered design professional where required by Chapter

471, Florida Statutes and 61G15 Florida Administrative Code or Chapter 481, Florida Statutes & 61G1 Florida Administrative Code. Where special conditions exist, the Building Official is authorized to require additional construction documents to be prepared by a registered design professional. Electronic media documents shall be submitted when required by the Building Official, in a format acceptable to the Building Official, and may require only one set of submittals.

Exception: The Building Official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this code.

If the design professional is an architect, interior designer, or engineer legally registered under the laws of this state regulating the practice of architecture or interior design as provided for in Chapter 481, Florida Statutes, Part I, or landscape architecture as provided for in Chapter 481, Florida Statutes, Part II, or engineering as provided for in Chapter 471, Florida Statutes, then he or she shall affix his or her official seal to said drawings, specifications and accompanying data, as required by Florida Statute.

107.2 Construction documents. Construction documents shall be in accordance with Sections 107.2.1 through 107.2.6.

107.2.1 Information on construction documents. Construction documents shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted when approved by the Building Official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the Building Official. Such drawings and specifications shall contain information, in the form of notes or otherwise, as to the quality of materials, where quality is essential to conformity with the technical codes. Such information shall be specific, and the technical codes shall not be cited as a whole or in part, nor shall the term "legal" or its equivalent be used as a substitute for specific information. All information, drawings, specifications and accompanying data shall bear the name and signature of the person responsible for the design.

107.2.1.1 For roof assemblies required by the code, the construction documents shall illustrate, describe, and delineate the type of roofing system, materials, fastening requirements, flashing requirements and wind resistance rating that are required to be installed. Product evaluation and installation shall indicate compliance with the wind criteria required for the specific site or a statement by an architect or engineer certifying suitability for the specific site must be submitted with the construction documents.

107.2.1.2 Additional data. The Building Official may require details, computations, stress diagrams, and other data necessary to describe the construction or installation and the basis of calculations. All drawings, specifications and accompanying data required by the Building Official to be prepared by an architect or engineer shall be affixed with their official seal, signature and date as state law requires.

107.2.1.3 Quality of building plans. Building plans shall be drawn to a minimum 1/8 inch scale upon substantial paper, cloth or other acceptable medium. The Building Official may establish, through Departmental policy, other standards for plans and specifications, including electronic format, in order to provide conformity to its electronic permit review and record retention program. This policy may include such things as minimum size, shape, contrast, clarity, or other items related to records management. Electronic media must be compatible with the archive requirements of Florida Statutes.

107.2.2 Fire protection system shop drawings. Shop drawings for the fire protection system(s) shall be submitted to indicate conformance to this code and the construction documents and shall be approved

prior to the start of system installation. Shop drawings shall contain all information as required by the referenced installation standards in Chapter 9.

107.2.3 Means of egress. The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress including the path of the exit discharge to the public way in compliance with the provisions of this code. In other than occupancies in Groups R-2, R-3, and I-1, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

107.2.4 Exterior wall envelope. Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with this code. The construction documents shall provide details of the exterior wall envelope as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive membrane and details around openings.

The construction documents shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the construction documents maintain the weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system which was tested, where applicable, as well as the test procedure used.

107.2.5 Exterior balcony and elevated walking surfaces. 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 the construction documents shall include details for all element of the impervious moisture barrier system. The construction documents shall include manufacturer's installation instructions.

107.2.6 Site plan. The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, and design flood elevations; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The Building Official is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted.

107.2.6.1 Design flood elevations. Where design flood elevations are not specified, they shall be established in accordance with Section 1612.3.1. Design flood elevations shall be uniformly specified utilizing the currently effective NAVD 88.

107.2.6.2 For the purpose of inspection and record retention, site plans for a building may be maintained in the form of an electronic copy at the worksite. These plans must be open to inspection by the Building Official or a duly authorized representative, as required by the Florida Building Code.

107.2.7 Structural information. The construction documents shall provide the information specified in Section 1603.

107.3 Examination of documents. The Building Official shall examine or cause to be examined the accompanying submittal documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances.

Exceptions:

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1. Building plans approved pursuant to Section 553.77(5), Florida Statutes, and state-approved manufactured buildings are exempt from local codes enforcing agency plan reviews except for provisions of the code relating to erection, assembly or construction at the site. Erection, assembly and construction at the site are subject to local permitting and inspections. Photocopies of plans approved according to FAC 61-41.009, Florida Administrative Code, shall be sufficient for local permit application documents of record for the modular building portion of the permitted project.
 2. Industrial construction on sites where design, construction and fire safety are supervised by appropriately licensed design and inspection professionals and which contain adequate in-house fire departments and rescue squads is exempt, subject to approval by the Building Official, from review of plans and inspections, providing the appropriate licensed design and inspection professionals certify that applicable codes and standards have been met and supply appropriate approved drawings to local building and fire-safety inspectors.

107.3.1 Approval of construction documents. When the Building Official issues a permit, the construction document shall be approved, in writing or by stamp, as "Reviewed for Code Compliance." One set of construction documents so reviewed shall be retained by the Building Official. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the Building Official or a duly authorized representative.

107.3.2 Previous approvals. This code shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned.

107.3.3 Phased approval. The Building Official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted.

107.3.4 Design professional in responsible charge. Where it is required that documents be prepared by a registered design professional, the Building Official shall be authorized to require the owner or the owner's authorized agent to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner or the owner's authorized agent shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The Building Official shall be notified in writing by the owner or the owner's authorized agent if the registered design professional in responsible charge is changed or is unable to continue to perform the duties.

The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building. Those products which are regulated by FAC Rule 61G20 shall be reviewed and approved in writing by the designer of record prior to submittal for jurisdictional approval.

107.3.4.1 Deferred submittals. For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the Building Official.

Deferral of any submittal items shall have the prior approval of the Building Official. The registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the Building Official.

Documents for deferred submittal items shall be submitted to the registered design professional in responsible charge who shall review them and forward them to the Building Official with a notation indicating that the deferred submittal documents have been reviewed and found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the deferred submittal documents have been approved by the Building Official.

107.3.4.2 Certifications by contractors authorized under the provisions of Section 489.115(4)(b), Florida Statutes, shall be considered equivalent to sealed plans and specifications by a person licensed under Chapter 471, Florida Statutes, or Chapter 481 Florida Statutes, by local enforcement agencies for plans review for permitting purposes relating to compliance with the wind-resistance provisions of the code or alternate methodologies approved by the Florida Building Commission for one- and two-family dwellings. Local enforcement agencies may rely upon such certification by contractors that the plans and specifications submitted conform to the requirements of the code for wind resistance. Upon good cause shown, local government code enforcement agencies may accept or reject plans sealed by persons licensed under Chapters 471, 481 or 489, Florida Statutes.

107.3.5 Minimum plan review criteria for buildings. The examination of the documents by the Building Official shall include the following minimum criteria and documents: a floor plan; site plan; foundation plan; floor/roof framing plan or truss layout; all fenestration penetrations; flashing; and rough opening dimensions; and all exterior elevations:

Commercial Buildings:

Building

1. Site requirements:
 - Parking
 - Fire access
 - Vehicle loading
 - Driving/turning radius
 - Fire hydrant/water supply/post indicator valve (PIV)
 - Set back/separation (assumed property lines)
 - Location of specific tanks, water lines and sewer lines
 - Flood hazard areas, flood zones, and design flood elevations
2. Occupancy group and special occupancy requirements shall be determined (with cross check with the energy code submittal).
3. Minimum type of construction shall be determined (see Table 503).
4. Fire-resistant construction requirements shall include the following components:
 - Fire-resistant separations
 - Fire-resistant protection for type of construction
 - Protection of openings and penetrations of rated walls
 - Fire blocking and draftstopping and calculated fire resistance

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5. Fire suppression systems shall include:
 - Early warning smoke evacuation systems
 - Schematic fire sprinklers
 - Standpipes
 - Pre-engineered systems
 - Riser diagram
 6. Life safety systems shall be determined and shall include the following requirements:
 - Occupant load and egress capacities
 - Early warning
 - Smoke control
 - Stair pressurization
 - Systems schematic
 7. Occupancy load/egress requirements shall include:
 - Occupancy load
 - Gross
 - Net
 - Means of egress
 - Exit access
 - Exit
 - Exit discharge
 - Stairs construction/geometry and protection
 - Doors
 - Emergency lighting and exit signs
 - Specific occupancy requirements
 - Construction requirements
 - Horizontal exits/exit passageways
 8. Structural requirements shall include:
 - Soil conditions/analysis
 - Termite protection
 - Design loads
 - Wind requirements
 - Building envelope
 - Impact resistant coverings or systems
 - Structural calculations (if required)

Foundation

Flood requirements in accordance with Section 1612, including lowest floor elevations, enclosures, flood damage-resistant materials

Wall systems

Floor systems

Roof systems

Threshold inspection plan

Stair systems

9. Materials shall be reviewed and shall at a minimum include the following:

Wood

Steel

Aluminum

Concrete

Plastic

Glass

Masonry

Gypsum board and plaster

Insulating (mechanical)

Roofing

Deck coatings

Insulation

Building envelope portions of the Energy Code (including calculation and mandatory requirements)

10. Accessibility requirements shall include the following:

Site requirements

Accessible route

Vertical accessibility

Toilet and bathing facilities

Drinking fountains

Equipment

Special occupancy requirements

Fair housing requirements

11. Interior requirements shall include the following:

Interior finishes (flame spread/smoke development)

Light and ventilation (including corresponding portion of the energy code)

Sanitation

12. Special systems:

Elevators

Escalators

Lifts

13. Swimming pools:

Barrier requirements

Spas

Wading pools

14. Location and installation details. The specific location and installation details of each fire door, fire damper, ceiling damper and smoke damper shall be shown and properly identified on the building plans by the designer.

Electrical

1. Electrical:

Wiring

Services

Feeders and branch circuits

Overcurrent protection

Grounding

Wiring methods and materials

GFCIs

Electrical portions of the Energy Code (including calculation and mandatory requirements)

2. Equipment

3. Special occupancies

4. Emergency systems

5. Communication systems

6. Low voltage

7. Load calculations

8. Design flood elevation

Plumbing:

1. Minimum plumbing facilities

2. Fixture requirements

3. Water supply piping

4. Sanitary drainage

5. Water heaters

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6. Vents
 7. Roof drainage
 8. Back flow prevention
 9. Irrigation
 10. Location of water supply line
 11. Grease traps
 12. Environmental requirements
 13. Plumbing riser
 14. Design flood elevation
 15. Water/plumbing portions of the Energy Code (including calculation and mandatory requirements)

Mechanical:

1. Mechanical portions of the energy calculations
2. Exhaust systems:
 - Clothes dryer exhaust
 - Kitchen equipment exhaust
 - Specialty exhaust systems
3. Equipment
4. Equipment location
5. Make-up air
6. Roof-mounted equipment
7. Duct systems
8. Ventilation
9. Combustion air
10. Chimneys, fireplaces, and vents
11. Appliances
12. Boilers
13. Refrigeration
14. Bathroom ventilation
15. Laboratory
16. Design flood elevation

Gas:

1. Gas piping
2. Venting

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3. Combustion air
 4. Chimneys and vents
 5. Appliances
 6. Type of gas
 7. Fireplaces
 8. LP tank location
 9. Riser diagram/shutoffs
 10. Design flood elevation
 11. Gas portions of the Energy Code (including calculation and mandatory requirements)

Demolition:

1. Asbestos removal:

Residential (one- and two-family):

1. Site requirements:
 - Set back/separation (assumed property lines)
 - Location of septic tanks
2. Fire-resistant construction (if required)
3. Fire.
4. Smoke detector locations.
5. Egress.
 - Egress window size and location stairs construction requirements.
6. Structural requirements shall include:
 - Wall section from foundation through roof, including assembly and materials, connector tables, wind requirements, and structural calculations (if required)
 - Termite protection
 - Design loads
 - Wind requirements
 - Building envelope
 - Foundation
 - Wall systems
 - Floor systems
 - Roof systems
 - Flood hazard areas, flood zones, design flood elevations, lowest floor elevations, enclosures, equipment, and flood damage-resistant materials
7. Accessibility requirements: show/identify accessible bath
8. Impact resistant coverings or systems

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9. Residential Energy Code submittal (including calculation and mandatory requirements)
 10. Electrical:
Electric service riser with wire sizes, conduit detail and grounding detail
Complete load calculations, Panel schedules
 11. Mechanical:
Equipment and location, Duct systems
 12. Plumbing:
Plumbing riser
 13. Gas:
Gas piping
Venting
Combustion air
Chimneys and vents
Appliances
Type of gas
Fireplaces
LP tank location
Riser diagram/shutoffs
 14. Swimming Pools:
Barrier requirements
Spas
Wading pools

Manufactured buildings/housing:

1. Site requirements:
Setback/separation (assumed property lines)
Location of septic tanks (if applicable)
2. Structural:
Wind zone
Anchoring
Blocking
3. Plumbing:
List potable water source and meter size (if applicable)
4. Mechanical:
Exhaust systems

Clothes dryer exhaust

Kitchen equipment exhaust

5. Electrical exterior disconnect location:

Exemptions. Plans examination by the Building Official shall not be required for the following work:

1. Replacing existing equipment such as mechanical units, water heaters, etc.
2. Reroofs (as determined by local jurisdiction)
3. Minor electrical, plumbing, and mechanical repairs
4. Annual maintenance permits
5. Prototype plans

Except for local site adaptations, siding, foundations and/or modifications.

Except for structures that require waiver.

6. Manufactured buildings plan except for foundations and modifications of buildings on site and as listed above in manufactured buildings/housing.

107.4 Amended construction documents. Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents.

107.5 Retention of construction documents. One set of approved construction documents shall be retained by the Building Official for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local laws.

107.6 Affidavits. The Building Official may accept a sworn affidavit from a registered architect or engineer stating that the plans submitted conform to the technical codes. For buildings and structures, the affidavit shall state that the plans conform to the laws as to egress, type of construction and general arrangement and, if accompanied by drawings, show the structural design and that the plans and design conform to the requirements of the technical codes as to strength, stresses, strains, loads and stability. The Building Official may without any examination or inspection accept such affidavit, provided the architect or engineer who made such affidavit agrees to submit to the Building Official copies of inspection reports as inspections are performed and upon completion of the structure, electrical, gas, mechanical or plumbing systems a certification that the structure, electrical, gas, mechanical or plumbing system has been erected in accordance with the requirements of the technical codes. Where the Building Official relies upon such affidavit, the architect or engineer shall assume full responsibility for compliance with all provisions of the technical codes and other pertinent laws or ordinances. The Building Official shall ensure that any person conducting plans review is qualified as a plan examiner under Part XII of Chapter 468, Florida Statutes, and that any person conducting inspections is qualified as a building inspector under Part XII of Chapter 468, Florida Statutes. Nothing aforesaid shall preclude plan review or inspections by the Building Official (See also Section 105.14). On applications in which private provider services are utilized, all time frames shall adhere to time frames as indicated in Florida Statutes 553.791 7(a).

107.6.1 Building permits issued on the basis of an affidavit in special flood hazard areas. Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Parts 59 and 60), the authority granted to the Building Official to issue permits, to rely on inspections, and to accept plans and construction documents on the basis of affidavits and plans submitted pursuant to Sections 105.14 and 107.6, shall not extend to the flood load and flood resistance construction requirements of the Florida Building Code.

SECTION 108
TEMPORARY STRUCTURES AND USES

108.1 General. The Building Official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The Building Official is authorized to grant extensions for demonstrated cause.

108.2 Conformance. Temporary structures and uses shall comply with the requirements in Section 3103.

108.3 Temporary power. The Building Official is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat, or power in NFPA 70.

108.4 Termination of approval. The Building Official is authorized to terminate such permit for a temporary structure or use and to order the temporary structure to be removed or use to be discontinued.

SECTION 109
FEES

109.1 Payment of fees. A permit shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

109.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority.

109.2.1 Types of Fees Enumerated. Fees may be charged for but not limited to the following:

- Permits;
- Plans examination;
- Certificates of competency (including fees for applications, examinations, renewal, late renewal, and reciprocity);
- Re-inspections;
- Administrative fees (including fees for investigative and legal costs incurred in the context of certain disciplinary cases heard by the board);
- Variance requests;
- Administrative appeals;
- Violations; and
- Other fees as established by local resolution or ordinance.

109.3 Building permit valuations. The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. If, in the opinion of the Building Official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the Building Official. Final building permit valuation shall be set by the Building Official.

109.4 Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits or without prior approval from the Building Official as permitted in Section 105.2.2 or 105.12 shall be subject to a fee established by the Building Official that shall be in addition to the required permit fees or as provided by

local ordinance. This provision shall not apply to emergency work when delay would clearly have placed life or property in imminent danger. But in all such cases the required permit(s) must be applied for within three (3) business days and any unreasonable delay in obtaining those permit(s) shall result in the charge of a double fee. The payment of a double fee shall not preclude or be deemed a substitute for prosecution for commencing work without first obtaining a permit. The Building Official may grant extensions of time or waive fees when justifiable cause has been demonstrated in writing.

109.5 Related fees. The payment of the fee for the construction, alteration, removal or demolition for work done in connection to or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

109.6 Refunds. The Building Official is authorized to establish and publish a refund policy through local ordinance, which is located in the Village of Palm Springs Municipal Code Ch. 10, section 10-56.

SECTION 110 INSPECTIONS

110.1 General. Construction or work for which a permit is required shall be subject to inspection by the Building Official and such construction or work shall remain exposed and provided with access for inspection purposes until approved.

Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the owner or the owner's authorized agent to cause the work to remain exposed and provided with access for inspection purposes. The Building Official shall be permitted to require a boundary line survey prepared by a qualified surveyor whenever the boundary lines cannot be readily determined in the field. Neither the Building Official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

110.1.1 Manufacturers and fabricators. When deemed necessary by the Building Official, he/she shall make, or cause to be made, an inspection of materials or assemblies at the point of manufacture or fabrication. A record shall be made of every such examination and inspection and of all violations of the technical codes.

110.1.2 Inspection service. The Building Official may make, or cause to be made, the inspections required by Section 110. He or she may accept reports of department inspectors, independent inspectors or of recognized inspection services, provided that after investigation he/she is satisfied as to their licensure, qualifications, and reliability. A certificate required by any provision of this code shall not be based on such reports unless the same are recorded by the building code inspector or the architect or engineer performing building code inspections in a manner specified by the Building Official. The Building Official shall ensure that all persons making such inspections shall be certified in accordance to Chapter 468 Florida Statutes.

The Building Official may require the owner to employ an inspection service in the following instances:

1. For buildings or additions of Type I construction;
2. For all major structural alterations;
3. Where the concrete design is based on compressive strength in excess of 3000 pounds per square inch;
4. For pile driving;
5. For buildings with an area greater than 20,000 square feet;
6. For buildings more than two stories in height; or

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7. For buildings and structures of unusual design or methods of construction. Such inspectors shall be present when work is underway on the structural elements of the building to adequately attest to its compliance. Such inspectors shall be a registered architect, or engineer. An employee of the architect or engineer licensed under Chapter 468, Part XII, Florida Statutes may perform the inspections, under the direction of and with final certification from the architect or engineer. Such inspectors shall submit weekly progress reports including the daily inspections to the Building Official and including a code compliance opinion of the resident inspector. At the completion of the construction work or project, the architect or engineer shall submit a certificate of compliance to the Building Official, stating that the work was done in compliance with this code and in accordance with the permitted drawing. Final inspection shall be made by the Building Official before a Certificate of Occupancy or Certificate of Completion is issued; and confirmation inspections may be made at any time to monitor activities and resident inspectors.

110.1.3 Affidavit for inspection. With specific prior approval of, and in a format acceptable to the Building Official, an affidavit for certification of inspection may be accepted from the permit qualifier; when accompanied by extensive photographic evidence of sufficient detail to demonstrate code compliance. The photographic evidence shall be comprehensive in the display of the installation and/or construction and job location identifiers. The affidavit and accompanying photographs shall be provided to the inspector onsite, at the next scheduled inspection. If the photographs are found to be insufficient by the Building Official to demonstrate compliance with this code and/or the permitted document, or clearly display location identifiers, or are missing, the inspector shall require the contractor to obtain the services of a registered Florida professional engineer to inspect and certify the installation and/or construction.

110.1.3.1 Exception: Affidavits may not be accepted for inspection of elements of construction which require inspection by the local jurisdiction under the requirements of Title 44, Code of Federal Regulations, Parts 59 and 60, and the local flood damage prevention ordinance.

110.2 Preliminary inspection. Before issuing a permit, the Building Official is authorized to examine or cause to be examined buildings, structures, and sites for which an application has been filed.

110.3 Required inspections. The Building Official upon notification from the permit holder or his or her agent shall make the following inspections, or any other such inspection as deemed necessary and shall either release that portion of the construction or shall notify the permit holder or his or her agent of any violations which must be corrected in order to comply with the technical codes. The Building Official shall determine the timing and sequencing of when inspections occur and what elements are inspected at each inspection.

Building:

1. *Foundation inspection.* To be made after trenches are excavated, any required reinforcing steel is in place, forms erected and shall at a minimum include the following building components:
 - Stem-wall
 - Monolithic slab-on-grade
 - Piling/pile caps
 - Footers/grade beams
- 1.1. Slab Inspection: Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

A foundation/Form board survey prepared and certified by a registered surveyor may be required, prior to approval of the slab inspection. The survey shall certify placement of the building on the site, illustrate all surrounding setback dimensions and shall be available at the job

site for review by the building inspector. In lieu of providing a survey, the contractor may elect to uncover all property line markers and string-up all property lines in preparation for inspection.

- 1.2. In flood hazard areas, upon placement of the lowest floor, including basement, and prior to further vertical construction, the elevation certification shall be submitted to the Authority having Jurisdiction.
2. *Framing inspection.* To be made after the roof, all framing, fire blocking and bracing is in place, all concealing wiring, all pipes, chimneys, ducts and vents are complete and the rough electrical, plumbing, heating wires, pipes and ducts are approved and shall at a minimum include the following building components:
 - Window/door framing
 - Window U-factor/SHGC as indicated on approved calculations
 - Vertical cells/columns
 - Lintel/tie beams
 - Framing/trusses/bracing/connectors (including truss layout and engineered drawings)
 - Draft stopping/fire blocking
 - Curtain wall framing
 - Energy insulation (Insulation R-factor as indicated on approved calculations)
 - Accessibility.
 - Verify rough opening dimensions are within tolerances.
 - Window/door buck attachment.
 - 2.1. Insulation Inspection: To be made after the framing inspection is approved and the insulation is in place, according to approved energy calculation submittal Includes wall and ceiling insulation.
 - 2.2. Lath and gypsum board inspection for fire-resistance-rated or shear assemblies. Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or gypsum board joints and fasteners are taped and finished.
3. *Sheathing inspection.* To be made either as part of a dry-in inspection or done separately at the request of the contractor after all roof and wall sheathing and fasteners are complete and shall at a minimum include the following building components:
 - Roof sheathing
 - Wall sheathing
 - Continuous air barrier
 - Exterior Siding/Cladding
 - Sheathing fasteners
 - Roof/wall dry-in

NOTE: Sheathing fasteners installed and found to be missing the structural member (shiners) shall be removed and properly reinstalled prior to installation of the dry-in material. Exception: ring shank nails shall be bent over and a new fastener installed.
4. *Exterior wall coverings.* Shall at a minimum include the following building components in progress inspections:

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- Exterior wall coverings and veneers
 - Soffit coverings
5. *Roofing inspection.* Shall at a minimum be made in at least two inspections and include the following building components:
- Dry-in
 - Insulation
 - Roof coverings (including In Progress as necessary)
 - Insulation on roof deck (according to submitted energy calculation)
 - Flashing
 - Sheathing
- 5.1. Re-Roof sheathing inspection. An affidavit with a notarized signature of a state or locally licensed roofing contractor for the installation of additional sheathing fasteners as required by the Existing Building Code may be accepted at the discretion of the Building Official.
6. *Final inspection.* To be made after the building, including all sub-trade inspections, is completed and ready for occupancy.
- 6.1. In flood hazard areas, as part of the final inspection, a final certification of the lowest floor elevation shall be submitted to the authority having jurisdiction.
7. *Swimming pool inspection.* First inspection to be made after excavation and installation of reinforcing steel, bonding, and main drain and prior to placing of concrete shell.
1. Steel reinforcement inspection.
 2. Underground electric inspection.
 3. Underground piping inspection including a pressure test.
 4. Underground electric inspection under deck area (including the equipotential bonding)
 5. Underground piping inspection under deck area.
 6. Deck inspection: to be made prior to installation of the deck material (with forms, deck drains, and any reinforcement in place
 7. Safety Inspection; Made prior to filling the pool with the bonding connections made, the proper drain covers installed and the final barriers installed.
 8. Final pool piping.
 9. Final Electrical inspection.
 10. Final inspection to be made when the swimming pool is complete and all required enclosure requirements are in place.
- In order to pass final inspection and receive a certificate of completion, a residential swimming pool must meet the requirements relating to pool safety features as described in Section 454.2.17. of this code.
8. *Demolition inspections.* First inspection to be made after all utility connections have been disconnected and secured in such manner that no unsafe or unsanitary conditions shall exist during or after demolition operations. Final inspection to be made after all demolition work is completed.

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9. *Manufactured building inspections.* The building department shall inspect construction of foundations; connecting buildings to foundations; installation of parts identified on plans as site installed items, joining the modules, including utility crossovers; utility connections from the building to utility lines on site; and any other work done on site which requires compliance with the Florida Building Code. Additional inspections may be required for public educational facilities (see Section 453.27.20 of this code).

10. Where impact resistant coverings or impact resistant systems are installed, the Building Official shall schedule adequate inspections of impact resistant coverings or impact resistant systems to determine the following:

The system indicated on the plans was installed.

The system is installed in accordance with the manufacturer's installation instructions and the product approval.

Electrical:

1. *Underground inspection.* To be made after trenches or ditches are excavated, conduit or cable installed, and before any backfill is put in place.
2. *Rough-in inspection.* To be made after the roof, framing, fireblocking and bracing is in place and prior to the installation of wall or ceiling membranes.
3. *Final inspection.* To be made after the building electrical system is complete, all required electrical fixtures are in place and properly connected or protected, and the structure is ready for occupancy.
4. *Existing Swimming Pools.* To be made after all repairs or alterations are complete, all required electrical equipment, GFCI protection, and equipotential bonding are in place on said alterations or repairs.

Plumbing:

1. *Underground inspection.* To be made after trenches or ditches are excavated, piping installed, and before any backfill is put in place.
2. *Rough-in inspection.* To be made after the roof, framing, fireblocking and bracing is in place and all soil, waste and vent piping is complete, and prior to this installation of wall or ceiling membranes.
 - includes plumbing provisions of the energy code and approved calculations provisions.
3. *Final inspection.* To be made after the building plumbing system is complete, all plumbing fixtures are in place and properly connected, and the structure is ready for occupancy.

Note: See Section 312 of the Florida Building Code, Plumbing for required tests.

Mechanical:

1. *Underground inspection.* To be made after trenches or ditches are excavated, underground duct and fuel piping installed, and before any backfill is put in place.
2. *Rough-in inspection.* To be made after the roof, framing, fire blocking and bracing are in place and all ducting, and other concealed components are complete, and prior to the installation of wall or ceiling membranes.
 - includes mechanical provisions of the energy code and approved calculations provisions.
3. *Final inspection.* To be made after the building mechanical system is complete, the mechanical system is in place and properly connected, and the structure is ready for occupancy.

Gas:

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1. *Rough piping inspection.* To be made after all new piping authorized by the permit has been installed, and before any such piping has been covered or concealed or any fixtures or gas appliances have been connected.
 - includes gas provisions of the energy code and approved calculations provisions.
 2. *Final piping inspection.* To be made after all piping authorized by the permit has been installed and after all portions which are to be concealed by plastering or otherwise have been so concealed, and before any fixtures or gas appliances have been connected. This inspection shall include a pressure test.
 3. *Final inspection.* To be made on all new gas work authorized by the permit and such portions of existing systems as may be affected by new work or any changes, to ensure compliance with all the requirements of this code and to assure that the installation and construction of the gas system is in accordance with reviewed plans.

Site Debris:

1. The contractor and/or owner of any active or inactive construction project shall be responsible for the clean-up and removal of all construction debris or any other miscellaneous discarded articles during the course of the construction project and prior to receiving final inspection approval. Construction job sites must be kept clean and in a safe condition at all times.
2. All debris shall be kept in such a manner as to prevent it from being spread by any means.

110.3.1 Footing and foundation inspection. Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job.

110.3.2 Concrete slab and under-floor inspection. Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

110.3.3 Lowest floor elevation. In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification shall be submitted to the Building Official.

110.3.4 Frame inspection. Framing inspections shall be made after the roof deck or sheathing, all framing, fire blocking and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are approved.

110.3.5 Lath, gypsum board and gypsum panel product inspection. Lath, gypsum board and gypsum panel product inspections shall be made after lathing, gypsum board and gypsum panel products, interior and exterior, are in place, but before any plastering is applied or gypsum board and gypsum panel product joints and fasteners are taped and finished.

Exception: Gypsum board and gypsum panel products that are not part of a fire-resistance-rated assembly or a shear assembly.

110.3.6 Weather-exposed balcony and walking surface waterproofing. 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.

110.3.7 Fire- and smoke-resistant penetrations. Protection of joints and penetrations in fire-resistance rated assemblies, smoke barriers and smoke partition shall not be concealed from view until inspected and approved.

110.3.8 Energy efficiency inspections. Inspections shall be made to determine compliance with FBC, Energy Conservation and confirm with the approved energy code submittal (by appropriate trade) and corresponding mandatory requirements and shall include, but not be limited to, inspections for: corresponding envelope insulation R- and U-values, fenestration U-value and Solar Heat Gain Coefficient, duct system R-value, and HVAC, lighting, electrical and water-heating equipment efficiency.

110.3.9 Other inspections. In addition to the inspections specified in Sections 110.3 through 110.3.7, the Building Official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the department of building safety.

110.3.10 Special inspections. Reserved.

110.3.11 Final inspection. The final inspection shall be made after all work required by the building permit is completed.

110.3.11.1 Flood hazard documentation. If located in a flood hazard area, shall be submitted to the Building Official prior to the final inspection.

110.3.11.2 Energy Code documentation. If required by energy code path submittal, confirmation that commissioning result requirements have been received by building owner.

110.3.12 Termites. Building components and building surroundings required to be protected from termite damage in accordance with Section 1503.7, Section 2304.13 or Section 2304.11.6, specifically required to be inspected for termites in accordance with Section 2114, or required to have chemical soil treatment in accordance with Section 1816 shall not be covered or concealed until the release from the Building Official has been received.

110.3.13 Impact resistant coverings or systems. Where impact resistant coverings or systems are installed to meet requirements of this code, the Building Official shall schedule adequate inspections of impact resistant coverings or systems to determine the following:

1. The system indicated on the plans was installed.
2. The system is installed in accordance with the manufacturer's installation instructions and the product approval.

110.4 Inspection agencies. The Building Official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

110.5 Inspection requests. It shall be the duty of the holder of the building permit or their duly authorized agent to notify the Building Official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this code.

110.6 Approval required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the Building Official. The Building Official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the Building Official.

110.7 Shoring. For threshold buildings, shoring and associated formwork or falsework shall be designed and inspected by a Florida licensed professional engineer, prior to any required mandatory inspections by the threshold building inspector.

110.8 Threshold building.

110.8.1 During new construction or during repair or restoration projects in which the structural system or structural loading of a building is being modified, the enforcing agency shall require a special inspector to perform structural inspections on a threshold building pursuant to a structural inspection plan prepared by the engineer or architect of record. The structural inspection plan must be submitted to the enforcing agency prior to the issuance of a building permit for the construction of a threshold building. The purpose of the structural inspection plans is to provide specific inspection procedures and schedules so that the building can be adequately inspected for compliance with the permitted documents. The special inspector may not serve as a surrogate in carrying out the responsibilities of the Building Official, the architect, or the engineer of record. The contractor's contractual or statutory obligations are not relieved by any action of the special inspector.

110.8.2 The special inspector shall determine that a professional engineer who specializes in shoring design has inspected the shoring and reshoring for conformance with the shoring and reshoring plans submitted to the enforcing agency. A fee simple title owner of a building, which does not meet the minimum size, height, occupancy, occupancy classification, or number-of-stories criteria which would result in classification as a threshold building under Section 553.71(7), Florida Statutes, may designate such building as a threshold building, subject to more than the minimum number of inspections required by the Florida Building Code.

110.8.3 The fee owner of a threshold building shall select and pay all costs of employing a special inspector, but the special inspector shall be responsible to the enforcement agency. The inspector shall be a person certified, licensed or registered under Chapter 471, Florida Statutes, as an engineer or under Chapter 481, Florida Statutes, as an architect.

110.8.4 Each enforcement agency shall require that, on every threshold building:

110.8.4.1 The special inspector, upon completion of the building and prior to the issuance of a certificate of occupancy, file a signed and sealed statement with the enforcement agency in substantially the following form: "To the best of my knowledge and belief, the above-described construction of all structural load-bearing components complies with the permitted documents, and the shoring and reshoring conforms to the shoring and reshoring plans submitted to the enforcement agency."

110.8.4.2 Any proposal to install an alternate structural product or system to which building codes apply be submitted to the enforcement agency for review for compliance with the codes and made part of the enforcement agency's recorded set of permit documents.

110.8.4.3 All shoring and reshoring procedures, plans and details be submitted to the enforcement agency for recordkeeping. Each shoring and reshoring installation shall be supervised, inspected and certified to be in compliance with the shoring documents by the contractor.

110.8.4.4 All plans for the building which are required to be signed and sealed by the architect or engineer of record contain a statement that, to the best of the architect's or engineer's knowledge, the plans and specifications comply with the applicable minimum building codes and the applicable fire-safety standards as determined by the local authority in accordance with this Section and Chapter 633, Florida Statutes.

110.8.5 No enforcing agency may issue a building permit for construction of any threshold building except to a licensed general contractor, as defined in Section 489.105(3)(a), Florida Statutes, or to a licensed building contractor, as defined in Section 489.105(3)(b), Florida Statutes, within the scope of her or his license. The named contractor to whom the building permit is issued shall have the

responsibility for supervision, direction, management and control of the construction activities on the project for which the building permit was issued.

110.8.6 The building department may allow a special inspector to conduct the minimum structural inspection of threshold buildings required by this code, Section 553.73, Florida Statutes, without duplicative inspection by the building department. The Building Official is responsible for ensuring that any person conducting inspections is qualified as a building inspector under Part XII of Chapter 468, Florida Statutes, or certified as a special inspector under Chapter 471 or 481, Florida Statutes. Inspections of threshold buildings required by Section 553.79(5), Florida Statutes, are in addition to the minimum inspections required by this code.

110.9 Impact of construction. All construction activity regulated by this code shall be performed in a manner so as not to adversely impact the condition of adjacent property, unless such activity is permitted to affect said property pursuant to a consent granted by the applicable property owner, under terms or conditions agreeable to the applicable property owner. This includes, but is not limited to, the control of dust, noise, water or drainage runoffs, debris, and the storage of construction materials. New construction activity shall not adversely impact legal historic surface water drainage flows serving adjacent properties, and may require special drainage design complying with engineering standards to preserve the positive drainage patterns of the affected sites. Accordingly, developers, contractors and owners of all new residential development, including additions, pools, patios, driveways, decks or similar items, on existing properties resulting in a significant decrease of permeable land area on any parcel or has altered the drainage flow on the developed property shall, as a permit condition, provide a professionally prepared drainage plan clearly indicating compliance with this paragraph. Upon completion of the improvement, a certification from a licensed professional, as appropriate under Florida law, shall be submitted to the inspector in order to receive approval of the final inspection.

SECTION 111 CERTIFICATE OF OCCUPANCY

111.1 Use and occupancy. A building or structure shall not be used or occupied, and a change in the existing use or occupancy classification of a building or structure or portion thereof shall not be made, until the Building Official has issued a certificate of occupancy therefore as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction.

Exception: Certificates of occupancy are not required for work exempt from permits under Section 105.2.

111.2 Certificate issued. After the Building Official inspects the building or structure and finds no violations of the provisions of this code or other laws that are enforced by the department of building safety, the Building Official shall issue a certificate of occupancy that contains the following:

1. The building permit number.
2. The address of the structure.
3. The name and address of the owner or the owner's authorized agent.
4. A description of that portion of the structure for which the certificate is issued.
5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
6. For buildings and structures in flood hazard areas, a statement that documentation of the as-built lowest floor elevation has been provided and is retained in the records of the authority having jurisdiction

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7. The name of the Building Official.
 8. The edition of the code under which the permit was issued.
 9. The use and occupancy, in accordance with the provisions of Chapter 3.
 10. The type of construction as defined in Chapter 6.
 11. The design occupant load.
 12. If an automatic sprinkler system is provided, whether the sprinkler system is required.
 13. Any special stipulations and conditions of the building permit.

111.3 Temporary occupancy. The Building Official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The Building Official shall set a time period during which the temporary certificate of occupancy is valid.

111.4 Revocation. The Building Official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

111.5 Certificate of Completion. A Certificate of Completion is proof that a structure or system is complete and for certain types of permits is released for use and may be connected to a utility system. This certificate does not grant authority to occupy a building, such as shell building, prior to the issuance of a Certificate of Occupancy.

SECTION 112 SERVICE UTILITIES

112.1 Connection of service utilities. No person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this code for which a permit is required, until released by the Building Official.

112.2 Temporary connection. The Building Official shall have the authority to authorize the temporary connection of the building or system to the utility source of energy, fuel or power.

112.3 Authority to disconnect service utilities. The Building Official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Section 101.4 in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without the approval required by Section 112.1 or 112.2. The Building Official shall notify the serving utility, and wherever possible the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

SECTION 113 BOARD OF APPEALS

Construction Board of Adjustment and Appeals.

113.1 Appointment. There is hereby established a board to be called the Construction Board of Adjustment and Appeals, which shall consist of five members and two alternates. The village council shall appoint the board.

113.2 Membership and terms.

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- (a) *Membership.* The construction board of adjustment and appeals shall consist of seven members. Such board members shall be composed of individuals with knowledge and experience in the technical codes to include, if possible, an architect, engineer, general contractor, electrical contractor, HVAC contractor, plumbing contractor, and any other contractor licensed category or building inspectors, plans examiners, or Building Officials licensed by F.S. Chapter 468. In addition to the regular members, there should be two alternate members, one member with the qualifications referenced above and one member at large from the public. A board member shall not act in a case in which he has a personal or financial interest.
 - (b) *Terms.* The terms of office of the board members shall be staggered so no more than one-third of the board is appointed or replaced in any 12-month period. The two alternates, if appointed, shall serve three-year terms. Vacancies shall be filled for an unexpired term in the manner in which original appointments are required to be made. Three absences of any member from required meetings of the board shall in a 12-month period, at the discretion of the applicable governing body, render any such member subject to immediate removal from office.
 - (c) *Quorum and voting.* A simple majority of the board shall constitute a quorum. In varying any provision of this Code, the affirmative votes of the majority present, but not less than three affirmative votes, shall be required. In modifying a decision of the Building Official, not less than four affirmative votes shall be required. In the event that regular members are unable to attend a meeting, the alternate members, if appointed, shall vote.
 - (d) *Secretary of board.* The Village Clerk or his/her authorized representative shall act as secretary of the board and shall make a detailed record of all of its proceedings, which shall set forth the reasons for its decision, the vote of each member, the absence of a member, and any failure of a member to vote.

113.3. Powers. The construction board of adjustments and appeals shall have the power to hear appeals of decisions and interpretations of the Building Official and consider variances of the technical codes.

113.4. Appeals/Variances.

- (a) *Decision of the Building Official.* The owner of a building, structure or service system, or duly authorized agent, may appeal a decision of the Building Official to the construction board of adjustment and appeals whenever any one of the following conditions are claimed to exist:
 - 1. The Building Official rejected or refused to approve the mode or manner of construction proposed to be followed or materials to be used in the installation or alteration of a building, structure or service system.
 - 2. The provisions of this Code do not apply to this specific case.
 - 3. That an equally good or more desirable form of installation can be employed in any specific case:
 - 4. The true intent and meaning of this Code or any of the regulations hereunder have been misconstrued or incorrectly interpreted.
- (b) *Variances.* The construction board of adjustments and appeals, when so appealed to and after a hearing, may vary the application of any provision of this Code to any particular case when, in its opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of this or the technical codes or public interest, and also finds all of the following:
 - 1. That special conditions and circumstances exist which are peculiar to the building, structure or service system involved and which are not applicable to others.
 - 2. That the special conditions and circumstances do not result from the action or inaction of the applicant.

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3. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Code to other buildings, structures or service system.
 4. That the variance granted is the minimum variance that will make possible the reasonable use of the building, structure or service system.
 5. That the grant of the variance will be in harmony with the general intent and purpose of this Code and will not be detrimental to the public health, safety and general welfare.
- (c) *Conditions of the variance.* In granting the variance, the board may prescribe a reasonable time limit within which the action for which the variance is required shall be commenced or completed or both. In addition, the board may prescribe appropriate conditions and safeguards in conformity with this Code. Violation of the conditions of a variance shall be deemed a violation of this Code.
- (d) *Notice of appeal.* Notice of appeal shall be in writing and filed within 30 calendar days after the Building Official renders the decision. The failure of an aggrieved party to file an appeal within the 30-day period shall render the appeal untimely and the appeal shall be summarily dismissed by the board and may not be heard by the board.
- (e) *Unsafe or dangerous buildings or service systems.* In the case of a building, structure or service system, which in the opinion of the Building Official, is unsafe, unsanitary or dangerous, the Building Official may, in the order, limit the time for such appeals to a shorter period.

113.5 Procedures of the board.

- (a) *Rules and regulations.* The board may establish rules and regulations for its own procedure not inconsistent with the provisions of this Code.
- (b) *Application for appeal.*
1. All appeals of administrative decisions shall be made by completing and submitting a technically complete appeal form using forms prescribed by the village together with the payment of the appeal filing fee. The filing fee is an administrative cost that has been established by resolution of the village council and which may be amended from time to time. The aggrieved party or appellant may provide additional information and documentation in addition to the information requested on the village form. The appeal shall specify at a minimum the following:
 - a. A detailed description of the decision, interpretation, requirement or determination which is being appealed.
 - b. A copy of the written decision, interpretation, requirement or determination which is being appealed which also reflects the date when such action was taken by the Building Official.
 - c. The form of relief that the aggrieved party ("appellant") is requesting.
 - d. A statement as to whether any code enforcement proceedings have been initiated by the village that involve the subject matter of the appeal and if the subject of the appeal has been heard and ruled upon by the Village's Special Magistrate.
 - e. The sections of the Village Code and/or the Florida Building Code that are at issue.
 - f. The appeal application form must be executed, sworn to under oath and notarized by the owners of at least 75 percent of the property described in the application. If the appeal is submitted by an agent of the property owner or an agent of a tenant or contract purchaser, or other person aggrieved by the decision, the appeal must be accompanied by a written power of attorney appointing the agent to act on behalf of the appellant in the proceedings. The power of attorney shall be subject to review as to form and legal

sufficiency by the village attorney, and may be rejected if the document is not deemed legally sufficient in the sole discretion of the village attorney.

- g. Attach all documents and other tangible evidence to support your position in the appeal.
2. If an aggrieved party/appellant fails to submit a technically sufficient appeal using the application form provided by the village, the appeal will not be scheduled for hearing until a technically complete appeal has been submitted. The submission of an appeal that is not technically sufficient, does not toll the running of the 30-day appeal period, and unless a sufficient appeal is received with the 30-day period, the appeal will be forever time barred.
 3. All properties described in one application must be contiguous and immediately adjacent to one another, and the administrative official may require more than one application if the property concerned contains more than ten acres or if the fee paid for one application would not equal the cost of processing the application.
 4. Only applications which the board is authorized to consider and act upon shall be accepted for filing, and no application shall be considered or construed to be filed until the required fee has been paid.

113.6 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of this code.

SECTION 114 VIOLATIONS

114.1 Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

114.2 Notice of violation. The Building Official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this code, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

114.3 Prosecution of violation. If the notice of violation is not complied with promptly, the Building Official is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

114.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the Building Official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law.

SECTION 115 STOP WORK ORDER

115.1 Authority. Whenever the Building Official finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or dangerous or unsafe, the Building Official is authorized to issue a stop work order.

115.2 Issuance. The stop work order shall be in writing and shall be given to the owner of the property involved, the owner's authorized agent or the person performing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work will be permitted to resume.

115.3 Unlawful continuance. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

SECTION 116 UNSAFE STRUCTURES AND EQUIPMENT

116.1 Unsafe buildings or systems. All buildings, structures, electrical, gas, mechanical or plumbing systems which are unsafe, unsanitary, or do not provide adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use, constitute a hazard to safety or health, are considered unsafe buildings or service systems. All such unsafe buildings, structures or service systems are hereby declared illegal and shall be ordered by the Building Official to be abated by the owner, through repair and rehabilitation or by demolition in accordance with the Code. The extent of repairs shall be determined by the Building Official.

116.1.1 When the Building Official determines a building, structure, electrical, gas, mechanical or plumbing system or portion thereof is unsafe, as set forth in this Code he/she shall provide the owner, agent or person in control of such building, structure, electrical, gas, mechanical or plumbing system a written notice of violation stating the defects thereof. This notice shall require the owner within a stated time either to complete specified repairs or improvements, or to demolish and remove the building, structure, electrical, gas, mechanical or plumbing system or portion thereof. At the option of the local government, the processes and procedures for code enforcement under Florida Statute 162 may be utilized to abate a violation under this section. If this statutory method of enforcement is invoked, the Building Official shall act in the role of code inspector as authorized in Section 114 of this code to initiate enforcement proceedings, and notice shall be in accordance with the provisions of the Statute.

116.1.2 If necessary, the notice shall also require the building, structure, electrical, gas, mechanical, plumbing systems or portion thereof to be vacated and/or disconnected, and not reoccupied and/or reconnected until the specified repairs and improvements are completed, inspected and approved by the Building Official. The Building Official shall post at each entrance to the building a placard stating: **THIS BUILDING IS UNSAFE AND ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE BUILDING OFFICIAL.** This placard shall remain posted until the required repairs are made or demolition is completed. It shall be unlawful for any person, firm or corporation or its officers, agents, or other servants, to remove the posting without written permission of the Building Official, or for any person to enter the building, or use the building or system(s) except for the purpose of making the required repairs or of demolishing same.

116.1.3 In case the owner, agent, or person in control cannot be found within the stated time limit, or, if such owner, agent, or person in control shall fail, neglect, or refuse to comply with notice to repair, rehabilitate, or to demolish, and remove said building, structure, electrical, gas, mechanical or plumbing system or portion thereof, the Building Official, acting as a code inspector, shall notify an enforcement board and request a hearing. In the case of the violation posing a serious threat, and after having ascertained the cost, the Building Official may take action to cause such building, structure, electrical, gas, mechanical or plumbing system or portion thereof, to be demolished, secured, repaired, or required to remain vacant or unused. Taking such action does not create a continuing obligation on the part of the Building Official to continue with maintaining such building, structure, or system; or create liability for any damage to the property.

116.1.4 The decision of the Building Official shall be final in cases of emergency, which, in the opinion of the Building Official, involve imminent danger to human life or health, or the property of others. He/she shall promptly cause such building, structure, electrical, gas, mechanical or plumbing system or portion thereof to be made safe or cause its removal. For this purpose, he/she may at once enter such structure or land on which it stands, or abutting land or structures, with such assistance and at such cost as he may deem necessary. He/she may order the vacating of adjacent structures and may require the protection of the public by appropriate fence or such other means as may be necessary, and for this purpose may close a public or private way.

116.2 Conditions. Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the Building Official deems necessary and as provided for in this section. A vacant structure that is not secured against entry shall be deemed unsafe.

116.3 Record. The Building Official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

116.4 Notice. If an unsafe condition is found, the Building Official shall serve on the owner, agent or person in control of the structure, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be demolished within a stipulated time. Such notice shall require the person thus notified to declare immediately to the Building Official acceptance or rejection of the terms of the order.

116.5 Method of service. Such notice shall be deemed properly served if a copy thereof is (a) delivered to the owner personally; (b) sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested; or (c) delivered in any other manner as prescribed by local law. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

116.6 Restoration. Where the structure or equipment determined to be unsafe by the Building Official is restored to a safe condition, to the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions and change of occupancy shall comply with the requirements of Section 105.2.2 and the Florida Building Code, Existing Building.

116.7 Enforcement proceedings; hearings. Violation proceedings and hearings for unsafe structures and equipment will be conducted before the code enforcement board or special magistrate in accordance with the provisions set forth in Florida Statute 162. The owner of property that is subject to an enforcement proceeding before an enforcement board, special magistrate, or court is required to make disclosures as outlined in Florida Statute 162 before a transfer of property, and failure to make the required disclosures creates a presumption of fraud.

116.8 Administrative fines; costs to repair; liens. All costs associated with taking a case before the enforcement board shall be recovered where the jurisdiction prevails. Whenever one of the orders of the enforcement board or the special magistrate has not been complied with by the time set for compliance, for each day thereafter during which each violation continues past the date set for compliance, the enforcement board or the special magistrate may impose a fine. All costs incurred as a result of actions taken per Section 114 are charged to the violator. A certified copy of an order imposing a fine, or a fine plus repair, and the costs of prosecuting the case, may be recorded in the public records and shall thereafter constitute a lien against the land where the violation exists and upon any other real or personal property owned by the

violator. If an order is recorded in the public records pursuant to this subsection, and it has been complied with by the date specified in the order, the enforcement board shall issue an order acknowledging compliance that shall be recorded in the public record. A hearing is not required for the issuance of such a compliance order.

116.9 Appeal. An aggrieved party, including the local governing body, may appeal a final administrative order of an enforcement board or special magistrate to the circuit court. Such an appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the enforcement board. An appeal shall be filed within 30 days of the execution of the order to be appealed.

SECTION 117 VARIANCES IN FLOOD HAZARD AREAS

117.1 Flood hazard areas. Pursuant to Section 553.73(5), Florida Statutes, the variance procedures adopted in the local floodplain management, (Village of Palm Springs Code of Ordinance) Chapter 34, Article II "Floodplain Management," shall apply to requests submitted to the Building Official for variances to the provisions of Section 1612.4 of the Florida Building Code, Building or, as applicable, the provisions of R322 of the Florida Building Code, Residential. This section shall not apply to Section 3109 of the Florida Building Code, Building Chapter 27.

(Code 1994, § 10-56; Ord. No. 2007-07, § 3, 9-13-2007; Ord. No. 2012-09, § 2, 3-8-2012; Ord. No. 2015-32, § 2, 9-10-2015; Ord. No. 2017-30, § 1, 12-14-2017; Ord. No. 2021-01, § 1, 2-11-2021)

Sec. 30-141. Excessive growth of weeds and vegetation.

- (a) The growth of weeds over 12 inches in height, or that which is conducive to harboring vermin, reptiles or other wild animal life, upon any lot, piece or parcel of land within the limits of the village, is hereby declared to be a nuisance and a violation of this article.
- (b) All lots in the village shall be kept free from debris, overgrowth, vegetation, including trees, or any other matter which by reason of height, proximity to neighboring structures, physical condition, disease such as, but not limited to, lethal yellowing of palms, or any other peculiar characteristics, might, in time of hurricane winds prevalent in the region, cause damage to life or property within the immediate area surrounding the region or which constitutes a hazard to health, safety or proper fire control. The existence of any debris, overgrowth, vegetation or other matter as shall create such a hazard is declared to be a nuisance.

(Code 1994, § 20-65)

Sec. 30-142. Removal of rubbish; stagnant water and weeds required.

- (a) **Public nuisance declared.** The presence of new or used construction materials (without valid permit), debris, rubbish, trash, cans, paper, stagnant water, vines, underbrush, weeds, wild growth or grass in excess of 12 inches in height from the ground on any lot, tract or parcel of land within the village shall be unlawful and is hereby prohibited and declared to be a public nuisance to the extent that it constitutes a menace to life, property, the public health or the public welfare; creates a fire hazard; or provides a nest or breeding ground for sand flies, mosquitoes, rats, mice, other rodents, snakes or other types of pests and vermin.
- (b) **Notice.** The village manager, his designee or any code enforcement officer is hereby authorized and empowered to notify, in writing, the owner of any such lot, place or area within the village, or the agent of such owner, to cut, destroy, remove or alleviate conditions existing on such lot, place or area within the village as described in subsection (a) of this section. Such notice shall be by certified mail, addressed to the owner or the agent of the owner at such owner's or agent's last known address.

-
- (c) *Removal by village.* Upon the failure, neglect or refusal of any owner or agent notified pursuant to subsection (b) of this section to remove and eliminate the conditions described in subsection (a) of this section within the time limit stated in the notice, the village manager is authorized, upon approval by the village council, to contract and pay for such maintenance and bill the property owner or his agent. The charges for such services shall be a lien against the property on which the nuisance is located.

(Code 1994, § 26-86)

State law reference(s)—Nuisance abatement, F.S. § 60.05.

Sec. 34-221. Responsibility of owner; practices enumerated.

The owner or his agent shall be responsible for maintaining all landscaping in good condition so as to present a healthy, neat and orderly appearance. Such areas shall be maintained so as to be free of disease, pests, weeds, refuse, overgrowth and debris. Maintenance shall include weeding, watering, fertilizing, pruning, mowing, edging, mulching and other activities as needed in accordance with accepted horticultural practices. Landscaping shall be inspected periodically by the village to ensure proper maintenance. The owner, tenant or their agent shall be notified in writing, of any areas which are not being properly maintained and shall provide corrective action within 30 calendar days from the time of notification.

(Code 1994, § 30-146; Ord. No. 2015-12, § 6, 4-9-2015)

Sec. 34-914. Parking in single-family residential land-use districts; use of portable storage containers and roll-off dumpsters in all zoning districts.

- (a) Parking or storage locations for cars, light trucks, motorcycles, and other vehicles not otherwise provided for in this subdivision, shall be permitted as provided below. Such parking shall first be accomplished, whenever physically possible, based on the layout of the lot and permanent building(s), as follows:
- (1) Within a garage, covered carport, or front driveway.
 - (2) In any interior, or side yard, behind the front building line, at the height of or below the roofline of the house,
 - (3) In the rear yard behind the setback line, at the height of or below the roofline of the house,
 - (4) In the swale portion of the public right of way, and not within the paved roadway, in front of a single-family residence. However, not more than two automobiles or light trucks may be parallel parked, and no vehicle so parked shall remain parked for more than 48 hours at a time.
- (b) No vehicle, boat and trailer, recreational vehicle, hobby vehicle or race vehicle shall exceed 40 feet in length.
- (c) The use of a shipping container, a portable storage container, or any type or brand of portable/mobile storage container (collectively referred to herein as "storage container(s)" or a roll-off construction dumpster ("dumpster") within any zoning district in the village, is subject to the following regulations:
- (1) Neither a storage container nor a construction dumpster, shall be located on any property, for more than 72 consecutive hours, unless the occupant-owner or occupant-lessee, first obtains a permit from the village land development department. Applicants for such a permit, must complete and submit a permit application, on a form prescribed by the village, and pay a permit fee as established by resolution of the village council. A permit for a roll-off dumpster and the related permit fee is not required by this section, if the roll-off dumpster is separately permitted pursuant to a valid building permit issued by the village. The land development department may require the applicant to submit documentary evidence to demonstrate that the applicant is either an occupant-owner, or and

occupant-lessee of the property on which the storage container or dumpster will be located, such as a deed, lease agreement, utility bill, etc.

- (2) Not more than one standard size (eight-foot height × eight-foot width × 16-foot length) storage container or one roll-off construction dumpster in a size not to exceed (4.5-foot height × eight-foot width × 22-foot length) (20-yard capacity), may be located on an impervious or semi-pervious surface, at a single-family residence, multi-family residential property or commercial property, for a time period not to exceed 30 consecutive days. In the event of exceptional circumstances, the permit holder may request an extension of an additional 30 consecutive days time. Any request for an extension of time must be in writing, and must include a written justification statement demonstrating "good cause" as to why the 30-day period should be extended for up to an additional 30 consecutive days. The decision to grant or deny the request for an extension, shall be within the sole discretion of the village. Not more than one permit, per year, for a storage container or a dumpster, shall be issued by the village for the same property.
 - (3) No storage container or dumpster shall exceed the height of the roofline of the house or building. No storage container or dumpster, shall be located within a utility easement, drainage easement, right-of-way, front yard area (except for driveways), alley right-of-way or street right-of-way. No storage container or dumpster shall be stored within a required side yard setback between a building and an adjacent street or property line. The storage container or dumpster, must be owned or leased by the occupant-owner or occupant-lessee of the property, and may not be used for living or sleeping purposes, or for any other use except storage.
 - (4) Upon the issuance of a tropical storm watch and/or a hurricane watch by the National Weather Service, the occupant-owner or occupant-lessee of property on which a storage container or roll-off dumpster is located, shall use every reasonable and best effort to remove, or to arrange for the removal of, the storage container or roll-off dumpster from the property. In the event removal is not possible, the storage container or the roll-off dumpster and its contents, shall be secured against windloads up to 150 mph. The occupant-owner and/or occupant-lessee of property on which a storage container or roll-off dumpster is located, shall be subject to civil liability and/or code enforcement action, for damages and/or code violations caused by an unsecured storage container or roll-off dumpster and/or its contents.
- (d) Parking or storage locations for not more than the following:
- (1) One boat and trailer, or recreational vehicles, or any combination thereof, shall be permitted so that such parking shall first be accomplished, whenever physically possible, based on the layout of the lot and fixed obstructions as follows:
 - a. Within a garage or covered carport, if not otherwise used to park or store a vehicle such as a car, motorcycle, or light truck;
 - b. In any interior, or side yard, behind the front building line, at the height of or below the roofline of the house.
 - (2) Additional boats and trailers, or recreational vehicles or any combination thereof, shall be permitted in the side yard or rear yard behind the setback lines, at the height of or below the roofline of the house.
- (e) Each vehicle, boat and trailer, trailer, recreational vehicle, hobby vehicle or race vehicle must be parked on an impervious or semipervious surface.
- (f) The maximum area of impervious and semipervious parking surface in the front yard in any residential zoning district, shall be 40 percent, unless the front yard shall contain a semicircular driveway, in which event, the maximum area of impervious and semipervious parking surface shall be 60 percent of the front yard. Paver blocks set in sand shall only be considered as 25 percent pervious and 75 percent impervious. See section 34-881 also.

- (g) Each hobby vehicle or race vehicle must be completely and securely covered by a commercial, weatherproof, opaque fabric cover. Such vehicle shall be screened from view, if parked in an interior, side or rear yard.
- (h) No major repairs or overhaul work on vehicles which constitutes either a public or private nuisance shall be made or performed on any property within the village, unless otherwise permitted by this Code.
- (i) All parking areas shall be maintained in a clean, and neat manner, and the vehicles, boat and trailer, trailer, recreational vehicle, or combination thereof, shall be in usable and operable condition at all times, and shall have a current tag, if required by state law to have a registration and tag.
- (j) Variances from the size, location, screening and distance requirements set forth in this section shall only be for good cause shown in an administrative variance application to the land development director, as set forth in section 34-607.

(Ord. No. 2005-25, § 2(30-629), 10-13-2005; Ord. No. 2006-15, § 1, 5-11-2006; Ord. No. 2007-08, § 7, 4-26-2007; Ord. No. 2011-12, § 1, 6-9-2011; Ord. No. 2016-21, § 10, 1-12-2017)

Sec. 34-915. Use of vehicle, boat, trailer or other conveyance for living or sleeping; prohibited.

- (a) It shall be unlawful for any owner, operator, or person having custody of any vehicle, boat, trailer, recreational vehicle, or other conveyance to permit the use of same for living or sleeping purposes while parked or stored anywhere and at any time within the village. It shall also be unlawful for an owner or occupant of land to knowingly permit such a vehicle, boat, trailer, recreational vehicle or other conveyance to be parked or stored on property in violation of this section.
- (b) In the event of damage to a single family home caused by a natural disaster, including but not limited to fire, flood, and/or hurricane, a state registered recreational vehicle may be used for living or sleeping purposes. The recreational vehicle shall be located on the same lot as the single family home and shall meet the setback requirements. Active permits must be open for the repair of the damaged single family home. The recreational vehicle may be occupied for no more than 180 consecutive calendar days with a valid permit from the land development department. A one-time extension shall be permitted at the discretion of the land development director. The recreational vehicle shall be connected to water and sewer and water and sewer accounts shall remain active during the term of the permit.

(Ord. No. 2005-25 § 2(30-639), 10-13-2005; Ord. No. 2013-18, § 2, 7-11-2013)

Sec. 34-181. Nuisances generally; scope.

- (a) No land use or land development activity may be conducted in a manner inconsistent from the normal manner of conduct of such activity and in a way which results in the unusual or extraordinary generation of noise, air or water pollution, smoke or dust, uncontrolled or uncontained solid, liquid, or airborne waste or debris, or which involves unusual accumulation of stored materials not immediately and directly required for the normal operation of the permitted use present on the property.
- (b) No materials may be stored in an outside area visible from any adjacent or nearby street or property in any residential district. No inoperative wheeled vehicle may be stored for more than five days on any parcel in a residential district, except when stored in a completely enclosed structure.

(Code 1994, § 30-956)

CASE PRESENTATION

CASE No. CASE 2025-05

1. Good morning. My name is Joey Sanders and I'm a code enforcement officer for the Village of Palm Springs and I've been sworn in.
2. Case #2025-05 is concerning the property located at 3697 Gulfstream RD within the Village of Palm Springs.
3. According to the Palm Beach County Property Appraiser's records and the Palm Beach County Tax Collector's records, the current owner of the property is Kevine Joseph & Bernadette J Saint Hubert.
4. Pursuant to observation there are violations of the following local ordinances:
SECTION 30-141: Overgrowth-Trim all overgrown trees/bushes/vegetation.
SECTION 34-1381: Open Storage-Remove all misc. items stored around the property.
SECTION 34-221: Landscape Maintenance-Replace all sections of dead grass.
SECTION 34-915: Vehicles-RV/campers may not be used for living or sleeping purposes and must be shielded from public view and parked on an impervious surface.
SECTION 10-31 (FBC 105.1 & 110.1)-Work w/o Permits-Obtain an after the fact permit for the installation of a fence and pavers.
SECTION 30-143: Trash/Debris/Materials-Remove all trash/debris/materials stored around the property.
SECTION 34-914: Shipping Containers/Vehicles-Remove all prohibited shipping containers and remove all vehicles parked on the grass.
SECTION 10-8: Weeds/Driveways-Remove all weeds attached to the rear fence and maintain the driveway.
SECTION 10-9: Exterior Property Maintenance-Post "3697" house ID numbers on the front exterior wall of the property.

Photos are included in the file.

5. On 08/13/2024, the Palm Springs Police Department responded to the above noted address in reference to a domestic disturbance. During the call for service, officers made contact with a male subject and a female subject and determined that both subjects resided together within an RV/camper parked in the rear of the property (Reference PSPD Case #24-19034 for specific details).

On 08/14/2024, I inspected the property and observed multiple code violations to include (2) RV/campers and (1) shipping container being stored in the rear of the property. I issued a code courtesy violation notice and posted it on the front door of the property. All of the other above noted violations were also discovered throughout the duration of this case. It should be noted that I mailed the property owner a total of two follow-up letters which included a "Final Notice Before Special Magistrate Hearing" warning notice dated 11/26/2024 with a compliance date of 12/10/2024. On 09/24/2024, the property owner and I met inside the lobby at Village Hall and I thoroughly explained all of the existing code violations. Additionally, I advised what actions needed to be taken in order to bring the property into compliance and provided a 30-day extension. As of this writing, the property owner has failed to make any additional efforts to communicate with me.

6. On February 9th, 2025, Notice of Violation/ Notice of Hearing 2025-05 was issued for the violations. The NOV/NOH notice was sent certified and regular mail to the respondent's address

CASE No. _____

of record and posted at the property and at Village Hall. The Green Card from the certified mailing was not signed and returned. Unfortunately, the property remains in non-compliance.

7. I request that the respondent be ordered to come into compliance by correcting all the property violations by **March 1st, 2025**. If not in compliance by **March 1st, 2025**, a **\$100.00 PER DAY PER VIOLATION** fine shall commence.

8. The Village has also incurred costs in the amount of **\$276.60** conducting this investigation and hearing. I request that the respondent be ordered to reimburse those costs to the Village by no later than **March 1st, 2025**.

9. Subject to any questions you might have, this concludes the Village's testimony.



Case Administrative / Court Costs

February 20, 2025, 3697 Gulfstream RD		Case 2025-05		
Line #	Description	Unit #	Cost	Total
1	Additional Inspector Time - 1 hour CE	3.00	35.00	105.00
2	Additional Inspector Time - 1 hour Bldg	0.00	60.00	0.00
3	Additional Inspector Time - 1 hour LD Director	0.00	70.00	0.00
4	Additional photos re-inspections - 5.00 per photo	0.00	5.00	0.00
5	Additional photos re-inspections - 5 for 20.00	5.00	20.00	100.00
6	Additional certified copies for hearing	1.00	8.16	8.16
7	Additional clerk time - 1 hour	0.50	28.00	14.00
8	Additional Attorney Time - per hour	0.25	195.00	48.75
9	Subpoena Fees	0.00	0.00	0.00
10	Postage	1.00	0.69	0.69
11	Magistrate - per hour	0.00	195.00	0.00
12	Administrative Fees	0.00	127.45	0.00
13	Code Enforcement Private Inspector(min 3 hours)	0.00	45.00	0.00
14	Police Officer	0.00	41.00	0.00
15	Police Corporal	0.00	43.00	0.00
16	Police Sergeant	0.00	46.00	0.00
17	Additional Inspector Time -1 hour LD Planner	0.00	35.00	0.00
18		0.00	0.00	0.00
19		0.00	0.00	0.00
20		0.00	0.00	0.00
		0.00	0.00	0.00
		0.00	0.00	0.00
		0.00	0.00	0.00
		0.00	0.00	0.00
		0.00	0.00	0.00
		0.00	0.00	0.00
Total Costs for Case 2025-05				276.60



PALM SPRINGS POLICE DEPARTMENT

230 Cypress Lane • Palm Springs, Florida 33461 • Phone 561-968-8243 • www.vpsfl.org

November 26th, 2024

Kevine Joseph & Bernadette J Saint Hubert
3697 Gulfstream RD
Palm Springs, FL 33461

Final Notice Before Special Magistrate Hearing

Dear Property Owner,

You have been issued a code courtesy violation notice due to code enforcement violations by the Palm Springs Police Department's Code Enforcement Division. This is regarding the property located at 3697 Gulfstream RD Palm Springs, FL 33461
PCN: 70-43-44-19-11-003-0051

This property is in violation of the following Village of Palm Springs ordinances:
SECTION 14-32

No Residential Rental Permit: No residential rental permit on file with the Village of Palm Springs. Obtain a rental permit by contacting the PZB Department at 561-584-8200 Ext: 8460 for further assistance.

SECTION 10-14-1301

Work w/o Permits: Pavers and fence installed without a permit and inspection. Contact the PZB Department at the same number listed above.

SECTION 30-141, 10-8 & 34-221

Overgrowth/Weeds/Landscape Maintenance:

- Trim all overgrown trees/vegetation located throughout the property (this includes the vegetation encroaching over the property line in the rear).
- Remove all weeds attached to the fence (rear).
- Replace all sections of dead grass (front).

SECTION 10-8

Driveways: Driveway observed in disrepair and needs to be resurfaced.

SECTION 30-143 & 34-1381

Trash/Debris/Materials/Open Storage: Remove all trash, debris, materials and all misc. items stored around the property.

SECTION 34-914 & 34-915

Vehicles/Shipping Containers: Remove all prohibited RV/Campers and shipping containers off the property. Also, RV/Campers may not be used for living or sleeping purposes.

SECTION 10-9

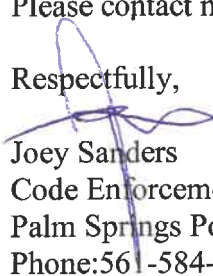
Exterior Property Maintenance/Street Numbers: Post "3697" house ID numbers on the front of the property. Must be clearly visible from the roadway and a minimum of 4" height.

Compliance Date: December 10th, 2024

Failure to comply may result in a citation fine, court costs or a potential lien on the property.

Please contact me if you have any questions and/or need further assistance.

Respectfully,



Joey Sanders

Code Enforcement Officer ID #211

Palm Springs Police Department

Phone: 561-584-8300 Ext: 8525

Email: jsanders@vpsfl.org

Professionalism · Respect · Integrity · Duty · Excellence



PALM SPRINGS POLICE DEPARTMENT

230 Cypress Lane · Palm Springs, Florida 33461 · Phone 561-968-8243 · www.vpsfl.org

August 14th, 2024

Kevine Joseph & Bernadette J Saint Hubert
3697 Gulfstream RD
Palm Springs, FL 33461

Dear Property Owner,

You have been issued a code courtesy violation notice due to code enforcement violations by the Palm Springs Police Department's Code Enforcement Division. This is regarding the property located at **3697 Gulfstream RD Palm Springs, FL 33461**

PCN: 70-43-44-19-11-003-0051

This property is in violation of the following Village of Palm Springs ordinances:

SECTION 10-8

Driveways: Driveway observed in disrepair and needs to be resurfaced.

SECTION 30-141, 30-142, 10-8 & 34-221

Overgrowth/Landscape Maintenance/Weeds/Vegetation Replacement:

- Trim all overgrown trees/vegetation/bushes located throughout the property (this includes the vegetation encroaching over the property line in the rear).
- Remove all weeds attached to the fence (rear).
- Replace all sections of dead grass (front).

SECTION 30-143 & 34-1381:

Trash/Debris/Materials/Open Storage: Remove all trash, debris, materials and misc. items stored throughout the property.

SECTION 14-32

No Residential Rental Permits: No rental permits on file with the Village of Palm Springs. Obtain a rental permit by contacting the PZB Department at 561-584-8200 Ext: 8460 for further assistance.

SECTION 34-915

RV/Camper: RV/Camper may not be used for living or sleeping purposes. Remove all RV/campers off the property.

SECTION 10-9

Exterior Property Maintenance/Street Numbers/Mailbox:

- Replace broken mailbox and label with "3697" house ID numbers.
- Post "3697" house ID numbers on the front of the property. Must be clearly visible from the roadway and a minimum of 4" height.

SECTION 34-913

Commercial Vehicles: Remove all prohibited white box/panel trucks off the property.

SECTION 34-914

Vehicles/Parking/Shipping Containers:

- Remove all prohibited shipping containers off the property.
- Remove all vehicles off the grass. All vehicles must be parked on an impervious surface.
- Remove all inoperative and/or unregistered vehicles off the property.

Compliance Date: August 28th, 2024

Failure to comply may result in a citation fine, court costs or a potential lien on the property.

Please contact me if you have any questions and/or need further assistance.

Respectfully,

Joey Sanders

Code Enforcement Officer ID #211

Palm Springs Police Department

Phone: 561-584-8300 Ext: 8525

Email: jsanders@vpsfl.org

Professionalism · Respect · Integrity · Duty · Excellence

Courtesy Code Violation Notice

Case#

Date:

08/14/2024

Time:

Location:

3697 Gulstream RD

The Village of Palm Springs is committed to improving our community. Well maintained property enhances the quality of life in neighborhoods and reduces crime.

Please address the listed code violations:

10-8-Driveways

30-141 108/30-142 34-221-Overgrowth/Landscaping

Maintenance/Weeds/Vegetation Replacement

30-143 34-131-1-Trees/Debris/Materials/Open Storage

34-915-Using RV/Camper for living or sleeping purposes

10-9-Exterior Property Maintenance/Street Numbers/Manhole Box

34-913-Commercial Vehicles

34-914-Vehicles/Parking/Shipping Containers

Reference Attached Letter

Compliance Date:

08/28/2024

Thank you for your efforts to maintain your residence and property in excellent condition. We commend you for your continuing commitment to our community. Feel free to contact me if you have any questions.

Code Officer J. Sanders #211

Name

I.D. #

Palm Springs Police Department

(561) 584-8300, ext. 8520



Property Detail

Location Address : 3697 GULFSTREAM RD
Municipality : PALM SPRINGS
Parcel Control Number : 70-43-44-19-11-003-0051
Subdivision : LAKEWOOD GARDENS PL 1 IN
Official Records Book/Page : 31511 / 422
Sale Date : 06/15/2020
Legal Description : LAKEWOOD GARDENS PLAT 1 N 105.91 FT OF TR 5 /LESS E 15 FT RD R/W/ BLK 3

Owner Information**Owner(s)**

JOSEPH KEVINE &
 SAINT HUBERT BERNADETTE J

Mailing Address

3697 GULFSTREAM RD
 LAKE WORTH BEACH FL 33461 3523

Sales Information

Sales Date	Price	OR Book/Page	Sale Type	Owner
06/15/2020	\$180,000	31511 / 00422	WARRANTY DEED	JOSEPH KEVINE &
11/01/1998	\$300	10728 / 01699	CERT OF TITLE	OSTERBY JOSEPH
01/01/1996	\$100	09111 / 01153	QUIT CLAIM	
10/01/1995	\$100	08946 / 01903	QUIT CLAIM	
08/01/1986	\$100	04959 / 01351	QUIT CLAIM	

Exemption Information

Applicant/Owner(s)	Year	Detail
JOSEPH KEVINE &	2025	ADDITIONAL HOMESTEAD
JOSEPH KEVINE &	2025	HOMESTEAD

Property Information

Number of Units : 1
***Total Square Feet :** 1196
Acres : .38
Property Use Code : 0100—SINGLE FAMILY
Zoning : RM—RESIDENTIAL MULTI-FAMILY (70-PALM SPRINGS)

Building Details**Structural Details**

Structural Element for Building 1	Sketch for Building 1
Exterior Wall 1	WSF: STUCCO
Year Built	1948
Air Condition Desc.	NO HTG/AC
Heat Type	NONE
Heat Fuel	NONE
Bed Rooms	3
Full Baths	1
Half Baths	0
Exterior Wall 2	NONE
Roof Structure	GABLE/HIP
Roof Cover	ASPHALT/COMPOSITION
Interior Wall 1	PLASTER
Interior Wall 2	N/A
Floor Type 1	ASPHALT TILE
Floor Type 2	N/A



ANNE M. GANNON

CONSTITUTIONAL TAX COLLECTOR

Serving Palm Beach County Serving you.

\$0.00
CHECK OUT

[Return](#) [New Search](#) [Print Page](#) [View Assessment Data](#)

Account Information

Property Control Number:
70-43-44-19-11-003-0051

Mailing Address:
3697 GULFSTREAM RD

Lake Worth Beach, FL 33461-3523

Owner of Record:
JOSEPH KEVINE &

Property Type:
Real Property

Property Address:
3697 GULFSTREAM RD
PALM SPRINGS, FL 33461

Second Owner:
SAINT HUBERT BERNADETTE J

Status: Active

Legal Description:
LAKEWOOD GARDENS PLAT 1 N 105.91
FT OF TR 5 /LESS E 15 FT RD R/W/ BLK
3

Last updated: 2/09/2025 11:33:44 AM

2024 Real Estate and Tangible Personal Property Taxes will be delinquent as of April 1, 2025.
Delinquent Property Tax cannot be paid online.
Visit our Payment Options page to [view delinquent tax payment options](#).

Interest and associated costs for delinquent taxes are determined by the date payment is received to the Tax Collector.
A minimum charge of 3% is collected. Interest accrues at up to 1.5% per month (18% annually).

Tax Bills

Add Tax Bills to the cart then select cart icon (🛒) above to checkout.

Total Payable: \$4,137.53 [ADD ALL TO CART](#)

2024 | Bill Type: Original | Bill No: 101627376 | Roll: Annual |
Due \$4,137.53 [ADD TO CART](#)

[View Info](#)

Date	Total Tax	Paid	Amount Due If Paid By Date	Status	Payment Options
3/31/25	☒ \$4,137.53	\$0.00	☒ \$4,137.53	Due	☐ \$4,137.53
	Net Tax: \$4,179.33		▶ 2/9/25 \$4,137.53		Clear all
	Interest: \$0.00		2/28/25 \$4,137.53		
	Penalty: \$0.00		3/31/25 \$4,179.33		
	Fees: \$0.00		4/1/25 \$4,326.21		
	Discount: -\$41.80				

Total: \$0.00 [ADD TO CART](#)



**Palm Springs Police Department
Supervisor's Shift Report**



Date 8/13/24 Shift Charlie Supervisor Sgt Hernandez

Jail Inspection ☒

Facility Issues

10-61 Village Facilities ☐ 10-61 Directed ☒

Response to Resistance ☐ Case#

Pursuit ☐ Case#

CAD Narrative Review CFS# Start 24-19001 CFS# End 24-19072

Shift Calls Summary

Case #	Signal	Address	Brief of Case
24-19034	s38	3697 Gulfstream Rd (Trailer in back)	Complainant: Ariana R. Foster W/F 5/19/00 37 3697 Gulfstream Rd Subject: Alexander O. Street W/M 5/17/98 3697 Gulfstreat Rd Verbal argument with her child's father. There were no signs or statements of injuries or physical violence



**VILLAGE OF PALM SPRINGS CODE
ENFORCEMENT**

CODE CASE: 2025-05

**VILLAGE OF PALM SPRINGS, FLORIDA
Petitioner,**

**KEVINE JOSEPH & BERNADETTE J SAINT HUBERT
3697 GULFSTREAM ROAD
PALM SPRINGS, FL 33461 3523**

Respondent(s).

ORDER FINDING VIOLATION

Re: Violation of the following Village of Palm Springs Code of Ordinances:

Section 30-141: Overgrowth. Trim all overgrown trees/bushes/vegetation.

Section 34-1381: Open storage. Remove all miscellaneous items stored around the property.

Section 34-221: Landscape maintenance. Replace all sections of dead grass.

Section 34-915: Vehicles. RV campers may not be used for living or sleeping purposes and must be shielded from public view and parked on an impervious surface.

Section 10-31 (FBC 105.1 & 110.1): Working without permits. Obtain an after the fact permit for the installation of a fence and pavers.

Section 30-143: Trash/debris/materials. Remove all trash/debris/materials stored around the property.

Section 34-914: Shipping containers and vehicles. Remove all prohibited shipping containers and remove all vehicles parked on the grass.

Section 10-8: Weeds and driveways. Remove all weeds attached to the rear fence and maintain the driveway.

Section 10-9: Exterior property maintenance. Post "3697" house ID numbers on the front exterior wall of the property.

Address: 3697 GULFSTREAM ROAD

Legal Description: LAKEWOOD GARDENS PLAT 1 N 105.91 FT OF TR 5 /LESS E
15 FT RD R/W/ BLK 3

PCN: 70-43-44-19-11-003-0051

The Special Magistrate appointed by the Village of Palm Springs to hear code enforcement cases for the Village of Palm Springs, in accordance with Chapter 162, Florida Statutes, has heard testimony at the Code Enforcement hearing held on the **20th** day of **February 2025**, and based on the evidence and testimony presented, the following FINDINGS OF FACT, CONCLUSIONS OF LAW, and ORDER are hereby entered:

FINDINGS OF FACT

1. The Respondent _____ was / _____ was not present at the hearing. There was a finding of proper notice.

2. The Code Inspector presented competent substantial evidence which included testimony and/or photographs to establish that the respondent is in violation of the code section(s) referenced above.

☐ Respondent **is in violation** of the following Village of Palm Springs Code of Ordinances:

- ☐ **Section 30-141: Overgrowth. Trim all overgrown trees/bushes/vegetation.**
- ☐ **Section 34-1381: Open storage. Remove all miscellaneous items stored around the property.**
- ☐ **Section 34-221: Landscape maintenance. Replace all sections of dead grass.**
- ☐ **Section 34-915: Vehicles. RV campers may not be used for living or sleeping purposes and must be shielded from public view and parked on an impervious surface.**
- ☐ **Section 10-31 (FBC 105.1 & 110.1): Working without permits. Obtain an after the fact permit for the installation of a fence and pavers.**
- ☐ **Section 30-143: Trash/debris/materials. Remove all trash/debris/materials stored around the property.**
- ☐ **Section 34-914: Shipping containers and vehicles. Remove all prohibited shipping containers and remove all vehicles parked on the grass.**
- ☐ **Section 10-8: Weeds and driveways. Remove all weeds attached to the rear fence and maintain the driveway.**
- ☐ **Section 10-9: Exterior property maintenance. Post "3697" house ID numbers on the front exterior wall of the property.**

☐ Respondent **was in violation** of the following Village of Palm Springs Code of Ordinances but is currently in compliance:

- ☐ **Section 30-141: Overgrowth. Trim all overgrown trees/bushes/vegetation.**
- ☐ **Section 34-1381: Open storage. Remove all miscellaneous items stored around the property.**
- ☐ **Section 34-221: Landscape maintenance. Replace all sections of dead grass.**
- ☐ **Section 34-915: Vehicles. RV campers may not be used for living or sleeping purposes and must be shielded from public view and parked on an impervious surface.**
- ☐ **Section 10-31 (FBC 105.1 & 110.1): Working without permits. Obtain an after the fact permit for the installation of a fence and pavers.**
- ☐ **Section 30-143: Trash/debris/materials. Remove all trash/debris/materials stored around the property.**
- ☐ **Section 34-914: Shipping containers and vehicles. Remove all prohibited shipping containers and remove all vehicles parked on the grass.**
- ☐ **Section 10-8: Weeds and driveways. Remove all weeds attached to the rear fence and maintain the driveway.**
- ☐ **Section 10-9: Exterior property maintenance. Post "3697" house ID numbers on the front exterior wall of the property.**

ORDER

It is the Order of the Code Enforcement Special Magistrate that:

- ☐ Respondent **has** brought the cited code violation(s) into compliance. Respondent has failed to pay and is ordered to pay the following amounts on or before **March 1st, 2025:**
- ☐ Administrative costs of **\$276.60**
 - ☐ Citation fine of **\$ N/A**
 - ☐ Re-inspection fee of **\$ N/A**
- ☐ Respondent **has not** brought the cited code violation(s) into compliance and remains in violation. Respondent must comply with all code violations on or before **March 1st, 2025.** If Respondent fails to comply within the time given, a fine of **\$100.00 per day, per violation** will continue to accrue until the Respondent contacts the Code Inspector/Officer and a re-inspection indicates that the property is in compliance. Respondent has failed to pay and is ordered to pay the following amounts on or before the date set for compliance or by **March 1st, 2025.**
- ☐ Administrative costs of **\$276.60**
 - ☐ Citation fine of **\$ N/A**
 - ☐ Re-inspection fee of **\$ N/A**

All payments shall be made to Village at 226 Cypress Lane, Palm Springs, Florida 33461.

A certified copy of this order may be immediately recorded in the Public Records of Palm Beach County and if recorded, shall constitute notice pursuant to section 162.07(4), Fla. Stat. Within twenty (20) days of the date of this order, the Respondent may submit a written request to Code Inspector/Officer Joey Sanders at the Village of Palm Springs, 226 Cypress Lane, Palm Springs, FL 33461, for a hearing to challenge the fine amount imposed by this order. If such a hearing is timely requested, the Village shall notify the Respondent of the hearing date and time by regular U.S. mail sent to the address provided in the written request for the hearing. The requested hearing will be limited to consideration of only those new findings necessary to impose an appropriate fine amount. The Respondent shall bear the burden of proof at such hearing and shall be required to show cause why this order and the fine amount stated herein shall not be imposed. However, if the Respondent fails to timely request a hearing as described above and fails to bring the violations into compliance and/or pay all administrative costs and fees as ordered herein, the Village, if it has not already done so pursuant to section 162.07(4) Fla. Stat., may record a certified copy of this order in the Public Records of Palm Beach County, Florida, and thereafter this order shall constitute a lien pursuant to section 162.09, Fla. Stat. If a certified copy of this order has previously been recorded pursuant to section 162.07(4) Fla. Stat., then that recorded order shall constitute a lien pursuant to section 162.09, Fla. Stat. The lien shall be assessed against the real property at issue (if applicable) and the real and personal property of the Respondent. After three (3) months from recording the lien which remains unpaid, the Special Magistrate may authorize the Village Attorney to foreclose on the lien or to sue to recover a money judgment for the amount of the lien plus accrued interest.

Future violations of the aforementioned code section(s) may be considered a repeat violation for which a fine of up to five hundred dollars (\$500.00) per day may be imposed beginning on the date the violation begins.

Upon complying, it is the responsibility of the Respondent to notify the Village of Palm Springs Code Inspector/Officer at (561) 584-8300 ext. 8525 to request a reinspection of the property and/or violation(s).

DONE AND ORDERED this 20th day of February 2025.

VILLAGE OF PALM SPRINGS CODE ENFORCEMENT

Special Magistrate

A copy of this order has been furnished to the respondent at the following statutory address:

[3697 Gulfstream Road](#)
[Palm Springs, FL 33461 3523](#)

VILLAGE OF PALM SPRINGS, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
Case No. 2025-06

VILLAGE OF PALM SPRINGS, FLORIDA
Petitioner,

V.

Liliana Rondon & Leonila P Verdecia
3663 Almar RD
Palm Springs, FL 33461

Respondent(s).

70-42-44-24-00-000-5280

NOTICE OF VIOLATION AND NOTICE OF HEARING

STATE OF FLORIDA
COUNTY OF PALM BEACH

THE UNDERSIGNED CERTIFIES AND SWEARS that he has just and reasonable grounds to believe, and does believe that on **February 9th, 2025**, the Respondent(s), **Liliana Rondon & Leonila P Verdecia** owner(s) of the property at **3663 Almar RD, PALM SPRINGS, FL, 33461** is in violation of local ordinances.

SECTION 34-221: Landscape Maintenance-Replace all sections of dead grass.

SECTION 30-143: Trash/Debris-Remove all trash/debris stored in the front of the property

SECTION 10-8: Driveways-Driveway observed in disrepair and needs to be resurfaced.

SECTION 34-914: Vehicles/Parking-Remove all vehicles parked on the grass and trailer must be shielded from public view and parked on an impervious surface.

SECTION 10-31 (FBC 105.1 & 110.1)-Work w/o Permits- Obtain an after the fact permit for the installation of a fence, pavers, sheds and structures/additions.

SECTION 10-9: Exterior Property Maintenance-Repair damaged section of the fascia located on the left side of the property.

These violations must be corrected on or before **February 18th, 2025**, failing, this matter shall be heard at a public hearing by a Code Enforcement Special Magistrate at Village Hall, 226 Cypress Lane, Palm Springs, FL. 33461, Tel. 561-584-8200 Ext 8430, **at 10:00 A.M., on THURSDAY February 20th, 2025**. IF THE VIOLATION IS CORRECTED PRIOR TO THE HEARING DATE AS SET FORTH HEREIN, THIS CASE MAY STILL BE PRESENTED TO THE SPECIAL MAGISTRATE FOR A HEARING FOR THE DETERMINATION OF THE VIOLATION(S), FINES AND THE IMPOSITION OF REASONABLE ENFORCEMENT FEES, INCLUDING SPECIAL MAGISTRATE AND ATTORNEY'S FEES.

YOU ARE HEREBY ORDERED to appear and answer the above charges. You may choose to waive your rights to this hearing and the costs as determined by the Special Magistrate. Your failure to appear may result in the Special Magistrate proceeding in your absence.

IMPORTANT: It is the responsibility of the Respondent to request an inspection as soon as compliance is achieved by calling the Code Enforcement Office at (561) 584- 8300 Ext 8520 and providing proof of Permits and inspections. A request for inspection must be made at least 1 day(s) prior to the requested inspection.

If you are found in violation of the Village Code, the Special Magistrate has the legal authority to levy fines of up to **\$500.00** per day, per violation, for each and every day that each violation continues, and to levy all administrative costs required to obtain compliance. **ALL FINES AND COSTS BECOME LIENS ON YOUR PROPERTY.**

You have the right to obtain an attorney, at your own expense, to represent you before the Special Magistrate at the hearing. All testimony at the hearing will be under oath and recorded. The Special Magistrate shall take testimony from the Code Compliance Officer and the Respondent. Formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings. You will have the opportunity to present witnesses as well as question witnesses against you, prior to a final determination by the Magistrate. If you wish to have witnesses subpoenaed or if you have other questions, you may contact the Village Clerk's Office at (561)584-8200 EXT 8430. Any interested party seeking to appeal any decision of the Special Magistrate with respect to any matter considered at the hearing will need a record of the proceedings and will need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence presented. Persons who need a special accommodation in order to attend or participate in this hearing must advise the Village Clerk at (561) 584-8200 Ext 8430, at least 36 hours prior to the hearing.

Code Enforcement Officer 561-584-8300 ext. 8525

Joey Sanders

Printed Name of Officer

Date Issued: February 9th, 2025

**CODE ENFORCEMENT BOARD
VILLAGE OF PALM SPRINGS, FLORIDA**

**VILLAGE OF PALM SPRINGS,
FLORIDA,**

Petitioner

Case No. 2025-06

RETURN OF SERVICE

**LILIANA RONDON &
LEONILA P VERDECIA
3663 ALMAR RD
PALM SPRINGS, FL 33461 3403**
_____ /

Respondent

On the **9th Day of February 2025 at 3:49PM**, I served the attached NOV/NOH on the within named Respondent, Liliana Rondon & Leonila P Verdecia at 3663 Almar RD, Palm Springs, FL 33461 and posted the notice at Palm Springs Village Hall, 226 Cypress Lane, Palm Springs, FL 33461 Palm Beach County, Florida, by:

_____ **INDIVIDUAL SERVICE:** By serving the within named Respondent a true copy with the date and hour of service endorsed thereon by me.

_____ **SUBSTITUTE SERVICE:** By serving a true copy with the date and hour of service endorsed thereon by me, at the Respondent's usual place of abode with any person residing therein the age of 15 years or older, to-wit: _____ and informing such person of their contents pursuant to F.S. 48.031.

_____ **XX** **POSTED BY:** Securely affixing a copy to a conspicuous place on the property described within. PHOTO INCLUDED

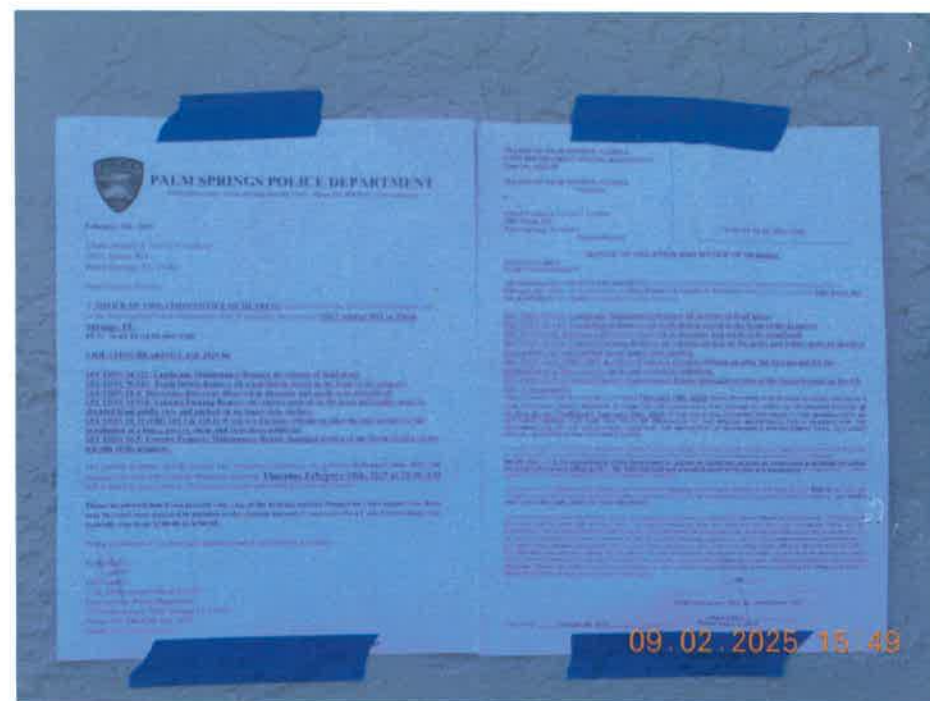
VILLAGE OF PALM SPRINGS
DEPARTMENT OF PUBLIC SAFETY

By:

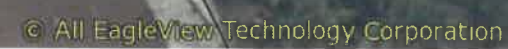
Joey Sanders
Code Enforcement Officer



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3663 Almar RD-2016



01/21/2016



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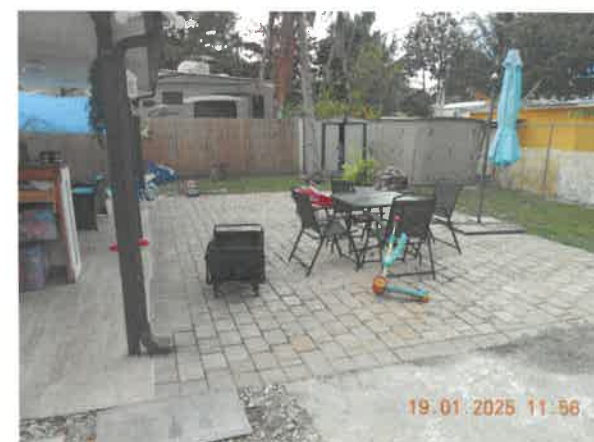
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PALM SPRINGS POLICE DEPARTMENT

230 Cypress Lane • Palm Springs, Florida 33461 • Phone 561-968-8243 • www.vpsfl.org

February 9th, 2025

Liliana Rondon & Leonila P Verdecia
3663 Almar RD
Palm Springs, FL 33461

Dear Property Owner,

A **NOTICE OF VIOLATION/NOTICE OF HEARING** has been issued by the Code Enforcement unit of the Palm Springs Police Department. This is regarding the property **3663 Almar RD in Palm Springs, FL.**

PCN: 70-42-44-24-00-000-5280

VIOLATION/HEARING CASE 2025-06

SECTION 34-221: Landscape Maintenance-Replace all sections of dead grass.

SECTION 30-143: Trash/Debris-Remove all trash/debris stored in the front of the property

SECTION 10-8: Driveways-Driveway observed in disrepair and needs to be resurfaced.

SECTION 34-914: Vehicles/Parking-Remove all vehicles parked on the grass and trailer must be shielded from public view and parked on an impervious surface.

SECTION 10-31 (FBC 105.1 & 110.1)-Work w/o Permits- Obtain an after the fact permit for the installation of a fence, pavers, sheds and structures/additions.

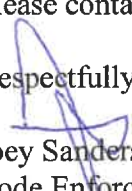
SECTION 10-9: Exterior Property Maintenance-Repair damaged section of the fascia located on the left side of the property.

The options available include coming into voluntary compliance on or before **February 18th, 2025 OR** arguing your case at the Special Magistrate Hearing, **Thursday February 20th, 2025 at 10:00 AM** that is noted on your citation. This is part of your right under the judicial system.

Please be advised that if you present your case at the hearing and the Magistrate rules against you, there may be court costs assessed in addition to the citation amount. Court costs for a Code Enforcement case typically run from \$200.00 to \$300.00.

Please contact me if you have any questions and/or need further assistance.

Respectfully,


Joey Sanders
Code Enforcement Officer ID #211
Palm Springs Police Department
230 Cypress Lane Palm Springs, FL 33461
Phone: 561-584-8300 Ext. 8525
Email: jsanders@vpsfl.org



PALM SPRINGS POLICE DEPARTMENT
CODE ENFORCEMENT DIVISION
230 CYPRESS LANE
PALM SPRINGS, FL 33461



quadiant
FIRST-CLASS MAIL
IMI
\$000.69
02/09/2025 ZIP 33480
043M31255277

US POSTAGE

Liliana Rondon & Leonila P Verdecia
3663 Almar RD
Palm Springs, FL 33461



PALM SPRINGS POLICE DEPAR
CODE ENFORCEMENT DIVISIO
230 CYPRESS LANE
PALM SPRINGS, FL 33461



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Label 890-QDT, March 2023



quadiant
FIRST-CLASS MAIL
IMI
\$008.16
02/09/2025 ZIP 33480
043M31255277

US POSTAGE

9489 0178 9820 3034 7923 42

Sec. 10-8. Exterior property areas.

- (a) *Sanitation.* All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which the occupant occupies or controls in a clean, neat, and sanitary condition.
- (b) *Sidewalks and driveways.* All sidewalks, walkways, stairs, driveways, parking lots, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions. Stairs shall comply with the requirements of subsection 10-10(g).
- (c) *Weeds.* All premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches, as set forth in chapter 30. All noxious weeds shall be prohibited. This term shall not include cultivated flowers and gardens, or native vegetation.
- (d) *Accessory structures.* All accessory structures, including detached garages, fences, walls, and swimming pools shall be maintained structurally sound and in good repair.
 - (1) *Water clarity in swimming pools.* Water clarity shall be maintained. When standing at the pool's edge at the deep end, the deepest portion of the swimming pool floor shall be visible.

(Ord. No. 2006-47, § 2, 11-9-2006)

Sec. 10-9. Exterior of structure or building.

- (a) *General.* The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.
- (b) *Exterior painting.* All wood and metal surfaces including but not limited to, window frames, doors, door frames, cornices, porches and trim shall be maintained in good condition. Peeling, flaking and chipped paint shall be eliminated, and surfaces repainted.
- (c) *Street numbers.* One address sign shall be required for each principal building or use on premises showing only the numerical address designation on the premises upon which they are maintained or multi-unit buildings which utilize a roadside marquee/signboard, the full building address shall be posted on such marquee/signboard. The address shall be posted in a color contrasting that of the marquee/signboard or building a minimum of four inches for residential and six inches for commercial structure, and of sufficient size to be plainly visible and legible from the roadway. When the building utilizes multiple addresses, such as multiple occupant mercantile buildings, the address range shall be posted as indicated above. Signs shall be plainly visible from the street or right-of-way providing access to the lot and shall be installed and maintained pursuant to the county building security code. This requirement shall apply to all new and existing structures.
- (d) *Structural members.* All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.
- (e) *Foundation walls.* All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rats.
- (f) *Exterior walls.* All exterior walls shall be free from holes, breaks, loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.
- (g) *Roofs and drainage.* The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and down spouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates an adjacent public nuisance.

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- (h) *Decorative features.* All cornices, belt courses, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.
 - (i) *Overhang extensions.* All canopies, marquees, signs, metal awnings, fire escapes, stand pipes, exhaust ducts and similar overhang extensions shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.
 - (j) *Stairways, decks, porches and balconies.* Every exterior stairway, deck, porch, balcony, railings and all other appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.
 - (k) *Chimneys and towers.* All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair.
 - (l) *Handrails and guards.* Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.
 - (m) *Window and doorframes.* Every window, door and frame shall be kept in sound condition, good repair and weather tight.
 - (1) *Glazing.* All glazing materials shall be maintained free from cracks and holes.
 - (2) *Openable window.* Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.
 - (n) *Doors.* All exterior doors and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units and guestrooms shall tightly secure the door.
 - (o) Holiday lights and decorations, erected during the appropriate holiday season, shall comply with all applicable building and electrical codes. Holiday lights and decorations may be erected no earlier than 30 days prior to the subject holiday, with the exception of the Christmas/Hanukkah holidays. Christmas/Hanukkah lights and decorations may be erected no earlier than October 15. All Christmas/Hanukkah lights and decorations must be removed within 30 days following the holiday. All other holiday lights and decorations shall be removed within 14 days following the holiday.
 - (p) Protection from windborne debris is encouraged for all structures certified for occupancy in the village. Storm shutters, or hurricane protection devices, shall be designed and installed in conformance with the building code in effect at the time such hurricane protection was permitted by the building department.
 - (q) It is prohibited to maintain any device (including but not limited to wood, aluminum, or approved hurricane shutters) used for securing property, which impede egress, light, and/or ventilation in a closed/secured position on occupied buildings after a designated hurricane watch or warning has terminated. In addition, it is prohibited to maintain any hurricane protective devices, with the exception of those covering clerestory windows, in a closed/secured position for periods in excess of ten consecutive days unless:
 - (1) A hurricane occurs during the ten-day period, at which point the ten-day period begins anew the day after hurricane conditions have subsided; or
 - (2) Hurricane or tropical storm watch conditions are predicted to occur within 48 hours after the tenth day; or
 - (3) The structure is used for residential purposes, but no person is in residence for a period in excess of ten consecutive days, except that (1) and (2), above, shall still apply during periods when a person is in residence.

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- (4) Clerestory windows exempted under this section, shall be removed ten days after the official conclusion of the hurricane season.
- (r) The owner of an occupied structure shall promptly repair any broken door or window so that a temporary boarded up condition is limited. Any such repair, other than in the case of a natural disaster, shall be made within ten (10) consecutive days. Any means of securing property including crime prevention devices shall be subject to review by the building official for safety and compliance with the Florida Building Code. In no instance shall safety bars, grating, or other similar apparatus be allowed over any window, door, or other opening of any building. Real property may be secured via boarding up windows, doors, or other openings upon the requirement of the building official provided a permit is issued by the village prior to securing a property.
- (Ord. No. 2006-47, § 2, 11-9-2006; Ord. No. 2007-07, § 2, 9-13-2007)

Sec. 10-31. Chapter one amendments.

These amendments to the Florida Building Code 7th Edition (2020) are hereby adopted and incorporated in this article as the minimum construction standards for the village.

Chapter 1 Scope and Administration

PART 1—SCOPE AND APPLICATION

SECTION 101 GENERAL

101.1 Title. These regulations shall be known as the Florida Building Code, hereinafter referred to as "this code."

101.2 Scope. The provisions of this code shall apply to the construction, alteration, relocation, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

Exception:

1. Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height with a separate means of egress and their accessory structures not more than three stories above grade plane in height, shall comply with the Florida Building Code, Residential.
2. Code Requirements that address snow loads and earthquake protection are pervasive; they are left in place but shall not be utilized or enforced because Florida has no snow load or earthquake threat.

101.2.1 Appendices. Provisions in the appendices shall not apply unless specifically adopted.

101.2.2 Florida Building Code, Residential Construction standards or practices which are not covered by Florida Building Code, Residential volume shall be in accordance with the provisions of Florida Building Code, Building.

101.3 Intent. The purpose of this code is to establish the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations.

101.3.1 Quality control. Quality control of materials and workmanship is not within the purview of this code except as it relates to the purposes stated herein.

101.3.2 Warranty and Liability. The permitting, plan review or inspection of any building, system or plan by this jurisdiction, under the requirements of this code, shall not be construed in any court as a warranty of the physical condition of such building, system or plan or their adequacy. This jurisdiction shall not be liable in tort for damages or hazardous or illegal condition or inadequacy in such building, system or plan, nor for any failure of any component of such, which may occur subsequent to such inspection or permitting. Further, no employee shall be liable in tort for damage from such conditions, in accordance with Section 768.28 Florida Statutes, as may be amended or replaced.

101.4 Referenced codes. The other codes listed in Sections 101.4.1 through 101.4.11 and referenced elsewhere in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference.

101.4.1 Gas. The provisions of the Florida Building Code, Fuel Gas shall apply to the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in this code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories.

101.4.2 Mechanical. The provisions of the Florida Building Code, Mechanical shall apply to the installation, alterations, repairs and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerators and other energy-related systems.

101.4.3 Plumbing. The provisions of the Florida Building Code, Plumbing shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system.

101.4.4 Property maintenance. As provided in Chapter 10, Article 1 of the Village of Palm Springs Code of Ordinance.

101.4.5 Fire prevention. For provisions related to fire prevention, refer to the Florida Fire Prevention Code. The Florida Fire Prevention Code shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression, automatic sprinkler systems and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

101.4.6 Energy. The provisions of the Florida Building Code, Energy Conservation shall apply to all matters governing the design and construction of buildings for energy efficiency.

101.4.7 Existing buildings. The provisions of the Florida Existing Building Code shall apply to matters governing the repair, alteration, change of occupancy, addition to and relocation of existing buildings.

101.4.8 Accessibility. For provisions related to accessibility, refer to the Florida Building Code, Accessibility.

101.4.9 Manufactured buildings. For additional administrative and special code requirements, see Section 458, Florida Building Code. Building, and Rule 61-41 Florida Administrative Code.

101.4.10 Electrical. The provisions of Chapter 27 of the Florida Building Code, Building Volume shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings, and appurtenances thereto.

101.4.11 Flood Damage Prevention. Provisions of Chapter 34, Article II of the Village of Palm Springs Land Development Regulations, shall be considered part of this code relative to flood control.

101.5 Building Official. Whenever, the Building Official is mentioned in this code, it is also intended to mean the Building Official's designee, wherever applicable.

SECTION 102 APPLICABILITY

102.1 General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.

102.1.1 The Florida Building Code does not apply to, and no code enforcement action shall be brought with respect to, zoning requirements, land use requirements and owner specifications or programmatic requirements which do not pertain to and govern the design, construction, erection, alteration, modification, repair or demolition of public or private buildings, structures or facilities or to programmatic requirements that do not pertain to enforcement of the Florida Building Code. Additionally, a local code enforcement agency may not administer or enforce the Florida Building Code, Building to prevent the siting of any publicly owned facility, including, but not limited to, correctional facilities, juvenile justice facilities, or state universities, community colleges, or public education facilities, as provided by law.

102.2 Building. The provisions of the Florida Building Code shall apply to the construction, erection, alteration, modification, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every public and private building, structure or facility or floating residential structure, or any appurtenances connected or attached to such buildings, structures or facilities. Additions, alterations, repairs and changes of use or occupancy group in all buildings and structures shall comply with the provisions provided in the Florida Building Code, Existing Building. The following buildings, structures and facilities, except for those located in a Special Flood Hazard Area are exempt from the Florida Building Code as provided by law, and any further exemptions shall be as determined by the legislature and provided by law:

- (a) Building and structures specifically regulated and preempted by the federal government.
- (b) Railroads and ancillary facilities associated with the railroad.
- (c) Nonresidential farm buildings on farms.
- (d) Temporary buildings or sheds used exclusively for construction purposes.
- (e) Mobile or modular structures used as temporary offices, except that the provisions of Part II (Section 553.501-553.513, Florida Statutes) relating to accessibility by persons with disabilities shall apply to such mobile or modular structures. Permits shall be required for structural support and tie down, electric supply and all other such utility connections to such mobile or modular structures as required by this jurisdiction.
- (f) Those structures or facilities of electric utilities, as defined in Section 366.02, Florida Statutes, which are directly involved in the generation, transmission, or distribution of electricity.
- (g) Temporary sets, assemblies, or structures used in commercial motion picture or television production, or any sound-recording equipment used in such production, on or off the premises.
- (h) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.

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- (i) Family mausoleums not exceeding 250 square feet (23 m²) in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
 - (j) Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.
 - (k) A building or structure having less than 1,000 square feet (93 m²) which is constructed and owned by a natural person for hunting and which is repaired or reconstructed to the same dimension and condition as existed on January 1, 2011, if the building or structure:
 - 1. Is not rented or leased or used as a principal residence;
 - 2. Is not located within the 100-year floodplain according to the Federal Emergency Management Agency's current Flood Insurance Rate Map; and
 - 3. Is not connected to an off-site electric power or water supply.
 - (l) Service providers of water, sewer, storm, gas, cable, telephone, or other similar utility systems are exempt to the point of service connection for the building or structure.

102.2.1 In addition to the requirements of Section 553.79 and 553.80, Florida Statutes, facilities subject to the provisions of Chapter 395, Florida Statutes, and Part II of Chapter 400, Florida Statutes, shall have facility plans reviewed and construction surveyed by the state agency authorized to do so under the requirements of Chapter 395, Florida Statutes, and Part II of Chapter 400, Florida Statutes, and the certification requirements of the federal government.

102.2.2 Residential buildings or structures moved into or within a county or municipality shall not be required to be brought into compliance with the state minimum building code in force at the time the building or structure is moved, provided:

- 1. The building or structure is structurally sound and in occupiable condition for its intended use;
- 2. The occupancy use classification for the building or structure is not changed as a result of the move;
- 3. The building is not substantially remodeled;
- 4. Current fire code requirements for ingress and egress are met;
- 5. Electrical, gas and plumbing systems meet the codes in force at the time of construction and are operational and safe for reconnection; and
- 6. Foundation plans are sealed by a professional engineer or architect licensed to practice in this state, if required by the Florida Building Code, Building for all residential buildings or structures of the same occupancy class.
- 7. The requirements of Florida Building Code, Existing Building Volume, are also satisfied.

102.2.3 The Building Official shall apply the same standard to a moved residential building or structure as that applied to the remodeling of any comparable residential building or structure to determine whether the moved structure is substantially remodeled. The cost of the foundation on which the moved building or structure is placed shall not be included in the cost of remodeling for purposes of determining whether a moved building or structure has been substantially remodeled.

102.2.4 This section does not apply to the jurisdiction and authority of the Department of Agriculture and Consumer Services to inspect amusement rides or the Department of Financial Services to inspect state-owned buildings and boilers.

102.2.5 Each enforcement district shall be governed by a board, the composition of which shall be determined by the affected localities.

1. At its own option, each enforcement district or local enforcement agency may adopt rules granting to the owner of a single-family residence one or more exemptions from the Florida Building Code relating to:
 - a. Addition, alteration, or repairs performed by the property owner upon his or her own property, provided any addition or alteration shall not exceed 1,000 square feet (93 m²) or the square footage of the primary structure, whichever is less.
 - b. Addition, alteration, or repairs by a non-owner within a specific cost limitation set by rule, provided the total cost shall not exceed \$5,000 within any 12-month period.
 - c. Building and inspection fees.
2. However, the exemptions under subparagraph 1 do not apply to single-family residences that are located in mapped flood hazard areas, as defined in the code, unless the enforcement district or local enforcement agency has determined that the work, which is otherwise exempt, does not constitute a substantial improvement, including the repair of substantial damage, of such single-family residences.
3. Each code exemption, as defined in sub-subparagraphs 1a, 1b, and 1c shall be certified to the local board 10 days prior to implementation and shall only be effective in the territorial jurisdiction of the enforcement district or local enforcement agency implementing it.
4. However, each enforcement district or local enforcement agency may establish an alternative permitting program for replacing nonstructural components of building systems in a residential dwelling unit. A licensed contractor performing such work for the resident shall also be exempt from individual permits and inspections if either the owner or the licensed contractor obtains a valid Annual Permit per Section 105.1.1 of this code and all such work is reported as required in Section 105.1.2 of this code for compliance evaluation. No added capacity, system expansion or new building work of any type shall be excluded from individual permit and inspection by this provision.

102.2.6 This section does not apply to swings and other playground equipment accessory to a one- or two-family dwelling.

Exception: Electrical service to such playground equipment shall be in accordance with Chapter 27 of this code.

102.3 *Application of references.* References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section, or provision of this code.

102.4 *Referenced codes and standards.* The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.4.1 and 102.4.2.

102.4.1 *Conflicts.* Where conflicts occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

102.4.2 *Provisions in referenced codes and standards.* Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code or the Florida Codes listed in Section 101.4, the provisions of this code or the Florida Codes listed in Section 101.4, as applicable, shall take precedence over the provisions in the referenced code or standard.

102.5 *Partial invalidity.* In the event that any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

102.6 Existing structures. The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the Florida Building Code, Existing Building, the Florida Fire Prevention Code and the provisions of Chapter 10, Article I of the Village of Palm Springs Code of Ordinances.

102.6.1 Buildings not previously occupied. A building or portion of a building that has not been previously occupied or used for its intended purpose in accordance with the laws in existence at the time of its completion shall comply with the provisions of the Florida Building Code or Florida Residential Code, as applicable, for new construction or with any current permit for such occupancy.

102.6.2 Buildings previously occupied. The legal occupancy of any building existing on the date of adoption of this code shall be permitted to continue without change, except as otherwise specifically provided in this code, the Florida Fire Prevention Code, the provisions of Chapter 10, Article I of the Village of Palm Springs Code of Ordinances, or as is deemed necessary by the Building Official for the general safety and welfare of the occupants and the public.

102.7 Relocation of manufactured buildings.

1. Relocation of an existing manufactured building does not constitute an alteration.
2. A relocated building shall comply with wind speed requirements of the new location, using the appropriate wind speed map. If the existing building was manufactured in compliance with the Standard Building Code (prior to March 1, 2002), the wind speed map of the Standard Building Code shall be applicable. If the existing building was manufactured in compliance with the Florida Building Code (after March 1, 2002), the wind speed map of the Florida Building Code shall be applicable.
3. A relocated building shall comply with the flood hazard area requirements of the new location, if applicable.

102.8 Existing mechanical equipment. An agency or local government may not require that existing mechanical equipment located on or above the surface of a roof be installed in compliance with the requirements of the Florida Building Code except during reroofing when the equipment is being replaced or moved during reroofing and is not in compliance with the provisions of the Florida Building Code relating to roof-mounted mechanical units.

PART 2—ADMINISTRATION AND ENFORCEMENT

**SECTION 103
DEPARTMENT OF BUILDING SAFETY**

103.1 Creation of enforcement agency. The Division of Building Safety (within the Planning, Zoning & Building Department) is hereby created and the official in charge thereof shall be known as the Building Official.

103.2 Appointment. The Building Official shall be appointed by the chief appointing authority of the jurisdiction.

103.3 Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the Building Official shall have the authority to appoint a deputy Building Official, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the Building Official.

For the maintenance of existing properties, see the provisions of Chapter 10, Article I of the Village of Palm Springs Code of Ordinances.

103.4 Restrictions on employees. (Reserved).

**SECTION 104
DUTIES AND POWERS OF THE BUILDING OFFICIAL**

104.1 General. The Building Official is hereby authorized and directed to enforce the provisions of this code. The Building Official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

104.2 Applications and permits. The Building Official shall receive applications, review construction documents and issue permits for the erection, and alteration, demolition and moving of buildings and structures and service systems, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

104.2.1 Determination of substantially improved or substantially damaged existing buildings and structures in flood hazard areas. For applications for reconstruction, rehabilitation, repair, alteration, addition or other improvement of existing buildings or structures located in flood hazard areas, the Building Official shall determine if the proposed work constitutes substantial improvement or repair of substantial damage. Where the Building Official determines that the proposed work constitutes substantial improvement or repair of substantial damage, and where required by this code, the Building Official shall require the building to meet the requirements of Section 1612.

104.3 Notices and orders. The Building Official shall issue all necessary notices or orders to ensure compliance with this code.

104.4 Inspections. The Building Official shall make all of the required inspections, or the Building Official shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The Building Official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

104.5 Identification. The Building Official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

104.6 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or where the Building Official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous, the Building Official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the Building Official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the Building Official shall have recourse to the remedies provided by law to secure entry.

104.7 Department records. The Building Official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records per F.S. ch. 119.

104.8 Liability. The Building Official, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be civilly or criminally rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee or board member because of an act performed by that officer or employee or board member in the lawful discharge of duties and under the provisions of this code shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The Building Official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

104.8.1 Legal defense. Any suit or criminal complaint instituted against an officer or employee or board member because of an act performed by that officer or employee or board member in the lawful discharge of duties and under the provisions of this code shall be defended by legal representatives of the jurisdiction until the final termination of the proceedings. The Building Official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

104.9 Approved materials and equipment. Materials, equipment and devices approved by the Building Official shall be constructed and installed in accordance with such approval.

104.9.1 Used materials and equipment. The use of used materials which meet the requirements of this code for new materials is permitted. Used equipment and devices shall not be reused unless approved by the Building Official.

104.10 Modifications. Wherever there are practical difficulties involved in carrying out the provisions of this code, the Building Official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the Building Official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the department of building safety.

104.10.1 Flood hazard areas. The Building Official shall coordinate with the floodplain administrator to review requests submitted to the Building Official that seek approval to modify the strict application of the flood resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a variance pursuant to Section 117.

104.11 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the Building Official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. Where the alternative material, design or method of construction is not approved, the Building Official shall respond in writing, stating the reasons why the alternative was not approved.

104.11.1 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

104.11.2 Tests. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the Building Official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the Building Official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the Building Official for the period required for retention of public records.

104.12 Requirements not covered by code. Any requirements necessary for strength, stability or proper operation of an existing or proposed building, structure, electrical, gas, mechanical or plumbing system, or for the public safety, health and general welfare, not specifically covered by this or other technical codes, shall be determined by the Building Official.

SECTION 105
PERMITS

105.1 Required. Any owner or owner's authorized agent 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 impact-resistant coverings, electrical, gas, mechanical or plumbing, fire protection system, or accessible or flood resistant site element, 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.

105.1.1 Annual facility permit. In lieu of an individual permit for each alteration to an existing electrical, gas, mechanical or plumbing or interior nonstructural office system(s), the Building Official is authorized to issue an annual permit for any occupancy to facilitate routine or emergency service, repair, refurbishing, minor renovations of service systems or manufacturing equipment installations/relocations. The Building Official shall be notified of major changes and shall retain the right to make inspections at the facility site as deemed necessary. An annual facility permit shall be assessed with an annual fee and shall be valid for one year from date of issuance. A separate permit shall be obtained for each facility and for each construction trade, as applicable. The permit application shall contain a general description of the parameters of work intended to be performed during the year.

105.1.2 Annual Facility permit records. The person to whom an annual permit is issued shall keep a detailed record of alterations made under such annual permit. The Building Official shall have access to such records at all times or such records shall be filed with the Building Official as designated. The Building Official is authorized to revoke such permit if code violations are found to exist.

105.1.3 Food permit. In accordance with 500.12, Florida Statutes, a food permit from the Department of Agriculture and Consumer Services is required of any person who operates a food establishment or retail store.

105.1.4 Public swimming pool. The local enforcing agency may not issue a building permit to construct, develop, or modify a public swimming pool without proof of application, whether complete or incomplete, for an operating permit pursuant to Section 514.031, Florida Statutes. A certificate of completion or occupancy may not be issued until such operating permit is issued. The local enforcing agency shall conduct their review of the building permit application upon filing and in accordance with Chapter 553, Florida Statutes. The local enforcing agency may confer with the Department of Health, if necessary, but may not delay the building permit application review while awaiting comment from the Department of Health.

105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction, to include work in any special flood hazard area. Exemptions granted under this section do not relieve the owner or contractor from their duty to comply with applicable provisions of the Florida Building Code, and requirements of the local floodplain management ordinance. Permits shall not be required for the following:

Building:

1. Building permits are not required for replacement or repair work having a value of less than \$1,000.00, providing, however, that such work will not adversely affect the structural integrity, fire rating, exit access or egress requirements.
2. Cabinets and countertops with no reconfiguration for one- and two- Family Dwellings, painting, papering, carpeting, and similar finish work, with no electrical or plumbing work.
3. Temporary motion picture, television and theater sets and scenery.

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4. Traditional swings and other standard playground equipment accessory to detached one- and two-family dwellings, as determined by the Building Official, but they may be subject to Zoning permits.
 5. Retractable awnings supported by an exterior wall and do not require additional support of Groups R-3 and U occupancies, but they may be subject to Zoning permits.
 6. Non-fixed and movable fixtures, cases, racks, and counters not over 5 feet 9 inches (1753 mm) in height.

Electrical:

Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

Radio and television transmitting stations: The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installations of towers and antennas.

Temporary testing systems: A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

Gas:

1. Portable heating appliance.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

Mechanical:

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part that does not alter its approval or make it unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing 10 pounds (5 kg) or less of refrigerant and actuated by motors of 1 horsepower (746 W) or less.
8. The installation, replacement, removal, or metering of any electrical load management control device where installed by a utility service provider.

Plumbing:

1. The stopping of leaks in drains, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.
3. The replacement of common household plumbing fixtures to existing supply lines and outlets in One- and Two-Family Dwellings. This does not include water heaters, bathtubs and showers.

105.2.1 Emergency repairs. Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the Building Official. Notification shall be given to the Building Official, including the work address, nature of emergency, and scope of work immediately, or by the next business day.

105.2.2. Minor repairs. Ordinary minor repairs may be made with the approval of the Building Official without a permit, provided the repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring systems or mechanical equipment or other work affecting public health or general safety, and such repairs shall not violate any of the provisions of the technical codes.

105.2.3 Public service agencies. A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution or metering or other related equipment that is under the ownership and control of public service agencies by established right.

105.3 Application for permit. To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the building department for that purpose.

Permit application forms shall be in the format prescribed by a local administrative board, if applicable, and must comply with the requirements of Section 713.135(5) and (6), Florida Statutes.

Each application shall be inscribed with the date of application, and the code in effect as of that date. For a building permit for which an application is submitted prior to the effective date of the Florida Building Code, the state minimum building code in effect in the permitting jurisdiction on the date of the application governs the permitted work for the life of the permit and any extension granted to the permit.

Effective October 1, 2017, a local enforcement agency shall post each type of building permit application on its website. Completed applications must be able to be submitted electronically to the appropriate building department. Accepted methods of electronic submission include, but are not limited to, e-mail submission of applications in portable document format or submission of applications through an electronic fill-in form available on the building department's website or through a third-party submission management software. Payments, attachments, or drawings required as part of the permit application may be submitted in person in a non-electronic format, at the discretion of the Building Official.

105.3.1 Action on application. The Building Official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the Building Official shall reject such application in writing, stating the reasons therefore. If the Building Official is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the Building Official shall issue a permit therefore as soon as practicable. When authorized through contractual agreement with a school board, in acting on applications for permits, the Building Official shall give first priority to any applications for the construction of, or addition or renovation to, any school or educational facility.

105.3.1.1 If a state university, Florida college or public school district elects to use a local government's code enforcement offices, fees charged by counties and municipalities for enforcement of the Florida Building Code on buildings, structures, and facilities of state universities, state colleges, and public school districts shall not be more than the actual labor and administrative costs incurred for plans review and inspections to ensure compliance with the code.

105.3.1.2 No permit may be issued for any building construction, erection, alteration, modification, repair, or addition unless the applicant for such permit provides to the enforcing

agency which issues the permit any of the following documents which apply to the construction for which the permit is to be issued and which shall be prepared by or under the direction of an engineer registered under Chapter 471, Florida Statutes:

1. Plumbing documents for any new building or addition which requires a plumbing system with more than 250 fixture units or which costs more than \$125,000.
2. Fire sprinkler documents for any new building or addition which includes a fire sprinkler system which contains 50 or more sprinkler heads. Personnel as authorized by chapter 633 Florida Statutes, may design a fire sprinkler system of 49 or fewer heads and may design the alteration of an existing fire sprinkler system if the alteration consists of the relocation, addition or deletion of not more than 49 heads, notwithstanding the size of the existing fire sprinkler system.
3. Heating, ventilation, and air-conditioning documents for any new building or addition which requires more than a 15-ton-per-system capacity which is designed to accommodate 100 or more persons or for which the system costs more than \$125,000. This paragraph does not include any document for the replacement or repair of an existing system in which the work does not require altering a structural part of the building or for work on a residential one, two, three or four-family structure.

An air-conditioning system may be designed by an installing air-conditioning contractor certified under Chapter 489, Florida Statutes, to serve any building or addition which is designed to accommodate fewer than 100 persons and requires an air-conditioning system with a value of \$125,000 or less; and when a 15-ton-per system or less is designed for a singular space of a building and each 15-ton system or less has an independent duct system. Systems not complying with the above require design documents that are to be sealed by a professional engineer.

Example 1: When a space has two 10-ton systems with each having an independent duct system, the contractor may design these two systems since each unit (system) is less than 15 tons.

Example 2: Consider a small single-story office building which consists of six individual offices where each office has a single three-ton package air conditioning heat pump. The six heat pumps are connected to a single water cooling tower. The cost of the entire heating, ventilation and air-conditioning work is \$47,000 and the office building accommodates fewer than 100 persons. Because the six mechanical units are connected to a common water tower this is considered to be an 18-ton system.

NOTE: It was further clarified by the Commission that the limiting criteria of 100 persons and \$125,000 apply to the building occupancy load and the cost for the total air-conditioning system of the building.

4. Any specialized mechanical, electrical, or plumbing document for any new building or addition which includes a medical gas, oxygen, steam, vacuum, toxic air filtration, halon, or fire detection and alarm system which costs more than \$5,000.
5. Electrical documents. See Florida Statutes 471.003(2)(h). Any electrical or plumbing or air-conditioning and refrigeration system meeting the following thresholds are required to be designed by a Florida Registered Engineer. Any system which:
 1. Requires an electrical or plumbing or air-conditioning and refrigeration system with a value greater than \$125,000; and

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2. a. Requires an aggregate service capacity of greater than 600 amperes (240 volts) on a residential electrical system or greater than 800 amperes (240 volts) on a commercial or industrial electrical system;
 - b. Requires a plumbing system with more than 250 fixture units; or
 - c. Requires a heating, ventilation, and air-conditioning system which exceeds a 15-ton-per-system capacity, or if the project is designed to accommodate more than 100 persons. Documents requiring an engineer seal by this part shall not be valid unless a professional engineer who possesses a valid certificate of registration has signed, dated, and stamped such document as provided in Section 471.025, Florida Statutes.

6. All public swimming pools and public bathing places defined by and regulated under Chapter 514, Florida Statutes.

105.3.2 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned becoming null and void 180 days after the date of filing, or for any 180 day period of abandonment or suspension during the application process, unless such application has been pursued in good faith or a permit has been issued; except that the Building Official is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing prior to the abandonment date, with justifiable cause demonstrated. Abandoned applications shall be subject to destruction in accordance with state law. The fee for renewal, re-issuance, and extension of a permit application shall be set forth by the administrative authority. There may be fees or requirements from other government agencies for permit application extensions and renewals.

105.3.3 An enforcing authority may not issue a building permit for any building construction, erection, alteration, modification, repair or addition, unless the permit either includes on its face or there is attached to the permit the following statement: "NOTICE: In addition to the requirements of this permit, there may be additional restrictions applicable to this property that may be found in the public records of this county, such as the requirement for Home or Property Owners Association approval, and there may be additional permits required from other governmental entities such as water management districts, state agencies, or federal agencies."

105.3.4 A building permit for a single-family residential dwelling must be issued within 30 working days of application therefore unless unusual circumstances require a longer time for processing the application or unless the permit application fails to satisfy the Florida Building Code or the enforcing agency's laws or ordinances.

105.3.5 Identification of minimum premium policy. Except as otherwise provided in Chapter 440, Florida Statutes, Workers' Compensation, every employer shall, as a condition to receiving a building permit, show proof that it has secured compensation for its employees as provided in Section 440.10 and 440.38, Florida Statutes.

105.3.6 Asbestos removal contractor exemption. Refer to Section 105.9 for additional requirements. A licensed asbestos removal contractor is not required when moving, removal or disposal of asbestos-containing materials on a residential building where the owner occupies the building, the building is not for sale or lease, and the work is performed according to the owner-builder limitations provided in this paragraph. To qualify for exemption under this paragraph, an owner must personally appear and sign the building permit application. The permitting agency shall provide the person with a disclosure statement in substantially the following form:

Disclosure Statement: State law requires asbestos abatement to be done by licensed contractors. You have applied for a permit under an exemption to that law. The exemption allows you, as the owner of your property, to act as your own asbestos abatement contractor even though you do

not have a license. You must supervise the construction yourself. You may move, remove or dispose of asbestos-containing materials on a residential building where you occupy the building and the building is not for sale or lease, or the building is a farm outbuilding on your property. If you sell or lease such building within 1 year after the asbestos abatement is complete, the law will presume that you intended to sell or lease the property at the time the work was done, which is a violation of this exemption. You may not hire an unlicensed person as your contractor. Your work must be done according to all local, state and federal laws and regulations which apply to asbestos abatement projects. It is your responsibility to make sure that people employed by you have licenses required by state law and by county or municipal licensing ordinances.

105.3.7 Applicable Code for Manufactured Buildings. Manufacturers should be permitted to complete all buildings designed and approved prior to the effective date of a new code edition, provided a clear signed contract is in place. The contract shall provide specific data mirroring that required by an application for permit, specifically, without limitation, date of execution, building owner or dealer, and anticipated date of completion. However, the construction activity must commence within 6 months of the contract's execution. The contract is subject to verification by the Department of Business and Professional Regulation.

105.3.8 Public right-of-way. A permit shall not be given by the Building Official for the construction of any building, or for the alteration of any building where said building is to be changed and such change will affect the exterior walls, bays, balconies, or other appendages or projections fronting on any street, alley or public lane, or for the placing on any lot or premises of any building or structure removed from another lot or premises, unless the applicant has received a right of way permit from the authority having jurisdiction over the street, alley or public lane.

105.4 Conditions of the permit. The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of any other federal, state and local laws, ordinances, codes and regulations. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of any other federal, state and local laws, ordinances, codes and regulations shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the Building Official from requiring the correction of errors in the construction documents and other data. The Building Official is also authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinances of this jurisdiction or of any other federal, state and local laws, ordinances, codes and regulations.

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.

105.4.1.1 If work has commenced and the permit is revoked, becomes null and void, or expires because of lack of progress or abandonment, a new permit covering the proposed construction shall be obtained before proceeding with the work.

105.4.1.2 If a new permit, or revalidation (renewal) of the original permit, is not obtained within 180 days from the date the initial permit became null and void, the Building Official is authorized to require that any work which has been commenced or completed be removed from the building site. Alternately, a new permit may be issued on application, providing the work in place and required to complete the structure meets all applicable regulations in effect at the time the initial permit became null and void and any regulations which may have become effective between the date of expiration and the date of issuance of the new permit.

105.4.1.3 Work shall be considered to be in active progress when the permit has received an approved inspection within 180 days. This provision shall not be applicable in case of civil commotion or strike or when the building work is halted due directly to judicial injunction, order or similar process, or due to action by an environmental or archeological agency having jurisdiction. The Building Official is authorized to grant, in writing, one or more extensions of time, for periods not more than 3 months each. The extension shall be requested in writing and justifiable cause demonstrated, prior to expiration.

105.4.1.4 The fee for renewal, reissuance and extension of a permit shall be set forth by the administrative authority. There may be fees or requirements from other government agencies for permit extensions and renewals.

105.4.2 Additional options for closing a permit. Pursuant to Section 553.79(15), Florida Statutes, a property owner, regardless of whether the property owner is the one listed on the application for the building permit, may close a building permit by complying with the following requirements:

1. The property owner may retain the original contractor listed on the permit or hire a different contractor appropriately licensed in this state to perform the work necessary to satisfy the conditions of the permit and to obtain any necessary inspection in order to close the permit. If a contractor other than the original contractor listed on the permit is hired by the property owner to close the permit, such contractor is not liable for any defects in the work performed by the original contractor and is only liable for the work that he or she performs.
2. The property owner may assume the role of an owner-builder, in accordance with Sections 489.103(7) and 489.503(6), Florida Statutes.
3. If a building permit is expired and its requirements have been substantially completed as determined by the local enforcement agency, the permit may be closed without having to obtain a new building permit, and the work required to close the permit may be done pursuant to the building code in effect at the time the local enforcement agency received the application for the permit, unless the contractor has sought and received approval from the local enforcement agency for an alternative material, design or method of construction.
4. A local enforcement agency may close a building permit 6 years after the issuance of the permit, even in the absence of a final inspection, if the local enforcement agency determines that no apparent safety hazard exists.

For purposes of this section, the term "close" means that the requirements of the permit have been satisfied.

105.5 Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The Building Official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated as determined by the Building Official.

105.6 Denial or revocation. Whenever a permit required under this section is denied or revoked because the plan, or the construction, erection, alteration, modification, repair, or demolition of a building, is found by the local enforcing agency to be not in compliance with the Florida Building Code, the local enforcing agency shall identify the specific plan or project features that do not comply with the applicable codes, identify the specific code chapters and sections upon which the finding is based, and provide this information to the permit applicant. If the local building code administrator or inspector finds that the plans are not in compliance with the Florida Building Code, the local building code administrator or inspector shall identify the specific plan features that do not comply with the applicable codes, identify the specific code chapters

and sections upon which the finding is based, and provide this information to the local enforcing agency. The local enforcing agency shall provide this information to the permit applicant.

Pursuant to Section 553.79(16), Florida Statutes, a local enforcement agency may not deny issuance of a building permit to; issue a notice of violation to; or fine, penalize sanction or assess fees against an arm's-length purchaser of a property for value solely because a building permit applied for by a previous owner of the property was not closed. The local enforcement agency shall maintain all rights and remedies against the property owner and contractor listed on the permit.

Pursuant to Section 553.79(16), Florida Statutes, a local enforcement agency may not deny issuance of a building permit to a contractor solely because the contractor is listed on other building permits that were not closed.

105.6.1 Misrepresentation of application. The Building Official may revoke a permit or approval, issued under the provisions of this code, when there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.

105.6.2 Violation of code provisions. The Building Official may require correction or revoke the permit upon determination by the Building Official that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the building, structure, electrical, gas, mechanical or plumbing systems for which the permit was issued is in violation of, or not in conformity with, the provisions of this code.

105.7 Placement of permit. The building permit or copy shall be kept on the site of the work until the completion of the project.

105.8 Notice of commencement. In accordance with Section 713.135, Florida Statutes, when any person applies for a building permit, the authority issuing such permit shall print on the face of each permit card in no less than 14-point, capitalized, boldfaced type: "WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT."

105.9 Asbestos. The enforcing agency shall require each building permit for the demolition or renovation of an existing structure to contain an asbestos notification statement which indicates the owner's or operator's responsibility to comply with the provisions of Section 469.003, Florida Statutes, and to notify the Department of Environmental Protection of his or her intentions to remove asbestos, when applicable, in accordance with state and federal law. Refer to Section 105.3.6 "Asbestos Removal Contractor Exemption" of this code for additional requirements.

105.10 Certificate of protective treatment for prevention of termites. A weather-resistant job-site posting board shall be provided to receive duplicate treatment certificates as each required protective treatment is completed, providing a copy for the person the permit is issued to and another copy for the building permit files. The treatment certificate shall provide the product used, identity of the applicator, time and date of the treatment, site location, area treated, chemical used, percent concentration and number of gallons used, to establish a verifiable record of protective treatment. If the soil chemical barrier method for termite prevention is used, final exterior treatment shall be completed prior to final building approval. For a bait system, see Section 1816.1.7 of the Florida Building Code for contract document requirements.

105.11 Notice of termite protection. A permanent sign which identifies the termite treatment provider and need for reinspection and treatment contract renewal shall be provided. The sign shall be posted near the water heater or electric panel.

105.12 Work starting before permit issuance. Upon written request and approval of the Building Official, the scope of work delineated in the building permit application and plan may be started prior to the final

approval and issuance of the permit, provided any work completed is entirely at risk of the permit applicant and the work does not proceed past the first required inspection.

105.13 Phased permit approval. After submittal of the appropriate construction documents, the Building Official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted. Corrections may be required to meet the requirements of the technical codes.

105.14 Permit issued on basis of an affidavit. The Building Official may accept a sworn affidavit from a registered architect or engineer stating that the plans submitted conform to the technical codes. For buildings and structures, the affidavit shall state that the plans conform to the laws as to egress, type of construction and general arrangement and, if accompanied by drawings, show the structural design and that the plans and design conform to the requirements of the technical codes as to strength, stresses, strains, loads and stability. Whenever a permit is issued in reliance upon an affidavit or whenever the work to be covered by a permit involves installation under conditions which, in the opinion of the Building Official, are hazardous or complex, the Building Official shall require that the architect or engineer who signed the affidavit or prepared the drawings or computations shall supervise such work. In addition, they shall be responsible for conformity to the permit, provide copies of inspection reports as inspections are performed, and upon completion make and file with the Building Official written affidavit that the work has been done in conformity to the reviewed plans and with the structural provisions of the technical codes. In the event such architect or engineer is not available, the owner shall employ in his stead a competent person or agency whose qualifications are reviewed by the Building Official. The Building Official shall ensure that any person conducting plans review is qualified as a plans examiner under Part XII of Chapter 468, Florida Statutes, and that any person conducting inspections is qualified as a building inspector under Part III of Chapter 468, Florida Statutes. Nothing aforesaid shall preclude plan review or inspections by the Building Official (See also Section 107.6).

Exception: Permit issued on basis of an affidavit shall not extend to the flood load and flood resistance requirements of the Florida Building Code.

105.15 Opening protection. When any activity requiring a building permit that is applied for on or after July 1, 2008, and for which the estimated cost is \$50,000 or more for a site built single-family detached residential structure that is located in the wind borne debris region as defined in this Code and that has an insured value of \$750,000 or more, or, if the site built single-family detached residential structure is uninsured or for which documentation of insured value is not presented, has a just valuation for the structure for purposes of ad valorem taxation of \$750,000 or more; opening protections as required within this Code or Florida Building Code, Residential for new construction shall be provided.

Exception: Single-family residential structures permitted subject to the Florida Building Code are not required to comply with this section.

105.16 Inspection of existing residential building not impacted by construction.

- (a) A local enforcing agency, and any local building code administrator, inspector, or other official or entity, may not require as a condition of issuance of a one- or two-family residential building permit the inspection of any portion of a building, structure, or real property that is not directly impacted by the construction, erection, alteration, modification, repair, or demolition of the building, structure, or real property for which the permit is sought.
- (b) This subsection does not apply to a building permit sought for:
 - 1. A substantial improvement as defined in Section 161.54, Florida Statutes or as defined in the Florida Building Code.

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2. A change of occupancy as defined in the Florida Building Code.
 3. A conversion from residential to nonresidential or mixed use pursuant to Section 553.507(2)(a), Florida Statutes or as defined in the Florida Building Code.
 4. A historic building as defined in the Florida Building Code.
- (c) This subsection does not prohibit a local enforcing agency, or any local building code administrator, inspector, or other official or entity, from:
1. Citing any violation inadvertently observed in plain view during the ordinary course of an inspection conducted in accordance with the prohibition in paragraph (a).
 2. Inspecting a physically nonadjacent portion of a building, structure, or real property that is directly impacted by the construction, erection, alteration, modification, repair, or demolition of the building, structure, or real property for which the permit is sought in accordance with the prohibition in paragraph (a).
 3. Inspecting any portion of a building, structure, or real property for which the owner or other person having control of the building, structure, or real property has voluntarily consented to the inspection of that portion of the building, structure, or real property in accordance with the prohibition in paragraph (a).
 4. Inspecting any portion of a building, structure, or real property pursuant to an inspection warrant issued in accordance with Sections 933.20—933.30, Florida Statutes.

105.17 Streamlined low-voltage alarm system installation permitting.

- (1) As used in this section, the term:
- (a) "Contractor" means a person who is qualified to engage in the business of electrical or alarm system contracting pursuant to a certificate or registration issued by the department under part II of Chapter 489, Florida Statutes.
 - (b) "Low-voltage alarm system project" means a project related to the installation, maintenance, inspection, replacement, or service of a new or existing alarm system, as defined in Section 489.505, Florida Statutes, that is hardwired and operating at low voltage, as defined in the National Electrical Code Standard 70, and ancillary components or equipment attached to such a system, including, but not limited to, home-automation equipment, thermostats, and video cameras.
 - (c) "Wireless alarm system" means a burglar alarm system or smoke detector that is not hardwired.
- (2) Notwithstanding any provision of this Code, this section applies to all low-voltage alarm system projects for which a permit is required by a local enforcement agency. However, a permit is not required to install, maintain, inspect, replace, or service a wireless alarm system, including any ancillary components or equipment attached to the system.
- (3) This section does not apply to the installation or replacement of a fire alarm, or access control system affecting required means of egress as required by Florida Building Code Chapter 10, if a plan review is required.
- (4) A local enforcement agency shall make uniform basic permit labels available for purchase by a contractor to be used for the installation or replacement of a new or existing alarm system at a cost as indicated in Section 553.793, Florida Statutes. The local enforcement agency may not require the payment of any additional fees, charges, or expenses associated with the installation or replacement of a new or existing alarm.

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- (a) A local enforcement agency may not require a contractor, as a condition of purchasing a label, to submit information other than identification information of the licensee and proof of registration or certification as a contractor.
 - (b) A label is valid for 1 year after the date of purchase and may only be used within the jurisdiction of the local enforcement agency that issued the label. A contractor may purchase labels in bulk for one or more unspecified current or future projects.
- (5) A contractor shall post an unused uniform basic permit label in a conspicuous place on the premises of the low-voltage alarm system project site before commencing work on the project.
 - (6) A contractor is not required to notify the local enforcement agency before commencing work on a low-voltage alarm system project. However, a contractor must submit a Uniform Notice of a Low-Voltage Alarm System Project as provided under subsection (7) to the local enforcement agency within 14 days after completing the project. A local enforcement agency may take disciplinary action against a contractor who fails to timely submit a Uniform Notice of a Low-Voltage Alarm System Project.
 - (7) The Uniform Notice of a Low-Voltage Alarm System Project may be submitted electronically or by facsimile if all submissions are signed by the owner, tenant, contractor, or authorized representative of such persons. The Uniform Notice of a Low-Voltage Alarm System Project shall be in the format prescribed by the local enforcement agency and must comply with the requirements of Section 553.793(7), Florida Statutes.
 - (8) A local enforcement agency may coordinate directly with the owner or customer to inspect a low-voltage alarm system project may be inspected by the local enforcement agency to ensure compliance with applicable codes and standards. If a low-voltage alarm system project fails an inspection, the contractor must take corrective action as necessary to pass inspection.
 - (9) A municipality, county, district, or other entity of local government may not adopt or maintain in effect any ordinance or rule regarding a low-voltage alarm system project that is inconsistent with this section.
 - (10) A uniform basic permit label shall not be required for the subsequent maintenance, inspection, or service of an alarm system that was permitted in accordance with this section.

The provisions of this act are not intended to impose new or additional licensure requirements on persons licensed in accordance with the applicable provisions of chapter 489, Florida Statutes.

SECTION 106 FLOOR AND ROOF DESIGN LOADS

105.1 Live loads posted. Where the live loads for which each floor or portion thereof of a commercial or industrial building is or has been designed to exceed 50 psf (2.40 kN/m²), such design live loads shall be conspicuously posted by the owner or the owner's authorized agent in that part of each story in which they apply, using durable signs. It shall be unlawful to remove or deface such notices

106.2 Issuance of certificate of occupancy. A certificate of occupancy required by Section 111 shall not be issued until the floor load signs, required by Section 106.1, have been installed.

106.3 Restrictions on loading. It shall be unlawful to place, or cause or permit to be placed, on any floor or roof of a building, structure or portion thereof, a load greater than is permitted by this code.

SECTION 107 SUBMITTAL DOCUMENTS

107.1 General. Submittal documents consisting of construction documents, statement of special inspections, geotechnical report and other data shall be submitted in two or more sets with each permit application. The construction documents shall be prepared by a registered design professional where required by Chapter

471, Florida Statutes and 61G15 Florida Administrative Code or Chapter 481, Florida Statutes & 61G1 Florida Administrative Code. Where special conditions exist, the Building Official is authorized to require additional construction documents to be prepared by a registered design professional. Electronic media documents shall be submitted when required by the Building Official, in a format acceptable to the Building Official, and may require only one set of submittals.

Exception: The Building Official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this code.

If the design professional is an architect, interior designer, or engineer legally registered under the laws of this state regulating the practice of architecture or interior design as provided for in Chapter 481, Florida Statutes, Part I, or landscape architecture as provided for in Chapter 481, Florida Statutes, Part II, or engineering as provided for in Chapter 471, Florida Statutes, then he or she shall affix his or her official seal to said drawings, specifications and accompanying data, as required by Florida Statute.

107.2 Construction documents. Construction documents shall be in accordance with Sections 107.2.1 through 107.2.6.

107.2.1 Information on construction documents. Construction documents shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted when approved by the Building Official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the Building Official. Such drawings and specifications shall contain information, in the form of notes or otherwise, as to the quality of materials, where quality is essential to conformity with the technical codes. Such information shall be specific, and the technical codes shall not be cited as a whole or in part, nor shall the term "legal" or its equivalent be used as a substitute for specific information. All information, drawings, specifications and accompanying data shall bear the name and signature of the person responsible for the design.

107.2.1.1 For roof assemblies required by the code, the construction documents shall illustrate, describe, and delineate the type of roofing system, materials, fastening requirements, flashing requirements and wind resistance rating that are required to be installed. Product evaluation and installation shall indicate compliance with the wind criteria required for the specific site or a statement by an architect or engineer certifying suitability for the specific site must be submitted with the construction documents.

107.2.1.2 Additional data. The Building Official may require details, computations, stress diagrams, and other data necessary to describe the construction or installation and the basis of calculations. All drawings, specifications and accompanying data required by the Building Official to be prepared by an architect or engineer shall be affixed with their official seal, signature and date as state law requires.

107.2.1.3 Quality of building plans. Building plans shall be drawn to a minimum ¼ inch scale upon substantial paper, cloth or other acceptable medium. The Building Official may establish, through Departmental policy, other standards for plans and specifications, including electronic format, in order to provide conformity to its electronic permit review and record retention program. This policy may include such things as minimum size, shape, contrast, clarity, or other items related to records management. Electronic media must be compatible with the archive requirements of Florida Statutes.

107.2.2 Fire protection system shop drawings. Shop drawings for the fire protection system(s) shall be submitted to indicate conformance to this code and the construction documents and shall be approved

prior to the start of system installation. Shop drawings shall contain all information as required by the referenced installation standards in Chapter 9.

107.2.3 Means of egress. The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress including the path of the exit discharge to the public way in compliance with the provisions of this code. In other than occupancies in Groups R-2, R-3, and I-1, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

107.2.4 Exterior wall envelope. Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with this code. The construction documents shall provide details of the exterior wall envelope as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive membrane and details around openings.

The construction documents shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the construction documents maintain the weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system which was tested, where applicable, as well as the test procedure used.

107.2.5 Exterior balcony and elevated walking surfaces. 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 the construction documents shall include details for all element of the impervious moisture barrier system. The construction documents shall include manufacturer's installation instructions.

107.2.6 Site plan. The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, and design flood elevations; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The Building Official is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted.

107.2.6.1 Design flood elevations. Where design flood elevations are not specified, they shall be established in accordance with Section 1612.3.1. Design flood elevations shall be uniformly specified utilizing the currently effective NAVD 88.

107.2.6.2 For the purpose of inspection and record retention, site plans for a building may be maintained in the form of an electronic copy at the worksite. These plans must be open to inspection by the Building Official or a duly authorized representative, as required by the Florida Building Code.

107.2.7 Structural information. The construction documents shall provide the information specified in Section 1603.

107.3 Examination of documents. The Building Official shall examine or cause to be examined the accompanying submittal documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances.

Exceptions:

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1. Building plans approved pursuant to Section 553.77(5), Florida Statutes, and state-approved manufactured buildings are exempt from local codes enforcing agency plan reviews except for provisions of the code relating to erection, assembly or construction at the site. Erection, assembly and construction at the site are subject to local permitting and inspections. Photocopies of plans approved according to FAC 61-41.009, Florida Administrative Code, shall be sufficient for local permit application documents of record for the modular building portion of the permitted project.
 2. Industrial construction on sites where design, construction and fire safety are supervised by appropriately licensed design and inspection professionals and which contain adequate in-house fire departments and rescue squads is exempt, subject to approval by the Building Official, from review of plans and inspections, providing the appropriate licensed design and inspection professionals certify that applicable codes and standards have been met and supply appropriate approved drawings to local building and fire-safety inspectors.

107.3.1 Approval of construction documents. When the Building Official issues a permit, the construction document shall be approved, in writing or by stamp, as "Reviewed for Code Compliance." One set of construction documents so reviewed shall be retained by the Building Official. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the Building Official or a duly authorized representative.

107.3.2 Previous approvals. This code shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned.

107.3.3 Phased approval. The Building Official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted.

107.3.4 Design professional in responsible charge. Where it is required that documents be prepared by a registered design professional, the Building Official shall be authorized to require the owner or the owner's authorized agent to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner or the owner's authorized agent shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The Building Official shall be notified in writing by the owner or the owner's authorized agent if the registered design professional in responsible charge is changed or is unable to continue to perform the duties.

The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building. Those products which are regulated by FAC Rule 61G20 shall be reviewed and approved in writing by the designer of record prior to submittal for jurisdictional approval.

107.3.4.1 Deferred submittals. For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the Building Official.

Deferral of any submittal items shall have the prior approval of the Building Official. The registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the Building Official.

Documents for deferred submittal items shall be submitted to the registered design professional in responsible charge who shall review them and forward them to the Building Official with a notation indicating that the deferred submittal documents have been reviewed and found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the deferred submittal documents have been approved by the Building Official.

107.3.4.2 Certifications by contractors authorized under the provisions of Section 489.115(4)(b), Florida Statutes, shall be considered equivalent to sealed plans and specifications by a person licensed under Chapter 471, Florida Statutes, or Chapter 481 Florida Statutes, by local enforcement agencies for plans review for permitting purposes relating to compliance with the wind-resistance provisions of the code or alternate methodologies approved by the Florida Building Commission for one- and two-family dwellings. Local enforcement agencies may rely upon such certification by contractors that the plans and specifications submitted conform to the requirements of the code for wind resistance. Upon good cause shown, local government code enforcement agencies may accept or reject plans sealed by persons licensed under Chapters 471, 481 or 489, Florida Statutes.

107.3.5 *Minimum plan review criteria for buildings.* The examination of the documents by the Building Official shall include the following minimum criteria and documents: a floor plan; site plan; foundation plan; floor/roof framing plan or truss layout; all fenestration penetrations; flashing; and rough opening dimensions; and all exterior elevations:

Commercial Buildings:

Building

1. Site requirements:
 - Parking
 - Fire access
 - Vehicle loading
 - Driving/turning radius
 - Fire hydrant/water supply/post indicator valve (PIV)
 - Set back/separation (assumed property lines)
 - Location of specific tanks, water lines and sewer lines
 - Flood hazard areas, flood zones, and design flood elevations
2. Occupancy group and special occupancy requirements shall be determined (with cross check with the energy code submittal).
3. Minimum type of construction shall be determined (see Table 503).
4. Fire-resistant construction requirements shall include the following components:
 - Fire-resistant separations
 - Fire-resistant protection for type of construction
 - Protection of openings and penetrations of rated walls
 - Fire blocking and draftstopping and calculated fire resistance

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5. Fire suppression systems shall include:
 - Early warning smoke evacuation systems
 - Schematic fire sprinklers
 - Standpipes
 - Pre-engineered systems
 - Riser diagram
 6. Life safety systems shall be determined and shall include the following requirements:
 - Occupant load and egress capacities
 - Early warning
 - Smoke control
 - Stair pressurization
 - Systems schematic
 7. Occupancy load/egress requirements shall include:
 - Occupancy load
 - Gross
 - Net
 - Means of egress
 - Exit access
 - Exit
 - Exit discharge
 - Stairs construction/geometry and protection
 - Doors
 - Emergency lighting and exit signs
 - Specific occupancy requirements
 - Construction requirements
 - Horizontal exits/exit passageways
 8. Structural requirements shall include:
 - Soil conditions/analysis
 - Termite protection
 - Design loads
 - Wind requirements
 - Building envelope
 - Impact resistant coverings or systems
 - Structural calculations (if required)

Foundation

Flood requirements in accordance with Section 1612, including lowest floor elevations, enclosures, flood damage-resistant materials

Wall systems

Floor systems

Roof systems

Threshold inspection plan

Stair systems

9. Materials shall be reviewed and shall at a minimum include the following:

Wood

Steel

Aluminum

Concrete

Plastic

Glass

Masonry

Gypsum board and plaster

Insulating (mechanical)

Roofing

Deck coatings

Insulation

Building envelope portions of the Energy Code (including calculation and mandatory requirements)

10. Accessibility requirements shall include the following:

Site requirements

Accessible route

Vertical accessibility

Toilet and bathing facilities

Drinking fountains

Equipment

Special occupancy requirements

Fair housing requirements

11. Interior requirements shall include the following:

Interior finishes (flame spread/smoke development)

Light and ventilation (including corresponding portion of the energy code)

Sanitation

12. Special systems:

Elevators

Escalators

Lifts

13. Swimming pools:

Barrier requirements

Spas

Wading pools

14. Location and installation details. The specific location and installation details of each fire door, fire damper, ceiling damper and smoke damper shall be shown and properly identified on the building plans by the designer.

Electrical

1. Electrical:

Wiring

Services

Feeders and branch circuits

Overcurrent protection

Grounding

Wiring methods and materials

GFCIs

Electrical portions of the Energy Code (including calculation and mandatory requirements)

2. Equipment

3. Special occupancies

4. Emergency systems

5. Communication systems

6. Low voltage

7. Load calculations

8. Design flood elevation

Plumbing:

1. Minimum plumbing facilities

2. Fixture requirements

3. Water supply piping

4. Sanitary drainage

5. Water heaters

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6. Vents
 7. Roof drainage
 8. Back flow prevention
 9. Irrigation
 10. Location of water supply line
 11. Grease traps
 12. Environmental requirements
 13. Plumbing riser
 14. Design flood elevation
 15. Water/plumbing portions of the Energy Code (including calculation and mandatory requirements)

Mechanical:

1. Mechanical portions of the energy calculations
2. Exhaust systems:
 - Clothes dryer exhaust
 - Kitchen equipment exhaust
 - Specialty exhaust systems
3. Equipment
4. Equipment location
5. Make-up air
6. Roof-mounted equipment
7. Duct systems
8. Ventilation
9. Combustion air
10. Chimneys, fireplaces, and vents
11. Appliances
12. Boilers
13. Refrigeration
14. Bathroom ventilation
15. Laboratory
16. Design flood elevation

Gas:

1. Gas piping
2. Venting

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3. Combustion air
 4. Chimneys and vents
 5. Appliances
 6. Type of gas
 7. Fireplaces
 8. LP tank location
 9. Riser diagram/shutoffs
 10. Design flood elevation
 11. Gas portions of the Energy Code (including calculation and mandatory requirements)

Demolition:

1. Asbestos removal:

Residential (one- and two-family):

1. Site requirements:
 - Set back/separation (assumed property lines)
 - Location of septic tanks
2. Fire-resistant construction (if required)
3. Fire.
4. Smoke detector locations.
5. Egress.
 - Egress window size and location stairs construction requirements.
6. Structural requirements shall include:
 - Wall section from foundation through roof, including assembly and materials, connector tables, wind requirements, and structural calculations (if required)
 - Termite protection
 - Design loads
 - Wind requirements
 - Building envelope
 - Foundation
 - Wall systems
 - Floor systems
 - Roof systems
 - Flood hazard areas, flood zones, design flood elevations, lowest floor elevations, enclosures, equipment, and flood damage-resistant materials
7. Accessibility requirements: show/identify accessible bath
8. Impact resistant coverings or systems

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9. Residential Energy Code submittal (including calculation and mandatory requirements)
 10. Electrical:
 - Electric service riser with wire sizes, conduit detail and grounding detail
 - Complete load calculations, Panel schedules
 11. Mechanical:
 - Equipment and location, Duct systems
 12. Plumbing:
 - Plumbing riser
 13. Gas:
 - Gas piping
 - Venting
 - Combustion air
 - Chimneys and vents
 - Appliances
 - Type of gas
 - Fireplaces
 - LP tank location
 - Riser diagram/shutoffs
 14. Swimming Pools:
 - Barrier requirements
 - Spas
 - Wading pools

Manufactured buildings/housing:

1. Site requirements:
 - Setback/separation (assumed property lines)
 - Location of septic tanks (if applicable)
2. Structural:
 - Wind zone
 - Anchoring
 - Blocking
3. Plumbing:
 - List potable water source and meter size (if applicable)
4. Mechanical:
 - Exhaust systems

Clothes dryer exhaust

Kitchen equipment exhaust

5. Electrical exterior disconnect location:

Exemptions. Plans examination by the Building Official shall not be required for the following work:

1. Replacing existing equipment such as mechanical units, water heaters, etc.
2. Reroofs (as determined by local jurisdiction)
3. Minor electrical, plumbing, and mechanical repairs
4. Annual maintenance permits
5. Prototype plans

Except for local site adaptations, siding, foundations and/or modifications.

Except for structures that require waiver.

6. Manufactured buildings plan except for foundations and modifications of buildings on site and as listed above in manufactured buildings/housing.

107.4 Amended construction documents. Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents.

107.5 Retention of construction documents. One set of approved construction documents shall be retained by the Building Official for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local laws.

107.6 Affidavits. The Building Official may accept a sworn affidavit from a registered architect or engineer stating that the plans submitted conform to the technical codes. For buildings and structures, the affidavit shall state that the plans conform to the laws as to egress, type of construction and general arrangement and, if accompanied by drawings, show the structural design and that the plans and design conform to the requirements of the technical codes as to strength, stresses, strains, loads and stability. The Building Official may without any examination or inspection accept such affidavit, provided the architect or engineer who made such affidavit agrees to submit to the Building Official copies of inspection reports as inspections are performed and upon completion of the structure, electrical, gas, mechanical or plumbing systems a certification that the structure, electrical, gas, mechanical or plumbing system has been erected in accordance with the requirements of the technical codes. Where the Building Official relies upon such affidavit, the architect or engineer shall assume full responsibility for compliance with all provisions of the technical codes and other pertinent laws or ordinances. The Building Official shall ensure that any person conducting plans review is qualified as a plan examiner under Part XII of Chapter 468, Florida Statutes, and that any person conducting inspections is qualified as a building inspector under Part XII of Chapter 468, Florida Statutes. Nothing aforesaid shall preclude plan review or inspections by the Building Official (See also Section 105.14). On applications in which private provider services are utilized, all time frames shall adhere to time frames as indicated in Florida Statutes 553.791 7(a).

107.6.1 Building permits issued on the basis of an affidavit in special flood hazard areas. Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Parts 59 and 60), the authority granted to the Building Official to issue permits, to rely on inspections, and to accept plans and construction documents on the basis of affidavits and plans submitted pursuant to Sections 105.14 and 107.6, shall not extend to the flood load and flood resistance construction requirements of the Florida Building Code.

SECTION 108
TEMPORARY STRUCTURES AND USES

108.1 General. The Building Official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The Building Official is authorized to grant extensions for demonstrated cause.

108.2 Conformance. Temporary structures and uses shall comply with the requirements in Section 3103.

108.3 Temporary power. The Building Official is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat, or power in NFPA 70.

108.4 Termination of approval. The Building Official is authorized to terminate such permit for a temporary structure or use and to order the temporary structure to be removed or use to be discontinued.

SECTION 109
FEES

109.1 Payment of fees. A permit shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

109.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority.

109.2.1 Types of Fees Enumerated. Fees may be charged for but not limited to the following:

- Permits;
- Plans examination;
- Certificates of competency (including fees for applications, examinations, renewal, late renewal, and reciprocity);
- Re-inspections;
- Administrative fees (including fees for investigative and legal costs incurred in the context of certain disciplinary cases heard by the board);
- Variance requests;
- Administrative appeals;
- Violations; and
- Other fees as established by local resolution or ordinance.

109.3 Building permit valuations. The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. If, in the opinion of the Building Official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the Building Official. Final building permit valuation shall be set by the Building Official.

109.4 Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits or without prior approval from the Building Official as permitted in Section 105.2.2 or 105.12 shall be subject to a fee established by the Building Official that shall be in addition to the required permit fees or as provided by

local ordinance. This provision shall not apply to emergency work when delay would clearly have placed life or property in imminent danger. But in all such cases the required permit(s) must be applied for within three (3) business days and any unreasonable delay in obtaining those permit(s) shall result in the charge of a double fee. The payment of a double fee shall not preclude or be deemed a substitute for prosecution for commencing work without first obtaining a permit. The Building Official may grant extensions of time or waive fees when justifiable cause has been demonstrated in writing.

109.5 Related fees. The payment of the fee for the construction, alteration, removal or demolition for work done in connection to or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

109.6 Refunds. The Building Official is authorized to establish and publish a refund policy through local ordinance, which is located in the Village of Palm Springs Municipal Code Ch. 10, section 10-56.

SECTION 110 INSPECTIONS

110.1 General. Construction or work for which a permit is required shall be subject to inspection by the Building Official and such construction or work shall remain exposed and provided with access for inspection purposes until approved.

Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the owner or the owner's authorized agent to cause the work to remain exposed and provided with access for inspection purposes. The Building Official shall be permitted to require a boundary line survey prepared by a qualified surveyor whenever the boundary lines cannot be readily determined in the field. Neither the Building Official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

110.1.1 Manufacturers and fabricators. When deemed necessary by the Building Official, he/she shall make, or cause to be made, an inspection of materials or assemblies at the point of manufacture or fabrication. A record shall be made of every such examination and inspection and of all violations of the technical codes.

110.1.2 Inspection service. The Building Official may make, or cause to be made, the inspections required by Section 110. He or she may accept reports of department inspectors, independent inspectors or of recognized inspection services, provided that after investigation he/she is satisfied as to their licensure, qualifications, and reliability. A certificate required by any provision of this code shall not be based on such reports unless the same are recorded by the building code inspector or the architect or engineer performing building code inspections in a manner specified by the Building Official. The Building Official shall ensure that all persons making such inspections shall be certified in accordance to Chapter 468 Florida Statutes.

The Building Official may require the owner to employ an inspection service in the following instances:

1. For buildings or additions of Type I construction;
2. For all major structural alterations;
3. Where the concrete design is based on compressive strength in excess of 3000 pounds per square inch;
4. For pile driving;
5. For buildings with an area greater than 20,000 square feet;
6. For buildings more than two stories in height; or

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7. For buildings and structures of unusual design or methods of construction. Such inspectors shall be present when work is underway on the structural elements of the building to adequately attest to its compliance. Such inspectors shall be a registered architect, or engineer. An employee of the architect or engineer licensed under Chapter 468, Part XII, Florida Statutes may perform the inspections, under the direction of and with final certification from the architect or engineer. Such inspectors shall submit weekly progress reports including the daily inspections to the Building Official and including a code compliance opinion of the resident inspector. At the completion of the construction work or project, the architect or engineer shall submit a certificate of compliance to the Building Official, stating that the work was done in compliance with this code and in accordance with the permitted drawing. Final inspection shall be made by the Building Official before a Certificate of Occupancy or Certificate of Completion is issued; and confirmation inspections may be made at any time to monitor activities and resident inspectors.

110.1.3 Affidavit for inspection. With specific prior approval of, and in a format acceptable to the Building Official, an affidavit for certification of inspection may be accepted from the permit qualifier; when accompanied by extensive photographic evidence of sufficient detail to demonstrate code compliance. The photographic evidence shall be comprehensive in the display of the installation and/or construction and job location identifiers. The affidavit and accompanying photographs shall be provided to the inspector onsite, at the next scheduled inspection. If the photographs are found to be insufficient by the Building Official to demonstrate compliance with this code and/or the permitted document, or clearly display location identifiers, or are missing, the inspector shall require the contractor to obtain the services of a registered Florida professional engineer to inspect and certify the installation and/or construction.

110.1.3.1 Exception: Affidavits may not be accepted for inspection of elements of construction which require inspection by the local jurisdiction under the requirements of Title 44, Code of Federal Regulations, Parts 59 and 60, and the local flood damage prevention ordinance.

110.2 Preliminary inspection. Before issuing a permit, the Building Official is authorized to examine or cause to be examined buildings, structures, and sites for which an application has been filed.

110.3 Required inspections. The Building Official upon notification from the permit holder or his or her agent shall make the following inspections, or any other such inspection as deemed necessary and shall either release that portion of the construction or shall notify the permit holder or his or her agent of any violations which must be corrected in order to comply with the technical codes. The Building Official shall determine the timing and sequencing of when inspections occur and what elements are inspected at each inspection.

Building:

1. *Foundation inspection.* To be made after trenches are excavated, any required reinforcing steel is in place, forms erected and shall at a minimum include the following building components:
 - Stem-wall
 - Monolithic slab-on-grade
 - Piling/pile caps
 - Footers/grade beams
- 1.1. Slab Inspection: Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

A foundation/Form board survey prepared and certified by a registered surveyor may be required, prior to approval of the slab inspection. The survey shall certify placement of the building on the site, illustrate all surrounding setback dimensions and shall be available at the job

site for review by the building inspector. In lieu of providing a survey, the contractor may elect to uncover all property line markers and string-up all property lines in preparation for inspection.

- 1.2. In flood hazard areas, upon placement of the lowest floor, including basement, and prior to further vertical construction, the elevation certification shall be submitted to the Authority having Jurisdiction.
2. *Framing inspection.* To be made after the roof, all framing, fire blocking and bracing is in place, all concealing wiring, all pipes, chimneys, ducts and vents are complete and the rough electrical, plumbing, heating wires, pipes and ducts are approved and shall at a minimum include the following building components:
 - Window/door framing
 - Window U-factor/SHGC as indicated on approved calculations
 - Vertical cells/columns
 - Lintel/tie beams
 - Framing/trusses/bracing/connectors (including truss layout and engineered drawings)
 - Draft stopping/fire blocking
 - Curtain wall framing
 - Energy insulation (Insulation R-factor as indicated on approved calculations)
 - Accessibility.
 - Verify rough opening dimensions are within tolerances.
 - Window/door buck attachment.
 - 2.1. Insulation Inspection: To be made after the framing inspection is approved and the insulation is in place, according to approved energy calculation submittal Includes wall and ceiling insulation.
 - 2.2. Lath and gypsum board inspection for fire-resistance-rated or shear assemblies. Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or gypsum board joints and fasteners are taped and finished.
3. *Sheathing inspection.* To be made either as part of a dry-in inspection or done separately at the request of the contractor after all roof and wall sheathing and fasteners are complete and shall at a minimum include the following building components:
 - Roof sheathing
 - Wall sheathing
 - Continuous air barrier
 - Exterior Siding/Cladding
 - Sheathing fasteners
 - Roof/wall dry-in

NOTE: Sheathing fasteners installed and found to be missing the structural member (shiners) shall be removed and properly reinstalled prior to installation of the dry-in material. Exception: ring shank nails shall be bent over and a new fastener installed.
4. *Exterior wall coverings.* Shall at a minimum include the following building components in progress inspections:

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- Exterior wall coverings and veneers
 - Soffit coverings
5. *Roofing inspection.* Shall at a minimum be made in at least two inspections and include the following building components:
- Dry-in
 - Insulation
 - Roof coverings (including In Progress as necessary)
 - Insulation on roof deck (according to submitted energy calculation)
 - Flashing
 - Sheathing
- 5.1. *Re-Roof sheathing inspection.* An affidavit with a notarized signature of a state or locally licensed roofing contractor for the installation of additional sheathing fasteners as required by the Existing Building Code may be accepted at the discretion of the Building Official.
6. *Final inspection.* To be made after the building, including all sub-trade inspections, is completed and ready for occupancy.
- 6.1. In flood hazard areas, as part of the final inspection, a final certification of the lowest floor elevation shall be submitted to the authority having jurisdiction.
7. *Swimming pool inspection.* First inspection to be made after excavation and installation of reinforcing steel, bonding, and main drain and prior to placing of concrete shell.
1. Steel reinforcement inspection.
 2. Underground electric inspection.
 3. Underground piping inspection including a pressure test.
 4. Underground electric inspection under deck area (including the equipotential bonding)
 5. Underground piping inspection under deck area.
 6. Deck inspection: to be made prior to installation of the deck material (with forms, deck drains, and any reinforcement in place
 7. Safety Inspection; Made prior to filling the pool with the bonding connections made, the proper drain covers installed and the final barriers installed.
 8. Final pool piping.
 9. Final Electrical inspection.
 10. Final inspection to be made when the swimming pool is complete and all required enclosure requirements are in place.

In order to pass final inspection and receive a certificate of completion, a residential swimming pool must meet the requirements relating to pool safety features as described in Section 454.2.17. of this code.

8. *Demolition inspections.* First inspection to be made after all utility connections have been disconnected and secured in such manner that no unsafe or unsanitary conditions shall exist during or after demolition operations. Final inspection to be made after all demolition work is completed.

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9. *Manufactured building inspections.* The building department shall inspect construction of foundations; connecting buildings to foundations; installation of parts identified on plans as site installed items, joining the modules, including utility crossovers; utility connections from the building to utility lines on site; and any other work done on site which requires compliance with the Florida Building Code. Additional inspections may be required for public educational facilities (see Section 453.27.20 of this code).

10. Where impact resistant coverings or impact resistant systems are installed, the Building Official shall schedule adequate inspections of impact resistant coverings or impact resistant systems to determine the following:

The system indicated on the plans was installed.

The system is installed in accordance with the manufacturer's installation instructions and the product approval.

Electrical:

1. *Underground inspection.* To be made after trenches or ditches are excavated, conduit or cable installed, and before any backfill is put in place.
2. *Rough-in inspection.* To be made after the roof, framing, fireblocking and bracing is in place and prior to the installation of wall or ceiling membranes.
3. *Final inspection.* To be made after the building electrical system is complete, all required electrical fixtures are in place and properly connected or protected, and the structure is ready for occupancy.
4. *Existing Swimming Pools.* To be made after all repairs or alterations are complete, all required electrical equipment, GFCI protection, and equipotential bonding are in place on said alterations or repairs.

Plumbing:

1. *Underground inspection.* To be made after trenches or ditches are excavated, piping installed, and before any backfill is put in place.
2. *Rough-in inspection.* To be made after the roof, framing, fireblocking and bracing is in place and all soil, waste and vent piping is complete, and prior to this installation of wall or ceiling membranes.
 - includes plumbing provisions of the energy code and approved calculations provisions.
3. *Final inspection.* To be made after the building plumbing system is complete, all plumbing fixtures are in place and properly connected, and the structure is ready for occupancy.

Note: See Section 312 of the Florida Building Code, Plumbing for required tests.

Mechanical:

1. *Underground inspection.* To be made after trenches or ditches are excavated, underground duct and fuel piping installed, and before any backfill is put in place.
2. *Rough-in inspection.* To be made after the roof, framing, fire blocking and bracing are in place and all ducting, and other concealed components are complete, and prior to the installation of wall or ceiling membranes.
 - includes mechanical provisions of the energy code and approved calculations provisions.
3. *Final inspection.* To be made after the building mechanical system is complete, the mechanical system is in place and properly connected, and the structure is ready for occupancy.

Gas:

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1. *Rough piping inspection.* To be made after all new piping authorized by the permit has been installed, and before any such piping has been covered or concealed or any fixtures or gas appliances have been connected.
 - includes gas provisions of the energy code and approved calculations provisions.
 2. *Final piping inspection.* To be made after all piping authorized by the permit has been installed and after all portions which are to be concealed by plastering or otherwise have been so concealed, and before any fixtures or gas appliances have been connected. This inspection shall include a pressure test.
 3. *Final inspection.* To be made on all new gas work authorized by the permit and such portions of existing systems as may be affected by new work or any changes, to ensure compliance with all the requirements of this code and to assure that the installation and construction of the gas system is in accordance with reviewed plans.

Site Debris:

1. The contractor and/or owner of any active or inactive construction project shall be responsible for the clean-up and removal of all construction debris or any other miscellaneous discarded articles during the course of the construction project and prior to receiving final inspection approval. Construction job sites must be kept clean and in a safe condition at all times.
2. All debris shall be kept in such a manner as to prevent it from being spread by any means.

110.3.1 Footing and foundation inspection. Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job.

110.3.2 Concrete slab and under-floor inspection. Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

110.3.3 Lowest floor elevation. In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification shall be submitted to the Building Official.

110.3.4 Frame inspection. Framing inspections shall be made after the roof deck or sheathing, all framing, fire blocking and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are approved.

110.3.5 Lath, gypsum board and gypsum panel product inspection. Lath, gypsum board and gypsum panel product inspections shall be made after lathing, gypsum board and gypsum panel products, interior and exterior, are in place, but before any plastering is applied or gypsum board and gypsum panel product joints and fasteners are taped and finished.

Exception: Gypsum board and gypsum panel products that are not part of a fire-resistance-rated assembly or a shear assembly.

110.3.6 Weather-exposed balcony and walking surface waterproofing. 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.

110.3.7 Fire- and smoke-resistant penetrations. Protection of joints and penetrations in fire-resistance rated assemblies, smoke barriers and smoke partition shall not be concealed from view until inspected and approved.

110.3.8 Energy efficiency inspections. Inspections shall be made to determine compliance with FBC, Energy Conservation and confirm with the approved energy code submittal (by appropriate trade) and corresponding mandatory requirements and shall include, but not be limited to, inspections for: corresponding envelope insulation R- and U-values, fenestration U-value and Solar Heat Gain Coefficient, duct system R-value, and HVAC, lighting, electrical and water-heating equipment efficiency.

110.3.9 Other inspections. In addition to the inspections specified in Sections 110.3 through 110.3.7, the Building Official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the department of building safety.

110.3.10 Special inspections. Reserved.

110.3.11 Final inspection. The final inspection shall be made after all work required by the building permit is completed.

110.3.11.1 Flood hazard documentation. If located in a flood hazard area, shall be submitted to the Building Official prior to the final inspection.

110.3.11.2 Energy Code documentation. If required by energy code path submittal, confirmation that commissioning result requirements have been received by building owner.

110.3.12 Termites. Building components and building surroundings required to be protected from termite damage in accordance with Section 1503.7, Section 2304.13 or Section 2304.11.6, specifically required to be inspected for termites in accordance with Section 2114, or required to have chemical soil treatment in accordance with Section 1816 shall not be covered or concealed until the release from the Building Official has been received.

110.3.13 Impact resistant coverings or systems. Where impact resistant coverings or systems are installed to meet requirements of this code, the Building Official shall schedule adequate inspections of impact resistant coverings or systems to determine the following:

1. The system indicated on the plans was installed.
2. The system is installed in accordance with the manufacturer's installation instructions and the product approval.

110.4 Inspection agencies. The Building Official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

110.5 Inspection requests. It shall be the duty of the holder of the building permit or their duly authorized agent to notify the Building Official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this code.

110.6 Approval required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the Building Official. The Building Official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the Building Official.

110.7 Shoring. For threshold buildings, shoring and associated formwork or falsework shall be designed and inspected by a Florida licensed professional engineer, prior to any required mandatory inspections by the threshold building inspector.

110.8 Threshold building.

110.8.1 During new construction or during repair or restoration projects in which the structural system or structural loading of a building is being modified, the enforcing agency shall require a special inspector to perform structural inspections on a threshold building pursuant to a structural inspection plan prepared by the engineer or architect of record. The structural inspection plan must be submitted to the enforcing agency prior to the issuance of a building permit for the construction of a threshold building. The purpose of the structural inspection plans is to provide specific inspection procedures and schedules so that the building can be adequately inspected for compliance with the permitted documents. The special inspector may not serve as a surrogate in carrying out the responsibilities of the Building Official, the architect, or the engineer of record. The contractor's contractual or statutory obligations are not relieved by any action of the special inspector.

110.8.2 The special inspector shall determine that a professional engineer who specializes in shoring design has inspected the shoring and reshoring for conformance with the shoring and reshoring plans submitted to the enforcing agency. A fee simple title owner of a building, which does not meet the minimum size, height, occupancy, occupancy classification, or number-of-stories criteria which would result in classification as a threshold building under Section 553.71(7), Florida Statutes, may designate such building as a threshold building, subject to more than the minimum number of inspections required by the Florida Building Code.

110.8.3 The fee owner of a threshold building shall select and pay all costs of employing a special inspector, but the special inspector shall be responsible to the enforcement agency. The inspector shall be a person certified, licensed or registered under Chapter 471, Florida Statutes, as an engineer or under Chapter 481, Florida Statutes, as an architect.

110.8.4 Each enforcement agency shall require that, on every threshold building:

110.8.4.1 The special inspector, upon completion of the building and prior to the issuance of a certificate of occupancy, file a signed and sealed statement with the enforcement agency in substantially the following form: "To the best of my knowledge and belief, the above-described construction of all structural load-bearing components complies with the permitted documents, and the shoring and reshoring conforms to the shoring and reshoring plans submitted to the enforcement agency."

110.8.4.2 Any proposal to install an alternate structural product or system to which building codes apply be submitted to the enforcement agency for review for compliance with the codes and made part of the enforcement agency's recorded set of permit documents.

110.8.4.3 All shoring and reshoring procedures, plans and details be submitted to the enforcement agency for recordkeeping. Each shoring and reshoring installation shall be supervised, inspected and certified to be in compliance with the shoring documents by the contractor.

110.8.4.4 All plans for the building which are required to be signed and sealed by the architect or engineer of record contain a statement that, to the best of the architect's or engineer's knowledge, the plans and specifications comply with the applicable minimum building codes and the applicable fire-safety standards as determined by the local authority in accordance with this Section and Chapter 633, Florida Statutes.

110.8.5 No enforcing agency may issue a building permit for construction of any threshold building except to a licensed general contractor, as defined in Section 489.105(3)(a), Florida Statutes, or to a licensed building contractor, as defined in Section 489.105(3)(b), Florida Statutes, within the scope of her or his license. The named contractor to whom the building permit is issued shall have the

responsibility for supervision, direction, management and control of the construction activities on the project for which the building permit was issued.

110.8.6 The building department may allow a special inspector to conduct the minimum structural inspection of threshold buildings required by this code, Section 553.73, Florida Statutes, without duplicative inspection by the building department. The Building Official is responsible for ensuring that any person conducting inspections is qualified as a building inspector under Part XII of Chapter 468, Florida Statutes, or certified as a special inspector under Chapter 471 or 481, Florida Statutes. Inspections of threshold buildings required by Section 553.79(5), Florida Statutes, are in addition to the minimum inspections required by this code.

110.9 Impact of construction. All construction activity regulated by this code shall be performed in a manner so as not to adversely impact the condition of adjacent property, unless such activity is permitted to affect said property pursuant to a consent granted by the applicable property owner, under terms or conditions agreeable to the applicable property owner. This includes, but is not limited to, the control of dust, noise, water or drainage runoffs, debris, and the storage of construction materials. New construction activity shall not adversely impact legal historic surface water drainage flows serving adjacent properties, and may require special drainage design complying with engineering standards to preserve the positive drainage patterns of the affected sites. Accordingly, developers, contractors and owners of all new residential development, including additions, pools, patios, driveways, decks or similar items, on existing properties resulting in a significant decrease of permeable land area on any parcel or has altered the drainage flow on the developed property shall, as a permit condition, provide a professionally prepared drainage plan clearly indicating compliance with this paragraph. Upon completion of the improvement, a certification from a licensed professional, as appropriate under Florida law, shall be submitted to the inspector in order to receive approval of the final inspection.

SECTION 111 CERTIFICATE OF OCCUPANCY

111.1 Use and occupancy. A building or structure shall not be used or occupied, and a change in the existing use or occupancy classification of a building or structure or portion thereof shall not be made, until the Building Official has issued a certificate of occupancy therefore as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction.

Exception: Certificates of occupancy are not required for work exempt from permits under Section 105.2.

111.2 Certificate issued. After the Building Official inspects the building or structure and finds no violations of the provisions of this code or other laws that are enforced by the department of building safety, the Building Official shall issue a certificate of occupancy that contains the following:

1. The building permit number.
2. The address of the structure.
3. The name and address of the owner or the owner's authorized agent.
4. A description of that portion of the structure for which the certificate is issued.
5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
6. For buildings and structures in flood hazard areas, a statement that documentation of the as-built lowest floor elevation has been provided and is retained in the records of the authority having jurisdiction

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7. The name of the Building Official.
 8. The edition of the code under which the permit was issued.
 9. The use and occupancy, in accordance with the provisions of Chapter 3.
 10. The type of construction as defined in Chapter 6.
 11. The design occupant load.
 12. If an automatic sprinkler system is provided, whether the sprinkler system is required.
 13. Any special stipulations and conditions of the building permit.

111.3 Temporary occupancy. The Building Official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The Building Official shall set a time period during which the temporary certificate of occupancy is valid.

111.4 Revocation. The Building Official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

111.5 Certificate of Completion. A Certificate of Completion is proof that a structure or system is complete and for certain types of permits is released for use and may be connected to a utility system. This certificate does not grant authority to occupy a building, such as shell building, prior to the issuance of a Certificate of Occupancy.

SECTION 112 SERVICE UTILITIES

112.1 Connection of service utilities. No person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this code for which a permit is required, until released by the Building Official.

112.2 Temporary connection. The Building Official shall have the authority to authorize the temporary connection of the building or system to the utility source of energy, fuel or power.

112.3 Authority to disconnect service utilities. The Building Official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Section 101.4 in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without the approval required by Section 112.1 or 112.2. The Building Official shall notify the serving utility, and wherever possible the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

SECTION 113 BOARD OF APPEALS

Construction Board of Adjustment and Appeals.

113.1 Appointment. There is hereby established a board to be called the Construction Board of Adjustment and Appeals, which shall consist of five members and two alternates. The village council shall appoint the board.

113.2 Membership and terms.

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- (a) *Membership.* The construction board of adjustment and appeals shall consist of seven members. Such board members shall be composed of individuals with knowledge and experience in the technical codes to include, if possible, an architect, engineer, general contractor, electrical contractor, HVAC contractor, plumbing contractor, and any other contractor licensed category or building inspectors, plans examiners, or Building Officials licensed by F.S. Chapter 468. In addition to the regular members, there should be two alternate members, one member with the qualifications referenced above and one member at large from the public. A board member shall not act in a case in which he has a personal or financial interest.
 - (b) *Terms.* The terms of office of the board members shall be staggered so no more than one-third of the board is appointed or replaced in any 12-month period. The two alternates, if appointed, shall serve three-year terms. Vacancies shall be filled for an unexpired term in the manner in which original appointments are required to be made. Three absences of any member from required meetings of the board shall in a 12-month period, at the discretion of the applicable governing body, render any such member subject to immediate removal from office.
 - (c) *Quorum and voting.* A simple majority of the board shall constitute a quorum. In varying any provision of this Code, the affirmative votes of the majority present, but not less than three affirmative votes, shall be required. In modifying a decision of the Building Official, not less than four affirmative votes shall be required. In the event that regular members are unable to attend a meeting, the alternate members, if appointed, shall vote.
 - (d) *Secretary of board.* The Village Clerk or his/her authorized representative shall act as secretary of the board and shall make a detailed record of all of its proceedings, which shall set forth the reasons for its decision, the vote of each member, the absence of a member, and any failure of a member to vote.

113.3. Powers. The construction board of adjustments and appeals shall have the power to hear appeals of decisions and interpretations of the Building Official and consider variances of the technical codes.

113.4. Appeals/Variances.

- (a) *Decision of the Building Official.* The owner of a building, structure or service system, or duly authorized agent, may appeal a decision of the Building Official to the construction board of adjustment and appeals whenever any one of the following conditions are claimed to exist:
 - 1. The Building Official rejected or refused to approve the mode or manner of construction proposed to be followed or materials to be used in the installation or alteration of a building, structure or service system.
 - 2. The provisions of this Code do not apply to this specific case.
 - 3. That an equally good or more desirable form of installation can be employed in any specific case.
 - 4. The true intent and meaning of this Code or any of the regulations hereunder have been misconstrued or incorrectly interpreted.
- (b) *Variances.* The construction board of adjustments and appeals, when so appealed to and after a hearing, may vary the application of any provision of this Code to any particular case when, in its opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of this or the technical codes or public interest, and also finds all of the following:
 - 1. That special conditions and circumstances exist which are peculiar to the building, structure or service system involved and which are not applicable to others.
 - 2. That the special conditions and circumstances do not result from the action or inaction of the applicant.

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3. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Code to other buildings, structures or service system.
 4. That the variance granted is the minimum variance that will make possible the reasonable use of the building, structure or service system.
 5. That the grant of the variance will be in harmony with the general intent and purpose of this Code and will not be detrimental to the public health, safety and general welfare.
- (c) *Conditions of the variance.* In granting the variance, the board may prescribe a reasonable time limit within which the action for which the variance is required shall be commenced or completed or both. In addition, the board may prescribe appropriate conditions and safeguards in conformity with this Code. Violation of the conditions of a variance shall be deemed a violation of this Code.
- (d) *Notice of appeal.* Notice of appeal shall be in writing and filed within 30 calendar days after the Building Official renders the decision. The failure of an aggrieved party to file an appeal within the 30-day period shall render the appeal untimely and the appeal shall be summarily dismissed by the board and may not be heard by the board.
- (e) *Unsafe or dangerous buildings or service systems.* In the case of a building, structure or service system, which in the opinion of the Building Official, is unsafe, unsanitary or dangerous, the Building Official may, in the order, limit the time for such appeals to a shorter period.

113.5 Procedures of the board.

- (a) *Rules and regulations.* The board may establish rules and regulations for its own procedure not inconsistent with the provisions of this Code.
- (b) *Application for appeal.*
1. All appeals of administrative decisions shall be made by completing and submitting a technically complete appeal form using forms prescribed by the village together with the payment of the appeal filing fee. The filing fee is an administrative cost that has been established by resolution of the village council and which may be amended from time to time. The aggrieved party or appellant may provide additional information and documentation in addition to the information requested on the village form. The appeal shall specify at a minimum the following:
 - a. A detailed description of the decision, interpretation, requirement or determination which is being appealed.
 - b. A copy of the written decision, interpretation, requirement or determination which is being appealed which also reflects the date when such action was taken by the Building Official.
 - c. The form of relief that the aggrieved party ("appellant") is requesting.
 - d. A statement as to whether any code enforcement proceedings have been initiated by the village that involve the subject matter of the appeal and if the subject of the appeal has been heard and ruled upon by the Village's Special Magistrate.
 - e. The sections of the Village Code and/or the Florida Building Code that are at issue.
 - f. The appeal application form must be executed, sworn to under oath and notarized by the owners of at least 75 percent of the property described in the application. If the appeal is submitted by an agent of the property owner or an agent of a tenant or contract purchaser, or other person aggrieved by the decision, the appeal must be accompanied by a written power of attorney appointing the agent to act on behalf of the appellant in the proceedings. The power of attorney shall be subject to review as to form and legal

sufficiency by the village attorney, and may be rejected if the document is not deemed legally sufficient in the sole discretion of the village attorney.

- g. Attach all documents and other tangible evidence to support your position in the appeal.
2. If an aggrieved party/appellant fails to submit a technically sufficient appeal using the application form provided by the village, the appeal will not be scheduled for hearing until a technically complete appeal has been submitted. The submission of an appeal that is not technically sufficient, does not toll the running of the 30-day appeal period, and unless a sufficient appeal is received with the 30-day period, the appeal will be forever time barred.
 3. All properties described in one application must be contiguous and immediately adjacent to one another, and the administrative official may require more than one application if the property concerned contains more than ten acres or if the fee paid for one application would not equal the cost of processing the application.
 4. Only applications which the board is authorized to consider and act upon shall be accepted for filing, and no application shall be considered or construed to be filed until the required fee has been paid.

113.6 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of this code.

SECTION 114 VIOLATIONS

114.1 Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

114.2 Notice of violation. The Building Official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this code, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

114.3 Prosecution of violation. If the notice of violation is not complied with promptly, the Building Official is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

114.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the Building Official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law.

SECTION 115 STOP WORK ORDER

115.1 Authority. Whenever the Building Official finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or dangerous or unsafe, the Building Official is authorized to issue a stop work order.

115.2 Issuance. The stop work order shall be in writing and shall be given to the owner of the property involved, the owner's authorized agent or the person performing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work will be permitted to resume.

115.3 Unlawful continuance. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

SECTION 116 UNSAFE STRUCTURES AND EQUIPMENT

116.1 Unsafe buildings or systems. All buildings, structures, electrical, gas, mechanical or plumbing systems which are unsafe, unsanitary, or do not provide adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use, constitute a hazard to safety or health, are considered unsafe buildings or service systems. All such unsafe buildings, structures or service systems are hereby declared illegal and shall be ordered by the Building Official to be abated by the owner, through repair and rehabilitation or by demolition in accordance with the Code. The extent of repairs shall be determined by the Building Official.

116.1.1 When the Building Official determines a building, structure, electrical, gas, mechanical or plumbing system or portion thereof is unsafe, as set forth in this Code he/she shall provide the owner, agent or person in control of such building, structure, electrical, gas, mechanical or plumbing system a written notice of violation stating the defects thereof. This notice shall require the owner within a stated time either to complete specified repairs or improvements, or to demolish and remove the building, structure, electrical, gas, mechanical or plumbing system or portion thereof. At the option of the local government, the processes and procedures for code enforcement under Florida Statute 162 may be utilized to abate a violation under this section. If this statutory method of enforcement is invoked, the Building Official shall act in the role of code inspector as authorized in Section 114 of this code to initiate enforcement proceedings, and notice shall be in accordance with the provisions of the Statute.

116.1.2 If necessary, the notice shall also require the building, structure, electrical, gas, mechanical, plumbing systems or portion thereof to be vacated and/or disconnected, and not reoccupied and/or reconnected until the specified repairs and improvements are completed, inspected and approved by the Building Official. The Building Official shall post at each entrance to the building a placard stating: THIS BUILDING IS UNSAFE AND ITS USE OR OCCUPANCY HAS BEEN PROHIBITED BY THE BUILDING OFFICIAL. This placard shall remain posted until the required repairs are made or demolition is completed. It shall be unlawful for any person, firm or corporation or its officers, agents, or other servants, to remove the posting without written permission of the Building Official, or for any person to enter the building, or use the building or system(s) except for the purpose of making the required repairs or of demolishing same.

116.1.3 In case the owner, agent, or person in control cannot be found within the stated time limit, or, if such owner, agent, or person in control shall fail, neglect, or refuse to comply with notice to repair, rehabilitate, or to demolish, and remove said building, structure, electrical, gas, mechanical or plumbing system or portion thereof, the Building Official, acting as a code inspector, shall notify an enforcement board and request a hearing. In the case of the violation posing a serious threat, and after having ascertained the cost, the Building Official may take action to cause such building, structure, electrical, gas, mechanical or plumbing system or portion thereof, to be demolished, secured, repaired, or required to remain vacant or unused. Taking such action does not create a continuing obligation on the part of the Building Official to continue with maintaining such building, structure, or system; or create liability for any damage to the property.

116.1.4 The decision of the Building Official shall be final in cases of emergency, which, in the opinion of the Building Official, involve imminent danger to human life or health, or the property of others. He/she shall promptly cause such building, structure, electrical, gas, mechanical or plumbing system or portion thereof to be made safe or cause its removal. For this purpose, he/she may at once enter such structure or land on which it stands, or abutting land or structures, with such assistance and at such cost as he may deem necessary. He/she may order the vacating of adjacent structures and may require the protection of the public by appropriate fence or such other means as may be necessary, and for this purpose may close a public or private way.

116.2 Conditions. Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the Building Official deems necessary and as provided for in this section. A vacant structure that is not secured against entry shall be deemed unsafe.

116.3 Record. The Building Official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

116.4 Notice. If an unsafe condition is found, the Building Official shall serve on the owner, agent or person in control of the structure, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be demolished within a stipulated time. Such notice shall require the person thus notified to declare immediately to the Building Official acceptance or rejection of the terms of the order.

116.5 Method of service. Such notice shall be deemed properly served if a copy thereof is (a) delivered to the owner personally; (b) sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested; or (c) delivered in any other manner as prescribed by local law. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

116.6 Restoration. Where the structure or equipment determined to be unsafe by the Building Official is restored to a safe condition, to the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions and change of occupancy shall comply with the requirements of Section 105.2.2 and the Florida Building Code, Existing Building.

116.7 Enforcement proceedings; hearings. Violation proceedings and hearings for unsafe structures and equipment will be conducted before the code enforcement board or special magistrate in accordance with the provisions set forth in Florida Statute 162. The owner of property that is subject to an enforcement proceeding before an enforcement board, special magistrate, or court is required to make disclosures as outlined in Florida Statute 162 before a transfer of property, and failure to make the required disclosures creates a presumption of fraud.

116.8 Administrative fines; costs to repair; liens. All costs associated with taking a case before the enforcement board shall be recovered where the jurisdiction prevails. Whenever one of the orders of the enforcement board or the special magistrate has not been complied with by the time set for compliance, for each day thereafter during which each violation continues past the date set for compliance, the enforcement board or the special magistrate may impose a fine. All costs incurred as a result of actions taken per Section 114 are charged to the violator. A certified copy of an order imposing a fine, or a fine plus repair, and the costs of prosecuting the case, may be recorded in the public records and shall thereafter constitute a lien against the land where the violation exists and upon any other real or personal property owned by the

violator. If an order is recorded in the public records pursuant to this subsection, and it has been complied with by the date specified in the order, the enforcement board shall issue an order acknowledging compliance that shall be recorded in the public record. A hearing is not required for the issuance of such a compliance order.

116.9 Appeal. An aggrieved party, including the local governing body, may appeal a final administrative order of an enforcement board or special magistrate to the circuit court. Such an appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the enforcement board. An appeal shall be filed within 30 days of the execution of the order to be appealed.

SECTION 117 VARIANCES IN FLOOD HAZARD AREAS

117.1 Flood hazard areas. Pursuant to Section 553.73(5), Florida Statutes, the variance procedures adopted in the local floodplain management, (Village of Palm Springs Code of Ordinance) Chapter 34, Article II "Floodplain Management," shall apply to requests submitted to the Building Official for variances to the provisions of Section 1612.4 of the Florida Building Code, Building or, as applicable, the provisions of R322 of the Florida Building Code, Residential. This section shall not apply to Section 3109 of the Florida Building Code, Building Chapter 27.

(Code 1994, § 10-56; Ord. No. 2007-07, § 3, 9-13-2007; Ord. No. 2012-09, § 2, 3-8-2012; Ord. No. 2015-32, § 2, 9-10-2015; Ord. No. 2017-30, § 1, 12-14-2017; Ord. No. 2021-01, § 1, 2-11-2021)

Sec. 30-143. Removal of rubbish, stagnant water and weeds required.

- (a) **Public nuisance declared.** The presence of new or used construction materials (without valid permit), debris, rubbish, trash, cans, paper, stagnant water, vines, underbrush, weeds, wild growth or grass in excess of 12 inches in height from the ground on any lot, tract or parcel of land within the village shall be unlawful and is hereby prohibited and declared to be a public nuisance to the extent that it constitutes a menace to life, property, the public health or the public welfare; creates a fire hazard; or provides a nest or breeding ground for sand flies, mosquitoes, rats, mice, other rodents, snakes or other types of pests and vermin.
- (b) **Notice.** The village manager, his designee or any code enforcement officer is hereby authorized and empowered to notify, in writing, the owner of any such lot, place or area within the village, or the agent of such owner, to cut, destroy, remove or alleviate conditions existing on such lot, place or area within the village as described in subsection (a) of this section. Such notice shall be by certified mail, addressed to the owner or the agent of the owner at such owner's or agent's last known address.
- (c) **Removal by village.** Upon the failure, neglect or refusal of any owner or agent notified pursuant to subsection (b) of this section to remove and eliminate the conditions described in subsection (a) of this section within the time limit stated in the notice, the village manager is authorized, upon approval by the village council, to contract and pay for such maintenance and bill the property owner or his agent. The charges for such services shall be a lien against the property on which the nuisance is located.

(Code 1994, § 26-86)

State law reference(s)—Nuisance abatement, F.S. § 60.05.

Sec. 34-221. Responsibility of owner; practices enumerated.

The owner or his agent shall be responsible for maintaining all landscaping in good condition so as to present a healthy, neat and orderly appearance. Such areas shall be maintained so as to be free of disease, pests, weeds, refuse, overgrowth and debris. Maintenance shall include weeding, watering, fertilizing, pruning, mowing, edging,

mulching and other activities as needed in accordance with accepted horticultural practices. Landscaping shall be inspected periodically by the village to ensure proper maintenance. The owner, tenant or their agent shall be notified in writing, of any areas which are not being properly maintained and shall provide corrective action within 30 calendar days from the time of notification.

(Code 1994, § 30-146; Ord. No. 2015-12, § 6, 4-9-2015)

Sec. 34-914. Parking in single-family residential land use districts; use of portable storage containers and roll-off dumpsters in all zoning districts.

- (a) Parking or storage locations for cars, light trucks, motorcycles, and other vehicles not otherwise provided for in this subdivision, shall be permitted as provided below. Such parking shall first be accomplished, whenever physically possible, based on the layout of the lot and permanent building(s), as follows:
 - (1) Within a garage, covered carport, or front driveway.
 - (2) In any interior, or side yard, behind the front building line, at the height of or below the roofline of the house,
 - (3) In the rear yard behind the setback line, at the height of or below the roofline of the house,
 - (4) In the swale portion of the public right of way, and not within the paved roadway, in front of a single-family residence. However, not more than two automobiles or light trucks may be parallel parked, and no vehicle so parked shall remain parked for more than 48 hours at a time.
- (b) No vehicle, boat and trailer, recreational vehicle, hobby vehicle or race vehicle shall exceed 40 feet in length.
- (c) The use of a shipping container, a portable storage container, or any type or brand of portable/mobile storage container (collectively referred to herein as "storage container(s)" or a roll-off construction dumpster ("dumpster")) within any zoning district in the village, is subject to the following regulations:
 - (1) Neither a storage container nor a construction dumpster, shall be located on any property, for more than 72 consecutive hours, unless the occupant-owner or occupant-lessee, first obtains a permit from the village land development department. Applicants for such a permit, must complete and submit a permit application, on a form prescribed by the village, and pay a permit fee as established by resolution of the village council. A permit for a roll-off dumpster and the related permit fee is not required by this section, if the roll-off dumpster is separately permitted pursuant to a valid building permit issued by the village. The land development department may require the applicant to submit documentary evidence to demonstrate that the applicant is either an occupant-owner, or and occupant-lessee of the property on which the storage container or dumpster will be located, such as a deed, lease agreement, utility bill, etc.
 - (2) Not more than one standard size (eight-foot height × eight-foot width × 16-foot length) storage container or one roll-off construction dumpster in a size not to exceed (4.5-foot height × eight-foot width × 22-foot length) (20-yard capacity), may be located on an impervious or semi-pervious surface, at a single-family residence, multi-family residential property or commercial property, for a time period not to exceed 30 consecutive days. In the event of exceptional circumstances, the permit holder may request an extension of an additional 30 consecutive days time. Any request for an extension of time must be in writing, and must include a written justification statement demonstrating "good cause" as to why the 30-day period should be extended for up to an additional 30 consecutive days. The decision to grant or deny the request for an extension, shall be within the sole discretion of the village. Not more than one permit, per year, for a storage container or a dumpster, shall be issued by the village for the same property.

-
- (3) No storage container or dumpster shall exceed the height of the roofline of the house or building. No storage container or dumpster, shall be located within a utility easement, drainage easement, right-of-way, front yard area (except for driveways), alley right-of-way or street right-of-way. No storage container or dumpster shall be stored within a required side yard setback between a building and an adjacent street or property line. The storage container or dumpster, must be owned or leased by the occupant-owner or occupant-lessee of the property, and may not be used for living or sleeping purposes, or for any other use except storage.
- (4) Upon the issuance of a tropical storm watch and/or a hurricane watch by the National Weather Service, the occupant-owner or occupant-lessee of property on which a storage container or roll-off dumpster is located, shall use every reasonable and best effort to remove, or to arrange for the removal of, the storage container or roll-off dumpster from the property. In the event removal is not possible, the storage container or the roll-off dumpster and its contents, shall be secured against windloads up to 150 mph. The occupant-owner and/or occupant-lessee of property on which a storage container or roll-off dumpster is located, shall be subject to civil liability and/or code enforcement action, for damages and/or code violations caused by an unsecured storage container or roll-off dumpster and/or its contents.
- (d) Parking or storage locations for not more than the following:
- (1) One boat and trailer, or recreational vehicles, or any combination thereof, shall be permitted so that such parking shall first be accomplished, whenever physically possible, based on the layout of the lot and fixed obstructions as follows:
- Within a garage or covered carport, if not otherwise used to park or store a vehicle such as a car, motorcycle, or light truck;
 - In any interior, or side yard, behind the front building line, at the height of or below the roofline of the house.
- (2) Additional boats and trailers, or recreational vehicles or any combination thereof, shall be permitted in the side yard or rear yard behind the setback lines, at the height of or below the roofline of the house.
- (e) Each vehicle, boat and trailer, trailer, recreational vehicle, hobby vehicle or race vehicle must be parked on an impervious or semipervious surface.
- (f) The maximum area of impervious and semipervious parking surface in the front yard in any residential zoning district, shall be 40 percent, unless the front yard shall contain a semicircular driveway, in which event, the maximum area of impervious and semipervious parking surface shall be 60 percent of the front yard. Paver blocks set in sand shall only be considered as 25 percent pervious and 75 percent impervious. See section 34-881 also.
- (g) Each hobby vehicle or race vehicle must be completely and securely covered by a commercial, weatherproof, opaque fabric cover. Such vehicle shall be screened from view, if parked in an interior, side or rear yard.
- (h) No major repairs or overhaul work on vehicles which constitutes either a public or private nuisance shall be made or performed on any property within the village, unless otherwise permitted by this Code.
- (i) All parking areas shall be maintained in a clean, and neat manner, and the vehicles, boat and trailer, trailer, recreational vehicle, or combination thereof, shall be in usable and operable condition at all times, and shall have a current tag, if required by state law to have a registration and tag.
- (j) Variances from the size, location, screening and distance requirements set forth in this section shall only be for good cause shown in an administrative variance application to the land development director, as set forth in section 34-607.

(Ord. No. 2005-25, § 2(30-629), 10-13-2005; Ord. No. 2006-15, § 1, 5-11-2006; Ord. No. 2007-08, § 7, 4-26-2007; Ord. No. 2011-12, § 1, 6-9-2011; Ord. No. 2016-21, § 10, 1-12-2017)

CASE PRESENTATION

CASE No. CASE 2025-06

1. Good morning. My name is Joey Sanders and I'm a code enforcement officer for the Village of Palm Springs and I've been sworn in.

2. Case #2025-06 is concerning the property located at 3663 Almar RD within the Village of Palm Springs.

3. According to the Palm Beach County Property Appraiser's records and the Palm Beach County Tax Collector's records, the current owner of the property is Liliana Rondon & Leonila P Verdecia.

4. Pursuant to observation there are violations of the following local ordinances:
SECTION 34-221: Landscape Maintenance-Replace all sections of dead grass.
SECTION 30-143: Trash/Debris-Remove all trash/debris stored in the front of the property.
SECTION 10-8: Driveways-Driveway observed in disrepair and needs to be resurfaced.
SECTION 34-914: Vehicles/Parking-Remove all vehicles parked on the grass and trailer must be shielded from public view and parked on an impervious surface.
SECTION 10-31 (FBC 105.1 & 110.1)-Work w/o Permits-Obtain an after the fact permit for the installation of a fence, pavers, sheds and structures/additions.
SECTION 10-9: Exterior Property Maintenance-Repair damaged section of the fascia located on the left side of the property.

Photos are included in the file.

5. On 07/17/2024, I inspected the property and observed multiple code violations to include a driveway in disrepair and various exterior work performed without a permit and inspection. I issued a code courtesy violation notice and posted it on the front door of the property. All of the other above noted violations were also discovered throughout the duration of this case. It should be noted that I mailed the property owner a total of two follow-up letters which included a "Final Notice Before Special Magistrate Hearing" warning notice dated 10/26/2024 with a compliance date of 11/09/2024. On 11/05/2024, CEO Tamayo and I made contact with Property Owner Leonila via telephone. Leonila requested an extension due to the holidays and advised that she would have all of the outstanding code violations corrected by the end of January 2025. As of this writing, the property owner has made minimal progress toward bringing the property into compliance and has failed to make any further efforts to communicate with me.

6. On February 9th, 2025, Notice of Violation/ Notice of Hearing 2025-06 was issued for the violations. The NOV/NOH notice was sent certified and regular mail to the respondent's address of record and posted at the property and at Village Hall. The Green Card from the certified mailing was not signed and returned. Unfortunately, the property remains in non-compliance.

7. I request that the respondent be ordered to come into compliance by correcting all the property violations by March 1st, 2025. If not in compliance by March 1st, 2025, a \$100.00 PER DAY PER VIOLATION fine shall commence.

8. The Village has also incurred costs in the amount of \$276.60 conducting this investigation and hearing. I request that the respondent be ordered to reimburse those costs to the Village by no later than March 1st, 2025.

CASE No. _____

9. Subject to any questions you might have, this concludes the Village's testimony.



The Village of Palm Springs FLORIDA



Case Administrative / Court Costs

February 20, 2025, 3663 Almar RD

Case 2025-06

Line #	Description	Unit #	Cost	Total
1	Additional Inspector Time - 1 hour CE	3.00	35.00	105.00
2	Additional Inspector Time - 1 hour Bldg	0.00	60.00	0.00
3	Additional Inspector Time - 1 hour LD Director	0.00	70.00	0.00
4	Additional photos re-inspections - 5.00 per photo	0.00	5.00	0.00
5	Additional photos re-inspections - 5 for 20.00	5.00	20.00	100.00
6	Additional certified copies for hearing	1.00	8.16	8.16
7	Additional clerk time - 1 hour	0.50	28.00	14.00
8	Additional Attorney Time - per hour	0.25	195.00	48.75
9	Subpoena Fees	0.00	0.00	0.00
10	Postage	1.00	0.69	0.69
11	Magistrate - per hour	0.00	195.00	0.00
12	Administrative Fees	0.00	127.45	0.00
13	Code Enforcement Private Inspector(min 3 hours)	0.00	45.00	0.00
14	Police Officer	0.00	41.00	0.00
15	Police Corporal	0.00	43.00	0.00
16	Police Sergeant	0.00	46.00	0.00
17	Additional Inspector Time -1 hour LD Planner	0.00	35.00	0.00
18		0.00	0.00	0.00
19		0.00	0.00	0.00
20		0.00	0.00	0.00
		0.00	0.00	0.00
		0.00	0.00	0.00
		0.00	0.00	0.00
		0.00	0.00	0.00
		0.00	0.00	0.00
		0.00	0.00	0.00
Total Costs for Case 2025-06				276.60



PALM SPRINGS POLICE DEPARTMENT

230 Cypress Lane · Palm Springs, Florida 33461 · Phone 561-968-8243 · www.vpsfl.org

October 26th, 2024

Liliana Rondon & Leonila P Verdecia
3663 Almar RD
Palm Springs, FL 33461

305 713 8916

She has been calling you -
please call Leonila back.

Final Notice Before Special Magistrate Hearing

Dear Property Owner,

You have been issued a code courtesy violation notice due to code enforcement violations by the Palm Springs Police Department's Code Enforcement Division. This is regarding the property located at **3663 Almar RD Palm Springs, FL 33461**
PCN: 70-42-44-24-00-000-5280

This property is in violation of the following Village of Palm Springs ordinances:

SECTION 105.1 & 110.1

Work w/o Permits: Pavers, windows, structures, fences and sheds installed without a permit and inspection. Contact the PZB Department at 561-584-8200 Ext: 8460 for further assistance.

SECTION 34-225:

Fence Maintenance: Repair or remove broken fence (right side).

→ PZB told her to speak w/ you.
owned House 2 yrs. Everything done
prior.

SECTION 10-8:

Driveways: Driveway observed in disrepair and needs to be resurfaced.

SECTION 10-9

Exterior Property Maintenance/Fascia: Remove all black discoloration off the fascia (right side).

SECTION 34-914 & 34-915:

Vehicles/Parking: RV/camper must be parked on an impervious surface and may not be used for living or sleeping purposes. Remove RV/camper off the property.

SECTION 34-221:

Landscape Maintenance: Improve the appearance of all sections of dead grass (front).

Compliance Date: November 9th, 2024

Failure to comply may result in a citation fine, court costs or a potential lien on the property.

Please contact me if you have any questions and/or need further assistance.



PALM SPRINGS POLICE DEPARTMENT

230 Cypress Lane • Palm Springs, Florida 33461 • Phone 561-968-8243 • www.vpsfl.org

October 26th, 2024

Liliana Rondon & Leonila P Verdecia
3663 Almar RD
Palm Springs, FL 33461

Final Notice Before Special Magistrate Hearing

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SECTION 10-9

Exterior Property Maintenance/Fascia: Remove all black discoloration off the fascia (right side).

SECTION 34-914 & 34-915:

Vehicles/Parking: RV/camper must be parked on an impervious surface and may not be used for living or sleeping purposes. Remove RV/camper off the property.

SECTION 34-221:

Landscape Maintenance: Improve the appearance of all sections of dead grass (front).

Compliance Date: November 9th, 2024

Failure to comply may result in a citation fine, court costs or a potential lien on the property.

Please contact me if you have any questions and/or need further assistance.

Respectfully,

Joey Sanders

Code Enforcement Officer ID #211

Palm Springs Police Department

Phone: 561-584-8300 Ext: 8525

Email: jsanders@vpsfl.org

Professionalism · Respect · Integrity · Duty · Excellence



PALM SPRINGS POLICE DEPARTMENT

230 Cypress Lane · Palm Springs, Florida 33461 · Phone 561-968-8243 · www.vpsfl.org

July 17th, 2024

Leorila P Verdecia & Liliana Rondon
3663 Almar RD
Palm Springs, FL 33461

Dear Property Owner,

You have been issued a code courtesy violation notice due to code enforcement violations by the Palm Springs Police Department's Code Enforcement Division. This is regarding the property located at **3663 Almar RD Palm Springs, FL 33461**

PCN: 70-42-44-24-00-000-5280

This property is in violation of the following Village of Palm Springs ordinances:

SECTION 10-8, 30-141 & 34-221

Weeds/Overgrowth/Landscape Maintenance:

- Remove all weeds attached to the fence (right side).
- Trim all overgrown bushes/vegetation/trees (front).
- Replace all sections of dead grass (front).

SECTION 34-915

RV/Camper Usage: RV/camper may not be used for living or sleeping purposes (left side).

SECTION 10-9

Exterior Property Maintenance/Street Numbers/Mailbox/Fascia/Holiday Lights:

- Replace existing "3663" house ID numbers on the mailbox.
- Remove all white holiday lights off the property.
- Remove all black discoloration off the fascia/trim (left side).

SECTION 10-8

Driveways: Driveway observed in disrepair and needs to be resurfaced.

SECTION 30-143

Trash/Debris/Materials: Remove all trash, debris and materials stored in the front of the property.

SECTION 105.1 & 110.1

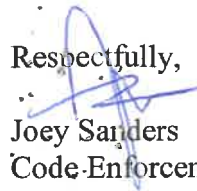
Work w/o Permits: Fence, pavers, doors, windows and an addition installed without a permit and inspection. Contact the PZB Department at 561-584-8200 Ext: 8460 for further assistance.

Compliance Date: July 31st, 2024

Failure to comply may result in a citation fine, court costs or a potential lien on the property.

Please contact me if you have any questions and/or need further assistance.

Respectfully,



Joey Sanders

Code Enforcement Officer ID #211

Palm Springs Police Department

Phone: 561-584-8300 Ext: 8525

Email: jsanders@vpsfl.org

Professionalism • Respect • Integrity • Duty • Excellence

Courtesy Code Violation Notice

Case#

Date: 07/17/2024 Time: _____

Location: 3663 N mar RD

The Village of Palm Springs is committed to improving our community. Well maintained property enhances the quality of life in neighborhoods and reduces crime.

Please address the listed code violations:

10-8/30-14/34-221 - Weeds/overgrowth/Landscape maintenance

349-15 - RV/camper Usage

10-9 - Exterior Property Maintenance/Street Number/Mailbox/Fascial Holiday Lights

10-8 - Driveways

30-143 - Trash/Debris/Materials

105-1/110-1 - Work w/o Permits

Compliance Date: 07/31/2024

Thank you for your efforts to maintain your residence and property in excellent condition. We commend you for your continuing commitment to our community. Feel free to contact me if you have any questions.

Code Officer J. Sanders #211

Name

I.D. #

Palm Springs Police Department
(561) 584-8300, ext. 8520

EXT: #8525



Property Detail

Location Address : 3663 ALMAR RD
Municipality : PALM SPRINGS
Parcel Control Number : 70-42-44-24-00-000-5280
Subdivision :
Official Records Book/Page : 33819 / 273
Sale Date : 08/25/2022
Legal Description : 24-44-42, S 60 FT OF N 892 FT OF W 130 FT OF E 1/2 OF E 1/2 OF NW 1/4 OF SE 1/4 (LESS E 20FT RD R/W)

Owner Information**Owner(s)**

RONDON LILIANA &
 VERDECIA LEONILA P

Mailing Address

3663 ALMAR RD
 LAKE WORTH BEACH FL 33461 3403

Sales Information

Sales Date	Price	OR Book/Page	Sale Type	Owner
08/25/2022	\$375,000	33819 / 00273	WARRANTY DEED	VERDECIA LEONILA P &
12/18/2020	\$255,000	32052 / 01175	WARRANTY DEED	ESPINO ADAM HERRERA
03/27/2019	\$190,000	30517 / 01057	WARRANTY DEED	PUPO LILIANA R &
07/27/2001	\$83,500	12900 / 01171	WARRANTY DEED	HERNANDEZ VINCENTE
04/06/2001	\$44,000	12445 / 01938	WARRANTY DEED	KWAN NG LAI TR
05/18/2000	\$10	11822 / 01806	QUIT CLAIM	AFFORDABLE HOMES OF
05/05/2000	\$29,200	11762 / 02000	CERT OF TITLE	PROFILE INVEST INC
01/01/1979	\$28,000	03046 / 00922		

Exemption Information

Applicant/Owner(s)	Year	Detail
RONDON LILIANA &	2025	ADDITIONAL HOMESTEAD
RONDON LILIANA &	2025	HOMESTEAD

Property Information

Number of Units : 1
***Total Square Feet :** 1312
Acres : .15
Property Use Code : 0100—SINGLE FAMILY
Zoning : RM—RESIDENTIAL MULTI-FAMILY (70-PALM SPRINGS)

Building Details**Structural Details**

Structural Element for Building 1		Sketch for Building 1
Exterior Wall 1	MSY: CB STUCCO	
Year Built	1961	
Air Condition Desc.	HTG & AC	
Heat Type	FORCED AIR DUCT	
Heat Fuel	ELECTRIC	
Bed Rooms	3	
Full Baths	2	
Half Baths	0	
Exterior Wall 2	NONE	
Roof Structure	GABLE/HIP	
Roof Cover	ROLLED COMPOSITION	
Interior Wall 1	PLASTER	



ANNE M. GANNON

CONSTITUTIONAL TAX COLLECTOR

Serving Palm Beach County Serving you.



\$0.00
CHECK OUT

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- [New Search](#)
- [Print Page](#)
- [View Assessment Data](#)

Account Information

Property Control Number:
70-42-44-24-00-000-5280

Mailing Address:
3663 ALMAR RD
Lake Worth Beach, FL 33461-3403

Owner of Record:
RONDON LILIANA &

Property Type:
Real Property

Property Address:
3663 ALMAR RD
LAKE WORTH, FL 33461

Second Owner:
VERDECIA LEONILA P

Status: Active

Legal Description:
24-44-42, S 60 FT OF N 892 FT OF W 130
FT OF E 1/2 OF E 1/2 OF NW 1/4 OF SE
1/4 (LESS E 20FT RD R/W)

Last updated: 2/09/2025 01:04:39 PM

2024 Real Estate and Tangible Personal Property Taxes will be delinquent as of April 1, 2025.
Delinquent Property Tax cannot be paid online.
Visit our Payment Options page to [view delinquent tax payment options](#).

Interest and associated costs for delinquent taxes are determined by the date payment is received to the Tax Collector.
A minimum charge of 3% is collected. Interest accrues at up to 1.5% per month (18% annually).

Tax Bills

Add Tax Bills to the cart then select cart icon () above to checkout.

Total Payable: **\$0.00**

Recently Paid Bills

Payment Info - Select to Expand Payment History for PIN



**VILLAGE OF PALM SPRINGS CODE
ENFORCEMENT**

CODE CASE: 2025-06

**VILLAGE OF PALM SPRINGS, FLORIDA
Petitioner,**

**LILIANA RONDON & LEONILA P VERDECIA
3663 ALMAR ROAD
PALM SPRINGS, FL 33461 3403**

Respondent(s).

ORDER FINDING VIOLATION

Re: Violation of the following Village of Palm Springs Code of Ordinances:

Section 34-221: Landscape maintenance. Replace all sections of dead grass.

Section 30-143: Trash and debris. Remove all trash and debris stored in front of the property.

Section 10-8: Driveways. Driveway observed in disrepair and needs to be resurfaced.

Section 34-914: Vehicles/parking. Remove all vehicles parked on the grass and trailer must be shielded from public view and parked on an impervious surface.

Section 10-31 (FBC 105.1 & 110.1): Working without permits. Obtain an after the fact permit for the installation of a fence, pavers, sheds and structures/additions.

Section 10-9: Exterior property maintenance. Repair damaged section of the fascia located on the left side of the property.

Address: 3663 ALMAR ROAD

Legal Description: 24-44-42, S 60 FT OF N 892 FT OF W 130 FT OF E ½ OF E ½
OF NW ¼ OF SE ¼) LESS E 20FT RD R/W)

PCN: 70-42-44-24-00-000-5280

The Special Magistrate appointed by the Village of Palm Springs to hear code enforcement cases for the Village of Palm Springs, in accordance with Chapter 162, Florida Statutes, has heard testimony at the Code Enforcement hearing held on the **20th** day of **February 2025**, and based on the evidence and testimony presented, the following FINDINGS OF FACT, CONCLUSIONS OF LAW, and ORDER are hereby entered:

FINDINGS OF FACT

1. The Respondent _____ was / _____ was not present at the hearing. There was a finding of proper notice.
2. The Code Inspector presented competent substantial evidence which included testimony and/or photographs to establish that the respondent is in violation of the code section(s) referenced above.

- ☐ Respondent **is in violation** of the following Village of Palm Springs Code of Ordinances:

- ☐ **Section 34-221: Landscape maintenance. Replace all sections of dead grass.**
- ☐ **Section 30-143: Trash and debris. Remove all trash and debris stored in front of the property.**
- ☐ **Section 10-8: Driveways. Driveway observed in disrepair and needs to be resurfaced.**
- ☐ **Section 34-914: Vehicles/parking. Remove all vehicles parked on the grass and trailer must be shielded from public view and parked on an impervious surface.**
- ☐ **Section 10-31 (FBC 105.1 & 110.1): Working without permits. Obtain an after the fact permit for the installation of a fence, pavers, sheds and structures/additions.**
- ☐ **Section 10-9: Exterior property maintenance. Repair damaged section of the fascia located on the left side of the property.**

- ☐ Respondent **was in violation** of the following Village of Palm Springs Code of Ordinances but is currently in compliance:

- ☐ **Section 34-221: Landscape maintenance. Replace all sections of dead grass.**
- ☐ **Section 30-143: Trash and debris. Remove all trash and debris stored in front of the property.**
- ☐ **Section 10-8: Driveways. Driveway observed in disrepair and needs to be resurfaced.**
- ☐ **Section 34-914: Vehicles/parking. Remove all vehicles parked on the grass and trailer must be shielded from public view and parked on an impervious surface.**
- ☐ **Section 10-31 (FBC 105.1 & 110.1): Working without permits. Obtain an after the fact permit for the installation of a fence, pavers, sheds and structures/additions.**
- ☐ **Section 10-9: Exterior property maintenance. Repair damaged section of the fascia located on the left side of the property.**

ORDER

It is the Order of the Code Enforcement Special Magistrate that:

- ☐ Respondent **has** brought the cited code violation(s) into compliance. Respondent has failed to pay and is ordered to pay the following amounts on or before **March 1st, 2025:**
- ☐ Administrative costs of **\$276.60**
 - ☐ Citation fine of **\$ N/A**
 - ☐ Re-inspection fee of **\$ N/A**
- ☐ Respondent **has not** brought the cited code violation(s) into compliance and remains in violation. Respondent must comply with all code violations on or before **March 1st, 2025.** If Respondent fails to comply within the time given, a fine of **\$100.00 per day, per violation** will continue to accrue until the Respondent contacts the Code Inspector/Officer and a re-inspection indicates that the property is in compliance. Respondent has failed to pay and is ordered to pay the following amounts on or before the date set for compliance or by **March 1st, 2025.**

- ☐ Administrative costs of **\$276.60**
- ☐ Citation fine of \$ N/A
- ☐ Re-inspection fee of \$ N/A

All payments shall be made to Village at 226 Cypress Lane, Palm Springs, Florida 33461.

A certified copy of this order may be immediately recorded in the Public Records of Palm Beach County and if recorded, shall constitute notice pursuant to section 162.07(4), Fla. Stat. Within twenty (20) days of the date of this order, the Respondent may submit a written request to Code Inspector/Officer Joey Sanders at the Village of Palm Springs, 226 Cypress Lane, Palm Springs, FL 33461, for a hearing to challenge the fine amount imposed by this order. If such a hearing is timely requested, the Village shall notify the Respondent of the hearing date and time by regular U.S. mail sent to the address provided in the written request for the hearing. The requested hearing will be limited to consideration of only those new findings necessary to impose an appropriate fine amount. The Respondent shall bear the burden of proof at such hearing and shall be required to show cause why this order and the fine amount stated herein shall not be imposed. However, if the Respondent fails to timely request a hearing as described above and fails to bring the violations into compliance and/or pay all administrative costs and fees as ordered herein, the Village, if it has not already done so pursuant to section 162.07(4) Fla. Stat., may record a certified copy of this order in the Public Records of Palm Beach County, Florida, and thereafter this order shall constitute a lien pursuant to section 162.09, Fla. Stat. If a certified copy of this order has previously been recorded pursuant to section 162.07(4) Fla. Stat., then that recorded order shall constitute a lien pursuant to section 162.09, Fla. Stat. The lien shall be assessed against the real property at issue (if applicable) and the real and personal property of the Respondent. After three (3) months from recording the lien which remains unpaid, the Special Magistrate may authorize the Village Attorney to foreclose on the lien or to sue to recover a money judgment for the amount of the lien plus accrued interest.

Future violations of the aforementioned code section(s) may be considered a repeat violation for which a fine of up to five hundred dollars (\$500.00) per day may be imposed beginning on the date the violation begins.

Upon complying, it is the responsibility of the Respondent to notify the Village of Palm Springs Code Inspector/Officer at (561) 584-8300 ext. 8525 to request a reinspection of the property and/or violation(s).

DONE AND ORDERED this 20th day of February 2025.

VILLAGE OF PALM SPRINGS CODE ENFORCEMENT

Special Magistrate

A copy of this order has been furnished to the respondent at the following statutory address:

[3663 Almar Road](#)
[Palm Springs, FL 33461 3403](#)



Village of Palm Springs
Code Enforcement Magistrate Hearing

Case No. 2023 - 46
Village of Palm Springs, Florida
Petitioner,

vs.

ANGEL PONCE TORRES
1074 SE DAMASK AVENUE
PORT ST LUCIE, FL 34983

Respondent(s).

PCN: 70-43-44-18-05-005-0070

FINE REDUCTION OR ABATEMENT ORDER

THIS MATTER having come before the Village of Palm Springs Code Enforcement Special Magistrate on February 20, 2025, and the Magistrate, having heard the testimony and other evidence of the parties, and having been fully apprised of the circumstances, and based upon a preponderance of the evidence, does find as follows:

The above Respondent(s) is the owner or occupant of Meadow (vacant lot, 70-43-44-18-05-005-0070)
THE PROPERTY DESCRIBED AS: FROST PARK LT 7 BLK 5

1. On September 21, 2023, the Village of Palm Springs Code Enforcement Special Magistrate entered an order finding the Respondent in violation of Section(s) 30-143 Public Nuisance, Trash, Debris, wild undergrowth and overgrowth, providing a neighborhood breeding ground for pests and vermin. of the Village of Palm Springs Code of Ordinances. The Respondent was given until October 16, 2023, within which to comply with the code, failing which a fine of \$100.00 per day was assessed against respondent(s). The fines continued for 391 days and totaled \$39,100.00.
2. Administrative Costs of \$216.91 were also levied against the Respondent(s) and were paid.
3. On November 11, 2024, the Respondent(s) complied with the cited violation(s).
4. The Respondent has submitted an application for a fine reduction.

IT IS HEREBY ORDERED, that

- A. Based upon the testimony of the parties, and viewing the facts presented in the light most favorable to the Respondent, fine reduction criteria under Section 162.09(2)(b), Florida Statutes, has been _____ or _____ has not been established; and
- B. _____ Respondent is ordered to pay a reduced fine of **\$7,820.00** and costs in the amount of **\$-0-** on or before **March 3, 2025**. If the reduced fine is not paid within the specified time, the fine shall revert to the original accrued amount of **\$39,100.00** before the reduction.

DONE AND ORDERED this 20th day of February 2025.

By: _____
Special Magistrate

Copies Furnished to the Parties by _____ U.S. Mail

VILLAGE OF PALM SPRINGS, FLORIDA
CODE ENFORCEMENT

Case 2023-46

XX AFFIDAVIT OF COMPLIANCE
AFFIDAVIT OF NON-COMPLIANCE
(Check One)

VILLAGE OF PALM SPRINGS, FLORIDA
Petitioner

vs.

ANGEL PONCE TORRES
1074 SE DAMASK AVENUE
PORT ST LUCIE, FL 34983

Respondent

The property at MEADOW ROAD (PCN 70-43-44-18-05-005-0070) on the Code Enforcement CASE 2023-46 dated SEPTEMBER 7, 2023, in the above-mentioned case, has been re-inspected and, I TOM GEHRMAN state that property is NOW in compliance with Section 30-143 public nuisance: debris, trash undergrowth, weeds and wild overgrowth visible on vacant lot, provides a breeding ground for pests and vermin. The Lot was Cleared of the Ordinance Codes of the Village of Palm Springs on the Eleventh (11h) day of NOVEMBER 2024.

Administrative Costs (no receipt of payment), Lien CFN 20230415348 (active)

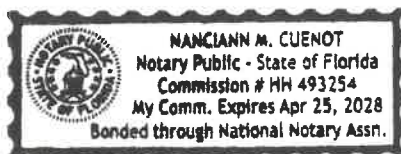
Tom Gehman
Code Enforcement Officer

STATE OF FLORIDA
COUNTY OF PALM BEACH

Sworn to, (or affirmed) and subscribed before me by means of ☐ physical presence or ☐ online notarization, this 15th day of November, 2024, by, Tom GEHRMAN, who is personally known to me or who has produced _____ as identification.

My Commission expires: April 25, 2028

Nanciann M. Cuenot
NOTARY SIGNATURE



NANCIANN M. CUENOT
PRINT NAME

Notary Public, State of Florida
Commission No.: HH 493254



**VILLAGE OF PALM SPRINGS
CODE ENFORCEMENT SPECIAL MAGISTRATE**

CASE NO: 2023-46

REQUEST FOR REDUCTION OF FINE

INSTRUCTIONS: Please answer all questions on this form completely. Be specific and use additional pages if necessary. **PRIOR TO SUBMITTING THIS REQUEST, ALL UNPAID CITATIONS AND ADMINISTRATIVE COSTS MUST BE PAID AND PROPERTY MUST BE IN TOTAL COMPLIANCE.** Return this form and the \$250.00 application fee, to the Village Clerk of the Code Enforcement Special Magistrate. The request will then be presented to the Magistrate at the next regularly scheduled hearing. **The Special Magistrate will not consider your request unless you are present at the hearing.** You will be notified in writing of the Special Magistrate's decision within ten (10) days after the meeting. If you are claiming medical or financial hardship, attach supporting documentation (i.e., a Doctor's statement or proof of income). If you have any questions, please call the Village Clerk's Office (561) 9654010.

Property Owner's Name: Angel Ponce Torres
Property Address: Lot-7 Meadow Rd. Palm Spring FL 33406
Telephone number where you can be reached during the day: 772 501-33-60
Is the property now in compliance: Yes: ☒ No: ☐ (If no, explain in detail)

Are you requesting an extension of time to make repairs: Yes: ☐ No: ☒

If yes, until what date: _____

Date you called The Village of Palm Springs Code Enforcement Division for a re-inspection: _____

Compliance date specified by Special Magistrate: NOVEMBER 11 2024

Are you claiming a financial hardship: Yes: ☐ No: ☐

Are you claiming a medical hardship: Yes: ☐ No: ☐

If the property owner is unable to complete this form, list name of person who is authorized to act for the property owner: _____

Relationship to property and/or property owner: _____

Request for Reduction of Fine

Case No.: 2023-46

MAKE CERTAIN THAT THIS FORM SETS FORTH YOUR POSITION.

I, Angel Ponce Torres, do hereby submit this petition in request for a reduction in the total amount of penalty imposed, or a request for an extension of time to bring the property into compliance, and in support, offer the following statement:

Requesting A Reduction of Fines, When Violations were
Known to me I Took Action to Correct in
Good Faith.

Date: 2-10-2025

Signature: [Signature]

State of: FLORIDA

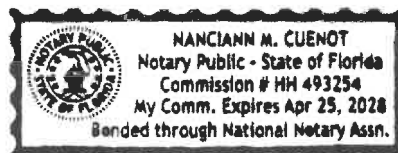
County of: PALM BEACH.

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 10th
DAY OF FEBRUARY 2025, BY Angel Ponce Torres WHO IS PERSONALLY
KNOWN TO ME OR WHO HAS PRODUCED Mexico ID A00081415
AS IDENTIFICATION AND WHO DID/DID NOT TAKE AN OATH.

Nanciann M. Cuenot
SIGNATURE OF NOTARY PUBLIC

NANCIANN M. CUENOT
PRINT NAME OF NOTARY PUBLIC

(OFFICIAL SEAL)





VILLAGE OF PALM SPRINGS
226 CYPRESS LANE; PALM SPRINGS, FL 33461
561-584-8200 x 8460

Receipt #: PT01325

Application Date: 10/03/24

Receipt Date 02/10/25 Permit Number 24-01116
Payee ANGEL PONCE
Address 70434418050050070
Permit Type Property Maintenance General
Payment Method Credit Card Payment *****1490
Confirmation # 000000025111

CE Application Fee for Fine Reduction Request	\$250.00
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Comments:

Amount \$250.00
Total Paid \$250.00



VILLAGE OF PALM SPRINGS
226 CYPRESS LANE; PALM SPRINGS, FL 33461
561-584-8200 x 8460

Receipt #: PT01325

Application Date: 10/03/24

Receipt Date 02/10/25 Permit Number 24-01116
Payee ANGEL PONCE
Address 70434418050050070
Permit Type Property Maintenance General
Payment Method Credit Card Payment *****1490
Confirmation # 000000025111

CE Application Fee for Fine Reduction Request	\$250.00
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Comments:

Amount \$250.00
Total Paid \$250.00



**VILLAGE OF PALM SPRINGS CODE
ENFORCEMENT**

CODE CASE: 2023-46

**VILLAGE OF PALM SPRINGS, FLORIDA
Petitioner,**

**Angel Ponce Torres
4083 Dale Road
West Palm Beach, FL 33406 6517**

Respondent(s).

ORDER FINDING VIOLATION

Re: Violation of: **SECTION 30-143 Public Nuisance, debris, trash, undergrowth, weeds and wild overgrowth visible on this vacant lot, provides a breeding ground for pests and vermin. Clean up and cutting required.**

Address: Meadow Road
Legal Description: FROST PARK LT 7 BLK 5
PCN: 70-43-44-18-05-005-0070

The Special Magistrate appointed by the Village of Palm Springs to hear code enforcement cases for the Village of Palm Springs, in accordance with Chapter 162, Florida Statutes, has heard testimony at the Code Enforcement hearing held on the 21st day of September 2023, and based on the evidence and testimony presented, the following FINDINGS OF FACT, CONCLUSIONS OF LAW, and ORDER are hereby entered:

FINDINGS OF FACT

1. The Respondent _____ was / X was not present at the hearing. There was a finding of proper notice.
2. The Code Inspector presented competent substantial evidence which included testimony and/or photographs to establish that the respondent is in violation of the code section(s) referenced above.

CONCLUSIONS OF LAW

- X Respondent is in violation of **SECTION 30-143 Public Nuisance. Debris, trash, undergrowth, weeds and wild overgrowth visible on this vacant lot, provides a breeding ground for pests and vermin. Clean Up and Cutting Required.**

- ☐ Respondent was in violation of Section(s) **SECTION 30-143 Public Nuisance. Debris, trash, undergrowth, weeds and wild overgrowth visible on this vacant lot, provides a breeding ground for pests and vermin. Clean Up and Cutting Required.**

ORDER

It is the Order of the Code Enforcement Special Magistrate that:

- ☐ Respondent has brought the cited code violation(s) into compliance. Respondent has failed to pay and is ordered to pay the following amounts on or before **October 16, 2023:**

Administrative costs of **\$216.91**

~~€~~Citation fine of **N/A**

Re-inspection fee of **N/A**

- ☒ Respondent has not brought the cited code violation(s) into compliance and remains in violation. Respondent must comply with all code violations on or before **October 16, 2023.** If Respondent fails to comply within the time given, a fine of **\$100.00 per day per violation** will continue to accrue until the Respondent contacts the Code Inspector/Officer and a re-inspection indicates that the property is in compliance. Respondent has failed to pay and is ordered to pay the following amounts on or before the date set for compliance or by **October 16, 2023.**

☒ Administrative costs of **\$216.91**

~~€~~Citation fine of **N/A**

~~€~~Re-inspection fee of **N/A**

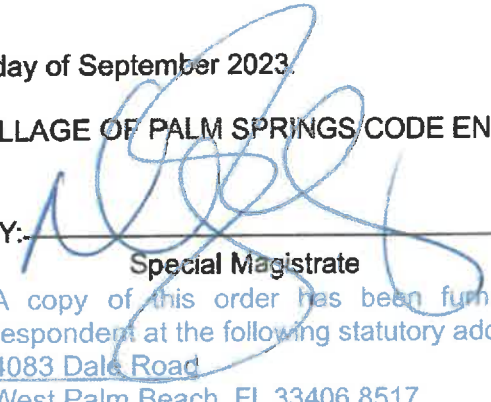
All payments shall be made to Village at 226 Cypress Lane, Palm Springs, Florida 33461.

A certified copy of this order may be immediately recorded in the Public Records of Palm Beach County and if recorded, shall constitute notice pursuant to section 162.07(4), Fla. Stat. Within twenty (20) days of the date of this order, the Respondent may submit a written request to Code Inspector/Officer **Tom Gehrman** at the Village of Palm Springs, 226 Cypress Lane, Palm Springs, FL 33461, for a hearing to challenge the fine amount imposed by this order. If such a hearing is timely requested, the Village shall notify the Respondent of the hearing date and time by regular U.S. mail sent to the address provided in the written request for the hearing. The requested hearing will be limited to a consideration of only those new findings necessary to impose an appropriate fine amount. The Respondent shall bear the burden of proof at such hearing and shall be required to show cause why this order and the fine amount stated herein should not be imposed. However, if the Respondent fails to timely request a hearing as described above and fails to bring the violations into compliance and/or pay all administrative costs and fees as ordered herein, the Village, if it has not already done so pursuant to section 162.07(4), Fla. Stat., may record a certified copy of this order in the Public Records of Palm Beach County, Florida, and thereafter this order shall constitute a lien pursuant to section 162.09, Fla. Stat. If a certified copy of this order has previously been recorded pursuant to section 162.07(4), Fla. Stat., then that recorded order shall constitute a lien pursuant to section 162.09, Fla. Stat. The lien shall be assessed against the real property at issue (if applicable) and the real and personal property of the Respondent. After three (3) months from recording the lien which remains unpaid, the Special Magistrate may authorize the Village Attorney to foreclose on the lien or to sue to recover a money judgment for the amount of the lien plus accrued interest. Future violations of the aforementioned code section(s) may be considered a repeat violation for which a fine of up to five-hundred-dollars (\$500.00) per day may be imposed beginning on the date the violation begins.

Upon complying, it is the responsibility of the Respondent to notify the Village of Palm Springs Code Inspector/Officer at **(561) 584-8300 ext. 8520** to request a reinspection of the property and/or violation(s).

DONE AND ORDERED this 21st day of September 2023.

VILLAGE OF PALM SPRINGS CODE ENFORCEMENT

BY: 

Special Magistrate

A copy of this order has been furnished to the respondent at the following statutory address:

4083 Dale Road

West Palm Beach, FL 33406 8517

VILLAGE OF PALM SPRINGS, FLORIDA
CODE ENFORCEMENT

CITATION 2023-46

AFFIDAVIT OF COMPLIANCE
XX AFFIDAVIT OF NON-COMPLIANCE
(Check One)

VILLAGE OF PALM SPRINGS, FLORIDA
Petitioner

vs.

ANGEL PONCE TORRES
4083 DALE ROAD
WEST PALM BEACH, FL 33406 6517

Respondent

The property at MEADOW ROAD (vacant lot PCN 70-43-44-18-05-005-0070), Palm Springs, FL in the Code Enforcement Notice of Violation dated SEPTEMBER 7, 2023, in the above-mentioned case, has been re-inspected and, I Tom Gehrman state that said property is NOT in compliance.

Section 30-143: Public Nuisance; Wild Overgrowth, Trash and Debris, undergrowth providing a breeding ground for pests and vermin. Clean up and cutting required of the Village of Palm Springs on the SEVENTEENTH (17th) day of OCTOBER 2023.

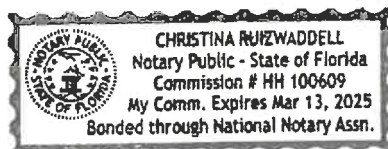
ADMINISTRATIVE COSTS HAVE NOT BEEN PAID


Code Enforcement Officer

STATE OF FLORIDA
COUNTY OF PALM BEACH

The foregoing Affidavit acknowledged before me this 7th day of December, 2023 by Tom Gehrman, who is personally known to me to be a Code Enforcement Officer of the Village of Palm Spring, Florida.

Witness my hand and seal the day and year first written above.




Notary Public - State of Florida
My Commission Expires: 3-13-2025

Property Detail

Location Address : MEADOW RD
Municipality : PALM SPRINGS
Parcel Control Number : 70-43-44-18-05-005-0070
Subdivision : FROST PARK IN
Official Records Book/Page : 33353 / 516
Sale Date : FEB-2022
Legal Description : FROST PARK LT 7 BLK 5

Owner Information**Owner(s)**

TORRES ANGEL PONCE

Mailing Address

4083 DALE RD
 WEST PALM BEACH FL 33406 8517

Sales Information

Sales Date	Price	OR Book/Page	Sale Type	Owner
FEB-2022	\$130,000	33353 / 00516	WARRANTY DEED	TORRES ANGEL PONCE
JAN-2022	\$72,900	33185 / 00343	CERT OF TITLE	U S BANK NATIONAL
DEC-1991	\$100	07062 / 01244	WARRANTY DEED	

Exemption Information

No Exemption Information Available.

Property Information

Number of Units : 0
***Total Square Feet :** 0
Acres : 0.1683
Property Use Code : 0000—VACANT
Zoning : RS—RESIDENTIAL SINGLE-FAMILY (70-PALM SPRINGS)

Appraisals

Tax Year	2024	2023	2022	2021	2020
Improvement Value	\$0	\$0	\$0	\$0	\$0
Land Value	\$142,429	\$167,010	\$164,703	\$86,355	\$69,600
Total Market Value	\$142,429	\$167,010	\$164,703	\$86,355	\$69,600

Assessed and Taxable Values

Tax Year	2024	2023	2022	2021	2020
Assessed Value	\$142,429	\$167,010	\$74,487	\$67,715	\$61,559
Exemption Amount	\$0	\$0	\$0	\$0	\$0
Taxable Value	\$142,429	\$167,010	\$74,487	\$67,715	\$61,559

Taxes

Tax Year	2024	2023	2022	2021	2020
AD VALOREM	\$2,767	\$3,272	\$2,080	\$1,522	\$1,335
NON AD VALOREM	\$49	\$50	\$50	\$50	\$50
TOTAL TAX	\$2,816	\$3,322	\$2,129	\$1,572	\$1,384

Dorothy Jacks, CFA, AAS PALM BEACH COUNTY PROPERTY APPRAISER www.pbcapao.gov



**Village of Palm Springs
Code Enforcement Magistrate Hearing**

Case No. 2024-01

**Village of Palm Springs, Florida
Petitioner,**

vs.

**CONGRESS PLAZA II INC
1965 SOUTH CONGRESS AVENUE
PALM SPRINGS, FL 33406
Respondent(s).**

MAILING ADDRESS:

**531 NORTH OCEAN BOULEVARD, APT 201
POMPANO BEACH, FL 33062**

PCN: 70-43-44-07-02-003-0080

FINE REDUCTION ORDER

THIS MATTER having come before the Village of Palm Springs Code Enforcement Special Magistrate on **February 20, 2025**, and the Magistrate, having heard the testimony and other evidence of the parties, and having been fully apprised of the circumstances, and based upon a preponderance of the evidence, does find as follows:

1. The above Respondent(s) is the owner or occupant of **1965 SOUTH CONGRESS AVENUE** THE PROPERTY DESCRIBED AS: **THE PROPERTY DESCRIBED AS: BRYANT PARK RESUB LTS 8 & 9 & LTS 10 & 11 (LESS E 10 FT CONGRESS AVE R/W) BLK C**

2. On **January 18, 2024**, the Village of Palm Springs Code Enforcement Special Magistrate entered an order finding the Respondent in violation of the following:

- 1) **SECTION 34-1327**: Insufficient off-street parking and access must comply with ADA Handicap Standards. Stripe to delineate spaces. Site Plan and permit are required.
- 2) **SECTION 34-1332**: Off Street parking must be kept neat, clean, orderly and dust free. It is unlawful to obstruct or hinder the free use of the parking area. Each space should have appropriate access to maneuver to enter and exit.
- 3) **SECTION 34-1329**: Minimum Requirements for Automotive repairs/one parking space per 200 sq. ft. of gross floor area plus one parking space per 5000 square feet of the reserved parking area for vehicles waiting to be serviced or that have been serviced and are temporarily being stored. Minimum requirements at this location/13 parking spaces. Site Plan and permit are required.
- 4) **SECTION 10-8**: Exterior of Property maintained in a clean, safe and sanitary condition.
 - a. Front and rear parking lot repave and stripe. Site plan and permit required.
 - b. Concrete block wall pressure clean and paint.
 - c. Wood fence broken/missing slats repair/replace. Requires permit.
 - d. Median area adjacent to South Congress Avenue must be neat and clean/plants/ground cover required.
- 5) **SECTION 30-141**: Overgrown commercial property/grass/hedges/vegetation throughout and along block wall/Floweva Drive.
- 6) **SECTION 30-142**: Maintenance of Right-of-Way/replace grass.
- 7) **SECTION 30-143**: Trash & debris.
- 8) **SECTION 34-912**: Parking vehicles/cars – no valid tag or registration. Vehicles not in operable condition. Stored for an extended length of time.

3. The Respondent was given until **March 8, 2024, to comply with code violations requiring Permits and Site Plan**, failing which a fine of **\$75.00 per day, per violation** was assessed against respondent(s). The fines continued as follows:

The respondent came into compliance with the following sections on **August 20, 2024**, failing which a fine of \$75.00 per day, per violation was assessed against respondent(s). The fines for Section 10-8, Section 34-1327, and Section 34-1329 accrued for 165 days and totaled **\$37,125.00**.

SECTION 10-8: Exterior of Property maintained in a clean, safe, and sanitary condition.

- a. Front and rear parking lot repave and stripe. Site plan and permit required.
- b. Concrete block wall pressure clean and paint.
- c. Wood fence broken/missing slats repair/replace. Requires permit.
- d. The median area adjacent to South Congress Avenue must be neat and clean/plants/ground cover required.

SECTION 34-1327: Insufficient off-street parking and access must comply with ADA Handicap Standards. Stripe to delineate spaces. Site Plan and permit are required.

SECTION 34-1329: Minimum Requirements for Automotive repairs/one parking space per 200 sq. ft. of gross floor area plus one parking space per 5000 square feet of the reserved parking area for vehicles waiting to be serviced or that have been serviced and are temporarily being stored. Minimum requirements at this location/13 parking spaces. Site Plan and permit are required.

4. The Respondent was given until **February 9, to comply with code violations NOT requiring Permits and Site Plan**, failing which a fine of **\$75.00 per day, per violation** was assessed against respondent(s). The fines continued as follows:

The respondent came into compliance with the following sections on **July 25, 2024**, failing which a fine of \$75.00 per day, per violation was assessed against respondent(s). The fines continued for Section 30-142, Section 30-143, Section 34-914, and Section 34-1332 and accrued for 167 days and totaled **\$50,100.00**.

SECTION 30-142: Maintenance of Right-of-Way/replace grass.

SECTION 30-143: Trash & debris.

SECTION 34-914: Parking vehicles/cars/box trucks – no valid tag or registration. Vehicles are not in operable condition and are stored for an extended length of time.

SECTION 34-1332: Off-street parking must be kept neat clean, and orderly not obstruct or hinder free use of the parking area, and have access to enter and exit.

The respondent came into compliance with the following section on **August 20, 2024**, failing which a fine of \$75.00 per day, per violation was assessed against respondent(s). The fines for Section 30-141 continued for 193 days and totaled **\$14,475.00**.

Section 30-141: Overgrown commercial property

5. Administrative costs in the amount of \$627.33 were also levied against the Respondent(s) and **have been paid in full**. The total fines have been assessed at: **\$101,700.00**
6. On **July 25, 2024, and August 20, 2024**, the Respondent(s) complied with the cited violation(s).
7. The Respondent has submitted an application for a fine reduction.

IT IS HEREBY ORDERED, that

- A. Based upon the testimony of the parties, and viewing the facts presented in the light most favorable to the Respondent, fine reduction criteria under Section 162.09(2)(b), Florida Statutes, has been _____ or _____ has not been established; and
- B. _____ Respondent is ordered to pay a reduced fine of **\$30,510.00** and costs in the amount of **\$-0-** on or before **March 20, 2025**. If the reduced fine is not paid within the specified time, the fine shall revert to the original accrued amount of **\$101,700.00** before the reduction, of **\$30,510.00**.

DONE AND ORDERED this 20th day of February 2025.

By: _____
Special Magistrate

Copies Furnished to the Parties by _____ U.S. Mail

CFN 20240093661
 OR BK 34896 PG 1184
 RECORDED 3/19/2024 5:11 PM
 Palm Beach County, Florida
 Joseph Abruzzo, Clerk
 Pgs: 1184 - 1187; (4pgs)

VILLAGE OF PALM SPRINGS CODE
 ENFORCEMENT

CODE CASE: 2024-01

VILLAGE OF PALM SPRINGS, FLORIDA
 Petitioner,

CONGRESS PLAZA II INC
1965 S CONGRESS AVENUE
PALM SPRINGS, FL 33406

MAILING ADDRESS:

531 N OCEAN BLVD, APT 201
POMPANO BEACH, FL 33062

Respondent(s).

ORDER FINDING VIOLATION

Re: Violation of the following Village of Palm Springs Code of Ordinances:

SECTION 34-1327 Insufficient off-street parking and access must comply with ADA Handicap Standards. Stripe to delineate spaces. Site Plan and permit is required.

SECTION 34-1332 Off Street parking must be kept neat clean, orderly and dust free. It is unlawful to obstruct or hinder the free use of the parking area. Each space should have appropriate access to maneuver to enter and exit.

SECTION 34-1329 Minimum Requirements for Automotive repairs/one parking space per 200 sq. ft. of gross floor area plus one parking space per 5000 square feet of the reserved parking area for vehicles waiting to be serviced or that have been serviced and are temporarily being stored. Minimum requirements at this location/13 parking spaces. Site Plan and permit is required.

SECTION 10-8 Exterior of Property maintained in a clean, safe and sanitary condition.

-Front and rear parking lot repave and stripe. Site Plan and Permit required.

-Concrete block wall pressure clean and paint.

-Wood fence broken/missing slats repair/replace. Requires permit.

-Median area adjacent to S. Congress Avenue must be neat and clean/plants/ground cover required.

SECTION 30-141 Overgrown commercial property/grass/hedges/vegetation throughout and along block wall/Floweva Drive

SECTION 30-142 Maintenance of Right-of Way/replace grass.

SECTION 30-143 Trash & Debris

SECTION 34- 262 Prohibited banner signs.

SECTION 34-914 Parking vehicles/cars/box truck – no valid tag or registration. Vehicles not in operable condition/Stored for extended length of time.

SECTION 34-912 Parking in Public Right of Way.

Address:	1965 S CONGRESS AVE
Legal Description:	BRYANT PARK RESUB LTS 8 & 9 & LTS 10 & 11 (LESS E 10 FT CONGRESS AVE R/W) BLK C
PCN:	70-43-44-07-02-003-0080

The Special Magistrate appointed by the Village of Palm Springs to hear code enforcement cases for the Village of Palm Springs, in accordance with Chapter 162, Florida Statutes, has heard testimony at the Code

Enforcement hearing held on the 18th day of January 2024, and based on the evidence and testimony presented, the following FINDINGS OF FACT, CONCLUSIONS OF LAW, and ORDER are hereby entered:

FINDINGS OF FACT

1. The Respondent ☒ was _____ was not present at the hearing. There was a finding of proper notice.
2. The Code Inspector presented competent substantial evidence which included testimony and/or photographs to establish that the respondent is in violation of the code section(s) referenced above.

CONCLUSIONS OF LAW

Respondent is in violation of the following Village of Palm Springs Code of Ordinances:

- * Requires Permits
- ☒ SECTION 34-1327 Insufficient off-street parking and access must comply with ADA Handicap Standards. Stripe to delineate spaces. Site Plan and permit is required. *site plan & permit*
- ☒ SECTION 34-1332 Off Street parking must be kept neat clean, orderly and dust free. It is unlawful to obstruct or hinder the free use of the parking area. Each space should have appropriate access to maneuver to enter and exit. Rear Property
- ☒ SECTION 34-1329 Minimum Requirements for Automotive repairs/one parking space per 200 sq. ft. of gross floor area plus one parking space per 5000 square feet of the reserved parking area for vehicles waiting to be serviced or that have been serviced and are temporarily being stored. Minimum requirements at this location/13 parking spaces. Site Plan and permit is required. *Site plan & permit*
- ☒ SECTION 10-8 Exterior of Property maintained in a clean, safe and sanitary condition.
 - * Front and rear parking lot repave and stripe. Site Plan and Permit required.
 - * Concrete block wall pressure clean and paint.
 - * Wood fence broken/missing slats repair/replace. Requires permit.
 - * Median area adjacent to S. Congress Avenue must be neat and clean/plants/ground cover required.
- ☒ SECTION 30-141 Overgrown commercial property/grass/hedges/vegetation throughout and along block wall/Floweve Drive
- ☒ SECTION 30-142 Maintenance of Right-of Way/replace grass.
- ☒ SECTION 30-143 Trash & Debris
- ☐ SECTION 34-262 Prohibited banner signs. *Completed*
- ☒ SECTION 34-914 Parking vehicles/cars/box truck - no valid tag or registration. Vehicles not in operable condition. stored for extended length of time.
- ☐ SECTION 34-912 Parking in Public Right of Way. *Completed*

Respondent was in violation of the following Village of Palm Springs Code of Ordinances: *but has completed*

- ☐ SECTION 34-1327 Insufficient off-street parking and access must comply with ADA Handicap Standards. Stripe to delineate spaces. Site Plan and permit is required.
- ☐ SECTION 34-1332 Off Street parking must be kept neat clean, orderly and dust free. It is unlawful to obstruct or hinder the free use of the parking area. Each space should have appropriate access to maneuver to enter and exit.
- ☐ SECTION 34-1329 Minimum Requirements for Automotive repairs/one parking space per 200 sq. ft. of gross floor area plus one parking space per 5000 square feet of the reserved parking area for vehicles waiting to be serviced or that have been serviced and are temporarily being stored. Minimum requirements at this location/13 parking spaces. Site Plan and permit is required.
- ☐ SECTION 10-8 Exterior of Property maintained in a clean, safe and sanitary condition.
 - * Front and rear parking lot repave and stripe. Site Plan and Permit required.
 - * Concrete block wall pressure clean and paint.
 - * Wood fence broken/missing slats repair/replace. Requires permit.
 - * Median area adjacent to S. Congress Avenue must be neat and clean/plants/ground cover required.

- ☐ SECTION 30-141 Overgrown commercial property/grass/hedges/vegetation throughout and along block wall/Floweva Drive
- ☐ SECTION 30-142 Maintenance of Right-of Way/replace grass.
- ☐ SECTION 30-143 Trash & Debris
- ☒ SECTION 34- 262 Prohibited banner signs.
- ☐ SECTION 34-914 Parking vehicles/cars/box truck – no valid tag or registration. Vehicles not in operable condition. stored for extended length of time.
- ☒ SECTION 34-912 Parking in Public Right of Way.

ORDER

It is the Order of the Code Enforcement Special Magistrate that:

- ☐ Respondent has brought the cited code violation(s) into compliance. Respondent has failed to pay and is ordered to pay the following amounts on or before February 9, 2024:
- ☐ Administrative costs of \$627.33
- ☐ Citation fine of \$ N/A
- ☐ Re-inspection fee of \$ N/A
- ☒ Respondent has not brought the cited code violation(s) into compliance and remains in violation. Respondent must comply with code violations not requiring permits on or before February 9, 2024 and comply with permits and Site Plans by March 8, 2024. If Respondent fails to comply within the time given, a fine of \$100.00 per day, per violation will continue to accrue until the Respondent contacts the Code Inspector/Officer and a re-inspection indicates that the property is in compliance. Respondent has failed to pay and is ordered to pay the following amounts on or before the date set for compliance or by February 9, 2024.
- ☒ Administrative costs of \$627.33
- ☐ Citation fine of \$ N/A
- ☐ Re-inspection fee of \$ N/A

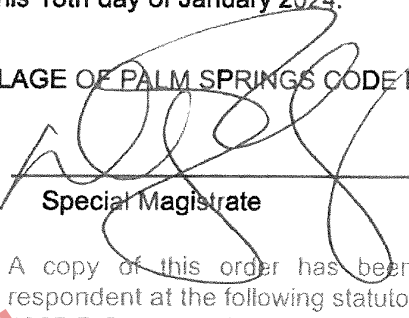
All payments shall be made to Village at 226 Cypress Lane, Palm Springs, Florida 33461.

A certified copy of this order may be immediately recorded in the Public Records of Palm Beach County and if recorded, shall constitute notice pursuant to section 162.07(4), Fla. Stat. Within twenty (20) days of the date of this order, the Respondent may submit a written request to Code Inspector/Officer Nanciann Cuenot at the Village of Palm Springs, 226 Cypress Lane, Palm Springs, FL 33461, for a hearing to challenge the fine amount imposed by this order. If such a hearing is timely requested, the Village shall notify the Respondent of the hearing date and time by regular U.S. mail sent to the address provided in the written request for the hearing. The requested hearing will be limited to consideration of only those new findings necessary to impose an appropriate fine amount. The Respondent shall bear the burden of proof at such hearing and shall be required to show cause why this order and the fine amount stated herein shall not be imposed. However, if the Respondent fails to timely request a hearing as described above and fails to bring the violations into compliance and/or pay all administrative costs and fees as ordered herein, the Village, if it has not already done so pursuant to section 162.07(4) Fla. Stat., may record a certified copy of this order in the Public Records of Palm Beach County, Florida, and thereafter this order shall constitute a lien pursuant to section 162.09, Fla. Stat. If a certified copy of this order has previously been recorded pursuant to section 162.07(4) Fla. Stat., then that recorded order shall constitute a lien pursuant to section 162.09, Fla. Stat. The lien shall be assessed against the real property at issue (if applicable) and the real and personal property of the Respondent. After three (3) months from recording the lien which remains unpaid, the Special Magistrate may authorize the Village Attorney to foreclose on the lien or to sue to recover a money judgement for the amount of the lien plus accrued interest. Future violations of the aforementioned

code section(s) may be considered a repeat violation for which a fine of up to five-hundred dollars (\$500.00) per day may be imposed beginning on the date the violation begins. Upon complying, it is the responsibility of the Respondent to notify the Village of Palm Springs Code Inspector/Officer at (561)584-8300 Ext. 8524 to request a reinspection of the property and/or violation(s).

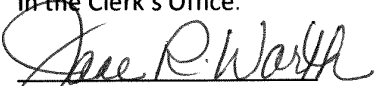
DONE AND ORDERED this 18th day of January 2024.

VILLAGE OF PALM SPRINGS CODE ENFORCEMENT

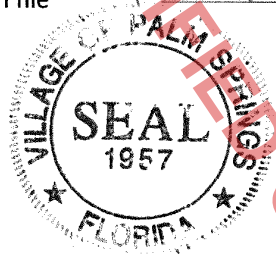
BY: 
Special Magistrate

STATE OF FLORIDA
COUNTY OF PALM BEACH
VILLAGE OF PALM SPRINGS

I hereby certify this is a true and correct
copy of the Code Case 2024-01 Order
Finding Violation and the original is on file
in the Clerk's Office.


Jane R. Worth, CMC
Deputy Village Clerk

A copy of this order has been furnished to the
respondent at the following statutory address:
1965 S Congress Avenue
Palm Springs, FL 33406





VILLAGE OF PALM SPRINGS
CODE ENFORCEMENT SPECIAL MAGISTRATE

CASE NO: 2024-01

REQUEST FOR REDUCTION OF FINE

INSTRUCTIONS: Please answer all questions on this form completely. Be specific and use additional pages if necessary. **PRIOR TO SUBMITTING THIS REQUEST, ALL UNPAID CITATIONS AND ADMINISTRATIVE COSTS MUST BE PAID AND PROPERTY MUST BE IN TOTAL COMPLIANCE.** Return this form and the **\$250.00** application fee, to the Village Clerk of the Code Enforcement Special Magistrate. The request will then be presented to the Magistrate at the next regularly scheduled hearing. **The Special Magistrate will not consider your request unless you are present at the hearing.** You will be notified in writing of the Special Magistrate's decision within ten (10) days after the meeting. If you are claiming medical or financial hardship, attach supporting documentation (i.e., a Doctor's statement or proof of income). If you have any questions, please call the Village Clerk's Office (561) 9654010.

Property Owner's Name: Congress Plaza II INC

Property Address: 1965 South Congress Avenue

Telephone number where you can be reached during the day: 954-914-6467

Is the property now in compliance: Yes: ☒ No: ☐ (If no, explain in detail)

Are you requesting an extension of time to make repairs: Yes: ☐ No: ☒

If yes, until what date:

Date you called The Village of Palm Springs Code Enforcement Division for a re-inspection:

Compliance date specified by Special Magistrate: July 25, 2024 and August 20, 2024

Are you claiming a financial hardship: Yes: ☐ No: ☐

Are you claiming a medical hardship: Yes: ☐ No: ☐

If the property owner is unable to complete this form, list name of person who is authorized to act for the property owner:

Relationship to property and/or property owner:

MAKE CERTAIN THAT THIS FORM SETS FORTH YOUR POSITION.

I, Billy Sahni, do hereby submit this petition in request for a reduction in the total amount of penalty imposed, or a request for an extension of time to bring the property into compliance, and in support, offer the following statement:

~~We respectfully request a reduction in fines, as we acted diligently and in good faith to bring the property~~
~~into compliance despite circumstances beyond our control. Our tenant, who was contractually responsible~~

~~for maintenance and compliance, failed to act despite repeated demands. To resolve the issue, we required~~
~~the tenant to sublease the space to a new tenant who ensured compliance. While some violations were~~
~~quickly addressed, others required permits and site plan approvals, leading to unavoidable delays.~~

~~Throughout this process, we remained proactive and incurred significant costs, including legal, administrative,~~
~~and permit fees. With no prior or repeat violations and no harm to the public, imposing the full fine would be~~

~~unduly punitive. We respectfully request a reduction to reflect our efforts and commitment to compliance.~~

Date:

02-07-25

Signature



State of:

FLORIDA

County of:

BROWARD

THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS 7
DAY OF FEBRUARY 2025, BY PANKAJ SAWHNEY WHO IS PERSONALLY
KNOWN TO ME OR WHO HAS PRODUCED
AS IDENTIFICATION AND WHO DID/DID NOT TAKE AN OATH.

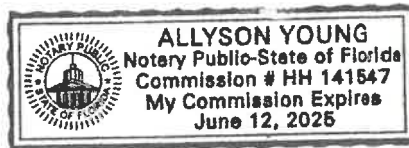
SIGNATURE OF NOTARY PUBLIC



PRINT NAME OF NOTARY PUBLIC

ALLYSON YOUNG

(OFFICIAL SEAL)





VILLAGE OF PALM SPRINGS
226 CYPRESS LANE; PALM SPRINGS, FL 33461
561-584-8200 x 8460

Receipt #: PT01322

Application Date: 02/29/24

Receipt Date 03/04/24 Permit Number 24-00121
Payee BILL SAWHNEY PANKAJ
Address 1965 S CONGRESS AVE, Palm Springs, FL 33406
Permit Type Property Maintenance
Payment Method Online Payment *****5748
Confirmation # 05777I

CE Hearing Administrative Cost	\$627.33
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Comments:

Amount \$627.33
Total Paid \$627.33



VILLAGE OF PALM SPRINGS
226 CYPRESS LANE; PALM SPRINGS, FL 33461
561-584-8200 x 8460

Receipt #: PT01322

Application Date: 02/29/24

Receipt Date 03/04/24 Permit Number 24-00121
Payee BILL SAWHNEY PANKAJ
Address 1965 S CONGRESS AVE, Palm Springs, FL 33406
Permit Type Property Maintenance
Payment Method Online Payment *****5748
Confirmation # 05777I

CE Hearing Administrative Cost	\$627.33
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Comments:

Amount \$627.33
Total Paid \$627.33



VILLAGE OF PALM SPRINGS
226 CYPRESS LANE; PALM SPRINGS, FL 33461
561-584-8200 x 8460

Receipt #: PT01276

Application Date: 10/31/23

Receipt Date 02/07/25 Permit Number 23-00074
Payee SAWHNEY PANKAJ
Address 1965 S CONGRESS AVE, Palm Springs, FL 33062
Permit Type Property Maintenance General
Payment Method Online Payment *****5748
Confirmation # 03751I

CE Application Fee for Fine Reduction Request	\$250.00
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Comments:

Amount \$250.00

Total Paid \$250.00



VILLAGE OF PALM SPRINGS
226 CYPRESS LANE; PALM SPRINGS, FL 33461
561-584-8200 x 8460

Receipt #: PT01276

Application Date: 10/31/23

Receipt Date 02/07/25 Permit Number 23-00074
Payee SAWHNEY PANKAJ
Address 1965 S CONGRESS AVE, Palm Springs, FL 33062
Permit Type Property Maintenance General
Payment Method Online Payment *****5748
Confirmation # 03751I

CE Application Fee for Fine Reduction Request	\$250.00
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Comments:

Amount \$250.00

Total Paid \$250.00

VILLAGE OF PALM SPRINGS, FLORIDA

**STAFF RECOMMENDATION TO THE SPECIAL MAGISTRATE
ON REQUEST FOR REDUCTION OF FINE**

Code Enforcement Officer: Cuenot

Date: February 20, 2025

Case No.: 2024-01

Respondent(s): CONGRESS PLAZA II INC.

Violation Address (Subject Property): 1965 S. CONGRESS AVENUE

BACKGROUND

On January 18, 2024, the above-referenced case was adjudicated by the Special Magistrate/Code Enforcement Board as being in violation of Code Section(s):

- 1) **SECTION 34-1327:** Insufficient off-street parking
- 2) **SECTION 34-1332:** Off Street parking must be kept neat clean, orderly, and dust free. Obstructing and hindering the free use of the parking area.
- 3) **SECTION 34-1329:** Minimum Requirements for Automotive Repairs.
- 4) **SECTION 10-8:** Exterior of Property maintained in a clean, safe and sanitary condition.
- 5) **SECTION 30-141:** Overgrown commercial property
- 6) **SECTION 30-142:** Maintenance of Right-of-Way/replace grass
- 7) **SECTION 30-143:** Trash & debris
- 8) **SECTION 34-912:** Parking vehicles/cars – no valid tag or registration. Stored for an extended length of time.

The Respondent was given a violation and fine for Section 10-8, Section 34-1327 and Section 34-1329 requiring permits commencing on March 8, 2025, and continuing to accrue at the rate of \$75.00 per day for every day not in compliance. To date, the fine has accumulated for 167 days, for a total fine of \$37,125.00 as of the compliance date of August 20, 2024.

The Respondent was given a violation and fine for Section 30-142, Section 30-143, Section 34-914, and Section 34-1332 NOT requiring permits commencing on February 9, 2025, and continuing to accrue at the rate of \$75.00 per day for every day not in compliance. To date, the fine has accumulated for 167 days, for a total fine of \$50,100.00 as of the compliance date of August 20, 2024.

The Respondent was given a violation and fine for Section 30-141, commencing on February 9, 2025, and continuing to accrue at the rate of \$75.00 per day for every day not in compliance. To date, the fine has accumulated for 193 days, for a total fine of \$14,475.00 as of the compliance date of July 25, 2024.

The total fines have been assessed at: \$101,700.00

The **\$627.33** administrative costs have been paid.

RECOMMENDATION.

Code Enforcement Staff recommends the following actions pursuant to Florida Statute Section 162.09(b), for the Special Magistrate's consideration:

- A. ☒ That based upon the criteria of Section 162.09(2)(b), Fla. Stat., that the Special Magistrate **approve** the Respondent's Request for a Reduction of Fine, and that the Respondent pay the reduced fine in the amount of **\$30,510.00** within thirty (30) days of the date of the Magistrate's Final Order on the Request or on or before **March 20, 2024.** If the reduced fine is not paid with the time specified, the original fine in the amount of **\$101,700.00** shall be reinstated.
- B. ☐ That based upon the criteria of Section 162.09(2)(b), Fla. Stat., that the Special Magistrate **deny** the Respondent's Request for a Reduction of Fine.

STAFF JUSTIFICATION FOR RECOMMENDATION

The staff has based its recommendation to the Special Magistrate on the following factors which include, but are not limited to, the gravity of the violation(s), the actions taken by the Respondent to correct the violation(s), and any previous violations committed by the Respondent. The basis for the Staff's recommendation is set forth as follows: This property located on South Congress Avenue is highly visible and looked like a junkyard. Cars were not parked in an orderly manner, creating a safety issue by obstructing the entrance and exit onto a busy street, Congress Avenue, and hindering the free use of the parking lot. They allowed groups of people to repair cars throughout the parking lot. Code Officer Gehrman issued courtesy violation notices and a Notice of Violation in 2021, 2022, and 2023. They would comply and then let it go back into violation again. In 2023 I began code enforcement in the Congress CRA District. I issued courtesy violation notices in 2023 and a Notice of Violation in January 2024. It took over one year to achieve complete compliance with the property. This case was **extremely** time-consuming for Officer Gehrman and me. Due to the **gravity of the violation** by allowing the property to look like a junkyard and creating a safety issue, the **previous violations**, the **length of time** over four (4) years to achieve complete compliance, and the **non-action** taken by the respondent leaving the violations and correction up to the tenant, the Village recommends reducing the fine amount in this case to 30% of the total lien amount.

Dated: February 20, 2025

By: Nanciann Cuenot
Code Enforcement Officer

VILLAGE OF PALM SPRINGS
Code Enforcement Magistrate Hearing

Case No. 2024-29



VILLAGE OF PALM SPRINGS, FLORIDA
Petitioner,

vs.

PREVIOUS OWNER:
FYR SFR BORROWER LLC
CORPORATION SERVICE COMPANY
3505 KOGER BLVD SUITE #400
DULUTH, GA 33096

NEW OWNER:
FYR SFR TRS LLC
CORPORATION SERVICE COMPANY
PO BOX 4090
SCOTTSDALE, AZ 85261

Respondent(s).

PCN: 70-43-44-19-04-083-0140

FINE REDUCTION OR ABATEMENT ORDER

THIS MATTER having come before the Village of Palm Springs Code Enforcement Special Magistrate on **FEBRUARY 20, 2025**, and the Magistrate, having heard the testimony and other evidence of the parties, and having been fully apprised of the circumstances, does find as follows:

1. The above Respondent(s) is/are the owner(s) of the Property Described as: 85 MORGANS WAY; Legal Description: VILLAGE OF PALM SPRINGS PL 8 LOT 14 BLK 83; PCN: 70-43-44-19-04-083-0140

2. On April 18, 2024, the Village of Palm Springs Code Enforcement Special Magistrate entered an order finding the Respondent in violation of Section(s):10-8 Weeds, Section 30-141: Overgrowth, Section 34-883: Hedges, Section 30-143: Trash/Debris/Materials, Section 34-1381: Open Storage, Section 34-225: Fence Maintenance, Section 34-914: Vehicles/Parking and Section 10-9: Exterior Property Maintenance/Remove all black discoloration off the front door/Repair damaged gutter/Repair broken window/Repair broken mailbox. of the Village of Palm Springs Code of Ordinances. The Respondent(s) was given until MAY 1, 2024, within which to comply with the code, failing which a fine of \$100.00 per day per violation was assessed against the Respondent(s).

3. On DECEMBER 2, 2024, the Respondent(s) complied with all of the (8) above noted cited violations. A fine of \$100.00 per day, per violation continued to accrue for 215 days for a total fine of \$172,000.00

4. Administrative costs in the amount of \$277.08 were levied against the Respondent(s) and have been paid in full.

5. The Respondent has submitted an application for a fine reduction and has paid in full.

IT IS HEREBY ORDERED, that

A. Based upon the testimony of the parties, and viewing the facts presented in the light most favorable to the Respondent, fine reduction criteria under Section 162.09(2)(b), Florida Statutes, the fine of \$172,000.00 is found to be excessive; and

B. _____ Respondent is ordered to pay a reduced fine of \$68,800.00 and costs in the amount of \$0.00 on or before **MARCH 1, 2025**. If the reduced fine is not paid within the specified time, the fine shall revert to the original accrued amount of \$170,000.00 before the reduction, of \$68,800.00.

DONE AND ORDERED this 20th day of FEBRUARY
2025.

By: Special Magistrate

Copies Furnished to the Parties by _____

CASE PRESENTATION

CASE No. CASE 2024-29

1. Good morning. My name is Joey Sanders and I'm a code enforcement officer for the Village of Palm Springs and I've been sworn in.
2. Case #2024-29 is concerning the property located at 85 Morgans Way within the Village of Palm Springs.
3. According to the Palm Beach County Property Appraiser's records and the Palm Beach County Tax Collector's records, the current owner of the property is FYR SFR TRS LLC.
4. On April 18th, 2024 the above referenced case was adjudicated by the Special Magistrate as being in violation of Code Section(s): 10-8: Weeds, 30-141: Overgrowth, 34-883: Hedges, 30-143: Trash/Debris/Materials, 34-1381: Open Storage, 34-225: Fence Maintenance, 34-914: Vehicles/Parking and 10-9: Exterior Property Maintenance/Remove all black discoloration off the front door/Repair damaged gutter/Repair broken window/Repair broken mailbox. The original respondent was given a violation and fine commencing on May 1st, 2024 and continued to accrue at the rate of \$100.00 per day, per violation for every day not in compliance. The fine accumulated for 215 days for a total fine of \$172,000.00, as of the compliance date of December 2nd, 2024. The administrative costs of \$277.08 have been paid.
5. Code Enforcement Staff recommends the following actions pursuant to Florida State Statute Section 162.09(b), for the Special Magistrate's consideration:

That based upon the criteria of F.S.S. 162.09(b), the Special Magistrate approve the current Respondent's Request for a Reduction of Fine, and that the current Respondent pay the reduced fine in the amount of \$68,800.00 within (10) days of the date of the Magistrate's Final Order on the Request or on or before March 1st, 2025. If the reduced fine is not paid within the time specified, the original fine in the amount of \$172,000.00 shall be reinstated.

6. Staff has based it's recommendation to the Special Magistrate on the following factors which include, but are not limited to, the gravity of the violation(s), the actions taken by the respondent to correct the violation(s) and any previous violations committed by the Respondent. The basis for Staff's recommendation is set forth as follows:

On 12/20/2024, the respondent completed a request for reduction of fine application which was subsequently submitted to the Village of Palm Springs. Upon reviewing the respondent's application, I learned that the respondent's explanation of mitigating factors was based solely on lack of notice from their tenant as well as the speed in which the respondent brought the property into compliance. It should be noted that I mailed the original respondent multiple letters to their address of record listed on the Palm Beach County Property Appraiser Office's website and I was also in communication with the original respondent and/or their designee via telephone and email on a consistent basis throughout the duration of this case. An NOV/NOH was sent via certified and regular mail, posted on the front door of the property and the respondent still chose not to be present for the Special Magistrate Hearing scheduled on 04/18/2024.

CASE No. _____

Furthermore, between the original respondent and the current respondent, which I discovered were sister companies, it took over (7) months to bring the property into compliance. The delay in compliance resulted in an excessive amount of re-inspections at the property and wasted Village resources, which could have easily been prevented. Based on the totality of the circumstances, coupled with having a past history of code enforcement cases/nuisance activity, the Village recommends a fine reduction to 40% of the original fine amount which would be \$68,800.00

7. Subject to any questions you might have, this concludes the Village's testimony.

**VILLAGE OF PALM SPRINGS CODE
ENFORCEMENT**



CODE CASE: 2024-29

VILLAGE OF PALM SPRINGS, FLORIDA

Petitioner,

**FYR SFR BORROWER LLC
CORPORATION SERVICE COMPANY
3505 KOGER BLVD SUITE #400
DULUTH, GA 30096 7672**

Respondent(s).

ORDER FINDING VIOLATION

Re: Violation of following Village of Palm Springs Code of Ordinances:

SECTION 10-8: Weeds

SECTION 30-141: Overgrowth

SECTION 30-883: Hedges

SECTION 30-143: Trash/Debris/Materials

SECTION 34-1381: Open Storage

SECTION 34-225: Fence Maintenance

SECTION 34-914: Vehicles/Parking

SECTION 10-9: Exterior Property Maintenance/Remove all Black Discoloration off the Front Door/Repair Damaged Gutter/Repair Broken Window/Repair Broken Mailbox

Address: 85 MORGANS WAY
Legal Description: VILLAGE OF PALM SPRINGS PL 8 LOT 14 BLK 83
PCN: 70-43-44-19-04-083-0140

The Special Magistrate appointed by the Village of Palm Springs to hear code enforcement cases for the Village of Palm Springs, in accordance with Chapter 162, Florida Statutes, has heard testimony at the Code Enforcement hearing held on the 18th day of April 2024, and based on the evidence and testimony presented, the following FINDINGS OF FACT, CONCLUSIONS OF LAW, and ORDER are hereby entered:

FINDINGS OF FACT

1. The Respondent _____ was / ☒ was not present at the hearing. There was a finding of proper notice.
2. The Code Inspector presented competent substantial evidence which included testimony and/or photographs to establish that the respondent is in violation of the code section(s) referenced above.

CONCLUSIONS OF LAW

Respondent **is in violation** of the following Village of Palm Springs Code of Ordinances:

- ☒ **SECTION 10-8: Weeds**
- ☒ **SECTION 30-141: Overgrowth**
- ☒ **SECTION 34-883: Hedges**
- ☒ **SECTION 30-143: Trash/Debris/Materials**

- ☒ **SECTION 34-1381: Open Storage**
- ☒ **SECTION 34-225: Fence Maintenance**
- ☒ **SECTION 34-914: Vehicles/Parking**
- ☒ **SECTION 30-143: Trash/Debris/Materials**
- ☒ **SECTION 10-9: Exterior Property Maintenance/Remove all Black Discoloration off the Front Door/Repair Damaged Gutter/Repair Broken Window/Repair Broken Mailbox**

Respondent was in violation of the following Village of Palm Springs Code of Ordinances but is currently in compliance:

- ☐ **SECTION 10-8: Weeds**
- ☐ **SECTION 30-141: Overgrowth**
- ☐ **SECTION 34-883: Hedges**
- ☐ **SECTION 30-143: Trash/Debris/Materials**
- ☐ **SECTION 34-1381: Open Storage**
- ☐ **SECTION 34-225: Fence Maintenance**
- ☐ **SECTION 34-914: Vehicles/Parking**
- ☐ **SECTION 10-9: Exterior Property Maintenance/Remove all Black Discoloration off the Front Door/Repair Damaged Gutter/Repair Broken Window/Repair Broken Mailbox**

ORDER

It is the Order of the Code Enforcement Special Magistrate that:

- ☐ Respondent has brought the cited code violation(s) into compliance. Respondent has failed to pay and is ordered to pay the following amounts on or before **May 1st, 2024**:

- ☐ Administrative costs of \$277.08
- ☐ Citation fine of \$ N/A
- ☐ Re-inspection fee of \$ N/A

- ☒ Respondent has not brought the cited code violation(s) into compliance and remains in violation. Respondent must comply with all code violations on or before **May 1st, 2024**. If Respondent fails to comply within the time given, a fine of **\$100.00 per day, per violation** will continue to accrue until the Respondent contacts the Code Inspector/Officer and a re-inspection indicates that the property is in compliance. Respondent has failed to pay and is ordered to pay the following amounts on or before the date set for compliance or by **May 1st, 2024**.

- ☒ Administrative costs of \$277.08
- ☐ Citation fine of \$ N/A
- ☐ Re-inspection fee of \$ N/A

All payments shall be made to Village at 226 Cypress Lane, Palm Springs, Florida 33461.

A certified copy of this order may be immediately recorded in the Public Records of Palm Beach County and if recorded, shall constitute notice pursuant to section 162.07(4), Fla. Stat. Within twenty (20) days of the date of this order, the Respondent may submit a written request to Code Inspector/Officer Joey Sanders at the Village of Palm Springs, 226 Cypress Lane, Palm Springs, FL 33461, for a hearing to challenge the fine amount imposed by this order. If such a hearing is timely requested, the Village shall notify the Respondent of the hearing date and time by regular U.S. mail sent to the address provided in the written request for the hearing. The requested hearing will be limited to consideration of only those new findings necessary to impose an appropriate fine amount. The Respondent shall bear the burden of proof at such hearing and shall be required to show cause

why this order and the fine amount stated herein shall not be imposed. However, if the Respondent fails to timely request a hearing as described above and fails to bring the violations into compliance and/or pay all administrative costs and fees as ordered herein, the Village, if it has not already done so pursuant to section 162.07(4) Fla. Stat., may record a certified copy of this order in the Public Records of Palm Beach County, Florida, and thereafter this order shall constitute a lien pursuant to section 162.09, Fla. Stat. If a certified copy of this order has previously been recorded pursuant to section 162.07(4) Fla. Stat., then that recorded order shall constitute a lien pursuant to section 162.09, Fla. Stat.

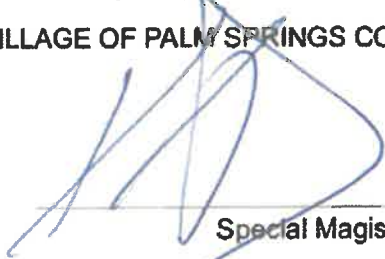
The lien shall be assessed against the real property at issue (if applicable) and the real and personal property of the Respondent. After three (3) months from recording the lien which remains unpaid, the Special Magistrate may authorize the Village Attorney to foreclose on the lien or to sue to recover a money judgement for the amount of the lien plus accrued interest. Future violations of the aforementioned code section(s) may be considered a repeat violation for which a fine of up to five-hundred dollars (\$500.00) per day may be imposed beginning on the date the violation begins.

Upon complying, it is the responsibility of the Respondent to notify the Village of Palm Springs Code Inspector/Officer at (561)584-8300 ext. 8525 to request a reinspection of the property and/or violation(s).

DONE AND ORDERED this 18th day of April 2024.

VILLAGE OF PALM SPRINGS CODE ENFORCEMENT

BY:



Special Magistrate

A copy of this order has been furnished to the respondent at the following statutory address:

85 MORGANS WAY
PALM SPRINGS, FL 33461 2801

VILLAGE OF PALM SPRINGS, FLORIDA
CODE ENFORCEMENT

CASE NO: 2024-29

XX AFFIDAVIT OF COMPLIANCE

VILLAGE OF PALM SPRINGS, FLORIDA
Petitioner
vs.

FYR SFR BORROWER LLC
CORPORATION SERVICE COMPANY
3505 KOGER BLVD SUITE #400
DULUTH, GA 30096 7672
Respondent

The property at 85 MORGANS WAY on the Code Enforcement NOTICE OF VIOLATION/NOTICE OF HEARING dated April 18th, 2024, in the above-mentioned case, has been re-inspected and, I JOEY SANDERS state that said property is NOW in compliance with, Section 10-8: Weeds, Section 30-141: Overgrowth, Section 34-883: Hedges, Section 30-143: Trash/Debris/Materials, Section 34-1381: Open Storage, Section 34-225: Fence Maintenance, Section 34-914: Vehicles/Parking and Section 10-9: Exterior Property Maintenance/Remove all black discoloration off the front door/Repair damaged gutter/Repair broken window/Repair broken mailbox of the Ordinance Codes of the Village of Palm Springs on the Second (2nd) day of December 2024.

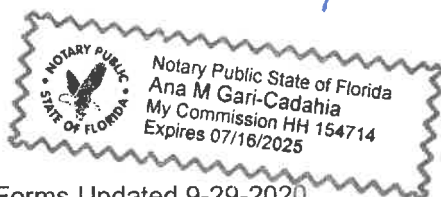
Note: Administrative costs of \$277.08 have not been paid.

Joey Sanders
Code Enforcement Officer

STATE OF FLORIDA
COUNTY OF PALM BEACH

Sworn to, (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, this 20th day of December, 2024, by, Joey Sanders, who is personally known to me or who has produced _____ as identification.

My Commission expires: 7/16/25



CEB Forms Updated 9-29-2020

NOTARY SIGNATURE

Ana Gari Cadahia
PRINT NAME

Notary Public, State of Florida
Commission No.:



**VILLAGE OF PALM SPRINGS
CODE ENFORCEMENT
SPECIAL MAGISTRATE**

CASE NO: 2022-2602 & 2024-29

REQUEST FOR REDUCTION OF FINE

INSTRUCTIONS: Please answer all questions on this form completely. Be specific and use additional pages if necessary.

PRIOR TO SUBMITTING THIS REQUEST, ALL UNPAID CITATIONS AND ADMINISTRATIVE COSTS MUST BE PAID AND PROPERTY MUST BE IN TOTAL COMPLIANCE.

Return this form and the **\$250.00** application fee, to the Secretary of the Code Enforcement Special Magistrate. The request will then be presented to the Magistrate at the next regularly scheduled hearing. **The Special Magistrate will not consider your request unless you are present at the hearing.** You will be notified in writing of the Special Magistrate's decision within ten (10) days after the meeting. If you are claiming medical or financial hardship, attach supporting documentation (i.e., a Doctor's statement or proof of income). If you have any questions, please call the Secretary at the Clerk's Office (561) 965-4010.

Property Owner's Name: FYR SFR TRS LLC, a Delaware limited liability company

Property Address: 85 Morgans Way, Palm Springs Fl 33461

Telephone number where you can be reached during the day: 855-451-0841

Is the property now in compliance: Yes: X No: (If no, explain in detail)

Are you requesting an extension of time to make repairs: Yes: No: X

If yes, until what date:

Date you called The Village of Palm Springs Code Enforcement Division for a re-inspection:

Compliance date specified by Special Magistrate: Dec. 2, 2024

Are you claiming a financial hardship: Yes: No: x

Are you claiming a medical hardship: Yes: No: x

If the property owner is unable to complete this form, list name of person who is authorized to act for the property owner: Theodore A. Topouzis

Relationship to property and/or property owner: Legal Counsel

Request for Reduction of Fine
Case No.: 2022-2602 &
2024-29

MAKE CERTAIN THAT THIS FORM SETS FORTH YOUR POSITION.

I, Theodore Topouzis, do hereby submit this petition in request for a reduction in the total amount of penalty imposed, or a request for an extension of time to bring the property into compliance, and in support, offer the following statement: See Attached form for explanation

Date: 12-20-24 Signature: [Signature]

State of: Rhode Island County of: Kent

STATE OF ~~FLORIDA~~ Rhode Island
COUNTY OF ~~PALM BEACH~~ Kent

Sworn to, (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, this 20th day of December, 2024, ~~2023~~, by, Theodore A. Topouzis, who is personally known to me or who has produced as identification.

Cindy R. Johwa

NOTARY SIGNATURE

Cindy R. Johwa

PRINT NAME

Notary Public, State of ~~Florida~~ Rhode Island

Commission No.

My commission expires: 9/11/2028

Cindy R. Johwa
NOTARY PUBLIC
State of Rhode Island
Comm. No. 62793
Commission Expires 9/11/2028

Explanation in Support of Mitigation

85 Morgans Way, Palm Springs, FL 33461

Please consider the following in support of our request for mitigation.

Our client, on August 8, 2018, FYR SFR Borrower LLC, a Delaware limited liability company took title to this property, by deed recorded at Book 30063, Page 197.

Since the property was acquired, it was at once placed in a rental pool.

The tenant never forwarded any of the correspondence regarding the code violations.

Recently, on July 2, 2024, FYR SFR Borrower LLC, a Delaware limited liability company conveyed the property to a sister company, FYR SFR TRS LLC, a Delaware limited liability company, which deed was recorded on July 11, 2024 at Book 35135, Page 1819.

The seller also on or about that time took this property out of their rental pool and decided to sell it. This firm, as counsel for the seller, conducted a title and lien search which found the existence of the code matters and immediately brought the violations to the attention of the seller. Seller acted on them expeditiously and to our knowledge brought them into compliance on December 2, 2024.

We are respectfully requesting that the board consider this lack of notice sent to the seller by its occupant and the speed in which it brought these items into compliance as mitigating circumstances. Thank you for your consideration and anticipated cooperation.

TOPOUZIS & ASSOCIATES PC

Operating Account
595 JEFFERSON BLVD
WARWICK, RI 02886



5-7017/2110



12/20/2024

PAY TO THE
ORDER OF

The Village of Palm Springs

\$ **250.00

Two hundred fifty and 00/100*****

DOLLARS

The Village of Palm Springs
226 Cypress Lane
Palm Springs, FL 33461



[Handwritten Signature]

AUTHORIZED SIGNATURE

MEMO

Case No: 2022-2602 & 2024-29 // 85 Morgans Way

⑈004209⑈ ⑆211070175⑆ 1403253975⑈

TOPOUZIS & ASSOCIATES PC

12/20/2024

The Village of Palm Springs

4209

250.00

Citizens Operating - 3975

Case No: 2022-2602 & 2024-29 // 85 Morgans Way

250.00



Topouzis & Associates, P.C.
Attorneys at Law

In an effort to deliver this to you promptly, we are mailing the enclosed without a formal cover letter. For any questions or additional information please contact our office.

Thank you.

12-20-24

Date

[Handwritten Signature]

Signature

Topouzis & Associates, P.C.
595 Jefferson Blvd., Warwick, RI 02886
855-451-0841
www.taclosinglaw.com



VILLAGE OF PALM SPRINGS
226 CYPRESS LANE; PALM SPRINGS, FL 33461
561-584-8200 x 8460

Receipt #: PT07283

Application Date: 05/07/24

Receipt Date 12/19/24 Permit Number 24-00458
Payee FYR SFR TRS INC
Address 85 MORGANS WAY, Palm Springs, FL 30096
Permit Type Public Nuisances
Payment Method Check Payment
Confirmation #

CE Hearing Administrative Cost	\$277.08
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Comments:

Amount	\$277.08
Total Paid	\$277.08



VILLAGE OF PALM SPRINGS
226 CYPRESS LANE; PALM SPRINGS, FL 33461
561-584-8200 x 8460

Receipt #: PT07283

Application Date: 05/07/24

Receipt Date 12/19/24 Permit Number 24-00458
Payee FYR SFR TRS INC
Address 85 MORGANS WAY, Palm Springs, FL 30096
Permit Type Public Nuisances
Payment Method Check Payment
Confirmation #

CE Hearing Administrative Cost	\$277.08
--------------------------------	----------

Comments:

Amount	\$277.08
Total Paid	\$277.08



VILLAGE OF PALM SPRINGS
226 CYPRESS LANE; PALM SPRINGS, FL 33461
561-584-8200 x 8460

Receipt #: PT07301

Application Date: 05/07/24

Receipt Date 12/23/24 Permit Number 24-00458
Payee TOPOUZIS & ASSOCIATES PC
Address 85 MORGANS WAY, Palm Springs, FL 30096
Permit Type Public Nuisances
Payment Method Check Payment
Confirmation #

CE Application Fee for Fine Reduction Request	\$250.00
---	----------

Comments:

Amount	\$250.00
Total Paid	\$250.00



VILLAGE OF PALM SPRINGS
226 CYPRESS LANE; PALM SPRINGS, FL 33461
561-584-8200 x 8460

Receipt #: PT07301

Application Date: 05/07/24

Receipt Date 12/23/24 Permit Number 24-00458
Payee TOPOUZIS & ASSOCIATES PC
Address 85 MORGANS WAY, Palm Springs, FL 30096
Permit Type Public Nuisances
Payment Method Check Payment
Confirmation #

CE Application Fee for Fine Reduction Request	\$250.00
---	----------

Comments:

Amount	\$250.00
Total Paid	\$250.00

Property Detail

Location Address : 85 MORGANS WAY
Municipality : PALM SPRINGS
Parcel Control Number : 70-43-44-19-04-083-0140
Subdivision : PALM SPRINGS VILLAGE PL 8 IN PB 26 PGS 27 & 28
Official Records Book/Page : 35135 / 1819
Sale Date : 07/02/2024
Legal Description : VILLAGE OF PALM SPRINGS PL 8 LOT 14 BLK 83

CE case #2024-29

Owner Information**Owner(s)**

FYR SFR TRS LLC

Mailing Address

PO BOX 4090
SCOTTSDALE AZ 85261 4090

Sales Information

Sales Date	Price	OR Book/Page	Sale Type	Owner
07/02/2024	\$10	35135 / 01819	QUIT CLAIM	FYR SFR TRS LLC
08/06/2018	\$17,375,043	30063 / 00197	WARRANTY DEED	FYR SFR BORROWER LLC
02/26/2015	\$109,500	27381 / 00902	WARRANTY DEED	RHA 2 LLC
06/03/2011	\$47,500	24592 / 00001	WARRANTY DEED	RAZA IMRAN
08/17/2010	\$0	24014 / 01959	CERT OF TITLE	FEDERAL NATL MORTGAGE ASSN
06/16/2004	\$150,000	17368 / 01390	WARRANTY DEED	FERNANDEZ ISMAEL
10/07/2002	\$93,000	14290 / 00859	WARRANTY DEED	RODRIGUEZ JINMY S &
04/01/1994	\$59,000	08236 / 01453	WARRANTY DEED	

Exemption Information

No Exemption Information Available.

Property Information

Number of Units : 1
***Total Square Feet :** 1028
Acres : .18
Property Use Code : 0100—SINGLE FAMILY
Zoning : RS—RESIDENTIAL SINGLE-FAMILY (70-PALM SPRINGS)

Building Details**Structural Details**

	Structural Element for Building 1
Exterior Wall 1	MSY: CB STUCCO
Year Built	1959
Air Condition Desc.	HTG & AC
Heat Type	FORCED AIR DUCT
Heat Fuel	ELECTRIC
Bed Rooms	3
Full Baths	1
Half Baths	0
Exterior Wall 2	NONE
Roof Structure	GABLE/HIP
Roof Cover	ASPHALT/COMPOSITION
Interior Wall 1	PLASTER
Interior Wall 2	N/A
Floor Type 1	CERAMIC/QUARRY TILE

Sketch for Building 1



[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Search by Entity Name](#) /

Detail by Entity Name

CE case # 2024-29

Foreign Limited Liability Company
FYR SFR BORROWER, LLC

Filing Information

Document Number	M18000006467
FEI/EIN Number	83-1276468
Date Filed	07/13/2018
State	DE
Status	ACTIVE
Last Event	LC AMENDMENT
Event Date Filed	10/22/2021
Event Effective Date	NONE

Principal Address

7500 N. Dobson Rd.
Suite 300
Scottsdale, AZ 85256

Changed: 02/05/2025

Mailing Address

PO BOX 4090
Scottsdale, AZ 85261

Changed: 02/05/2025

Registered Agent Name & Address

CORPORATION SERVICE COMPANY
1201 HAYS STREET
TALLAHASSEE, FL 32301-2525

Name Changed: 06/03/2019

Address Changed: 06/03/2019

Authorized Person(s) Detail

Name & Address

Title Member



[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Search by Entity Name](#) /

Detail by Entity Name

CE case #2022-2602

Foreign Limited Liability Company

FYR SFR TRS, LLC

Filing Information

Document Number M24000004107

FEI/EIN Number 93-3407334

Date Filed 03/11/2024

State DE

Status ACTIVE

Principal Address

7500 N. Dobson Rd
Suite 300
Scottsdale, AZ 85256

Changed: 02/05/2025

Mailing Address

PO BOX 4090
Scottsdale, AZ 85261

Changed: 02/05/2025

Registered Agent Name & Address

CORPORATION SERVICE COMPANY
1201 HAYS STREET
TALLAHASSEE, FL 32301-2525

Authorized Person(s) Detail

Name & Address

Title Member

FYR SFR Equity Owner, LLC
7500 N. Dobson Rd
Suite 300
Scottsdale, AZ 85256

Annual Reports

Report Year	Filed Date
2025	02/05/2025

VILLAGE OF PALM SPRINGS, FLORIDA

**STAFF RECOMMENDATION TO THE SPECIAL MAGISTRATE
ON REQUEST FOR REDUCTION OF FINE**

Code Enforcement Officer: Sanders

Date: February 20th, 2025

Case No.: 2024-29

Original Respondent(s): FYR SFR BORROWER LLC

Current Respondent(s): FYR SFR TRS LLC

Violation Address: 85 MORGANS WAY

BACKGROUND

On April 18th, 2024 the above referenced case was adjudicated by the Special Magistrate as being in violation of Code Section(s): 10-8: Weeds, 34-883: Hedges, 30-143: Trash/Debris/Materials, 34-1831: Open Storage, 34-225: Fence Maintenance, 34-914: Vehicles/Parking and 10-9: Exterior Property Maintenance/Remove all black discoloration off the front door/Repair damaged gutter/Repair broken window, Repair broken mailbox. The original Respondent was given a violation and fine commencing on May 1st, 2024 and continuing to accrue at the rate of \$100.00 per day, per violation for every day not in compliance. The fine accumulated for 215 days for a total fine of \$172,000.00, as of the compliance date of December 2nd, 2024. The \$277.08 administrative costs have been paid in full.

RECOMMENDATION.

Code Enforcement Staff recommends the following actions pursuant to Florida Statute Section 162.09(b), for the Special Magistrate's consideration:

- A. ☒ That based upon the criteria of Section 162.09(b), Fla. Stat., that the Special Magistrate **approve** the current Respondent's Request for a Reduction of Fine, and that the current Respondent pay the reduced fine in the amount of \$68,800.00 within ten (10) days of the date of the Magistrate's Final Order on the Request or on or before March 1st, 2025. If the reduced fine is not paid within the time specified, the original fine in the amount of \$172,000.00 shall be reinstated.
- B. ☐ That based upon the criteria of Section 162.09(b), Fla. Stat., that the Special Magistrate **deny** the current Respondent's Request for a Reduction of Fine.

STAFF JUSTIFICATION FOR RECOMMENDATION

Staff has based its recommendation to the Special Magistrate on the following factors which include, but are not limited to, the gravity of the violation(s), the actions taken by the Respondent to correct the violation(s), and any previous violations committed by the Respondent. The basis for Staff's recommendation is set forth as follows: **Reference case presentation for additional information.**

Based on the totality of the circumstances, the Village recommends a fine reduction to 40% of the original fine amount which would be \$68,800.00.

Dated: February 20th, 2025

By: Joey Sanders
Code Enforcement Officer

VILLAGE OF PALM SPRINGS
Code Enforcement Magistrate Hearing

Case No. 2022-2602



VILLAGE OF PALM SPRINGS, FLORIDA
Petitioner,

vs.

PREVIOUS OWNER:
FYR SFR BORROWER LLC
CORPORATION SERVICE COMPANY
3505 KOGER BLVD SUITE #400
DULUTH, GA 33096

NEW OWNER:
FYR SFR TRS LLC
CORPORATION SERVICE COMPANY
PO BOX 4090
SCOTTSDALE, AZ 85261

Respondent(s).

PCN: 70-43-44-19-04-083-0140

FINE REDUCTION OR ABATEMENT ORDER

THIS MATTER having come before the Village of Palm Springs Code Enforcement Special Magistrate on **February 20, 2025**, and the Magistrate, having heard the testimony and other evidence of the parties, and having been fully apprised of the circumstances, does find as follows:

1. The above Respondent(s) is/are the owner(s) of the Property Described as: **85 MORGANS WAY; Legal Description: VILLAGE OF PALM SPRINGS PL 8 LOT 14 BLK 83; PCN: 70-43-44-19-04-083-0140**
2. On **October 20, 2022**, the Village of Palm Springs Code Enforcement Special Magistrate entered an order finding the Respondent in violation of **Section(s): 34-914 Parking Violations on Residential Property and 30-143: Public Nuisance Trash/Debris** of the Village of Palm Springs Code of Ordinances. The Respondent(s) was given until **NOVEMBER 16, 2022**, within which to comply with the code, failing which a fine of \$100.00 per day per violation was assessed against the Respondent(s).
3. On **DECEMBER 2, 2024**, the Respondent(s) complied with all of the (2) above noted cited violations. A fine of \$100.00 per day, per violation continued to accrue for **747 days** for a total fine of **\$149,400.00**
4. Administrative costs, citation fine and re-inspection fee in the amount of **\$361.14** were levied against the Respondent(s) and have been paid in full.
5. The Respondent has submitted an application for a fine reduction and has paid in full.

IT IS HEREBY ORDERED, that

A. Based upon the testimony of the parties, and viewing the facts presented in the light most favorable to the Respondent, fine reduction criteria under Section 162.09(2)(b), Florida Statutes, the fine of **\$149,400.00** is found to be excessive; and

B. _____ Respondent is ordered to pay a reduced fine of **\$59,760.00** and costs in the amount of **\$0.00** on or before **MARCH 1, 2025**. If the reduced fine is not paid within the specified time, the fine shall revert to the original accrued amount of **\$149,400.00** before the reduction, of **\$59,760.00**.

DONE AND ORDERED this 20th day of FEBRUARY
2025.

By: Special Magistrate

Copies Furnished to the Parties by _____

CASE PRESENTATION

CASE No. CASE 2022-2602

1. Good morning. My name is Joey Sanders and I'm a code enforcement officer for the Village of Palm Springs and I've been sworn in.
2. Case #2022-2602 is concerning the property located at 85 Morgans Way within the Village of Palm Springs.
3. According to the Palm Beach County Property Appraiser's records and the Palm Beach County Tax Collector's records, the current owner of the property is FYR SFR TRS LLC.
4. On October 20th, 2022 the above referenced case was adjudicated by the Special Magistrate as being in violation of Code Section(s): 34-914: Parking Violations on Residential Property and 30-143: Public Nuisance Trash/Debris. The original respondent was given a violation and fine commencing on November 16th, 2022 and continued to accrue at the rate of \$100.00 per day, per violation for every day not in compliance. The fine accumulated for 747 days for a total fine of \$149,400.00, as of the compliance date of December 2nd, 2024. The administrative costs, citation fine and re-inspection fee in the amount of \$361.14 have been paid.
5. Code Enforcement Staff recommends the following actions pursuant to Florida State Statute Section 162.09(b), for the Special Magistrate's consideration:

That based upon the criteria of F.S.S. 162.09(b), the Special Magistrate approve the current Respondent's Request for a Reduction of Fine, and that the current Respondent pay the reduced fine in the amount of \$59,760.00 within (10) days of the date of the Magistrate's Final Order on the Request or on or before March 1st, 2025. If the reduced fine is not paid within the time specified, the original fine in the amount of \$149,400.00 shall be reinstated.

6. Staff has based it's recommendation to the Special Magistrate on the following factors which include, but are not limited to, the gravity of the violation(s), the actions taken by the respondent to correct the violation(s) and any previous violations committed by the Respondent. The basis for Staff's recommendation is set forth as follows:

On or around December 2024, I inherited this case from a former code enforcement officer and have no knowledge of the events that had transpired. Therefore, I will be treating this request for fine reduction case the same as it's sister case (#2024-29) that I presented moments earlier.

Based on the totality of the circumstances, coupled with having a past history of code enforcement cases/nuisance activity, the Village recommends a fine reduction to 40% of the original fine amount which would be \$59,760.00

7. Subject to any questions you might have, this concludes the Village's testimony.

**VILLAGE OF PALM SPRINGS
CODE ENFORCEMENT**

CIT CODE CASE: 2022-2602

VILLAGE OF PALM SPRINGS, FLORIDA
Petitioner,

v.

FYR SFR BORROWER LLC
3505 KOGER BOULEVARD SUITE 400
DULUTH GA 30096 7672

Respondent(s).

ORDER FINDING VIOLATION

Re: Violation of **Section(s) 34-914: Parking Violations on residential property. Section 30-143 Public nuisance: Trash and debris**

Address: 85 MORGANS WAY
Legal Description: VILLAGE OF PALM SPRINGS PL 8 LOT 14 BLK 83
PCN: 70-43-44-19-04-083-0140

The Special Magistrate appointed by the Village of Palm Springs to hear code enforcement cases for the Village of Palm Springs, in accordance with Chapter 162, Florida Statutes, has heard testimony at the Code Enforcement hearing held on the 20th day of OCTOBER 2022, and based on the evidence and testimony presented, the following FINDINGS OF FACT, CONCLUSIONS OF LAW, and ORDER are hereby entered:

FINDINGS OF FACT

1. The Respondent was _____ / was not ☒ present at the hearing. There was a finding of proper notice.
2. The Code Inspector presented competent substantial evidence which included testimony and/or photographs to establish that the respondent is in violation of the code section(s) referenced above.

CONCLUSIONS OF LAW

- ☒ Respondent is in violation of **Section(s) 34-914: Parking Violations on residential property. Section 30-143 Public nuisance: Trash and debris** of the Code of Ordinances of the Village of Palm Springs.
- ☐ Respondent was in violation of **Section(s) 34-914: Parking Violations on residential property. Section 30-143 Public nuisance: Trash and debris** of the Code of Ordinances of the Village of Palm Springs but is currently in compliance.

ORDER

It is the Order of the Code Enforcement Special Magistrate that:

- ☐ Respondent has brought the cited code violation(s) into compliance. Respondent has failed to pay and is ordered to pay the following amounts on or before **NOVEMBER 16, 2022.**
- ☐ Administrative costs of **\$181.14**
- ☐ Citation fine of **\$150.00**

☐ Re-inspection fee of \$30.00

☒ Respondent has not brought the cited code violation(s) into compliance and remains in violation. Respondent must comply with all code violations on or before **NOVEMBER 16, 2022**. If Respondent fails to comply within the time given, a fine of **\$100.00** per day, per violation will continue to accrue until the Respondent contacts the Code Inspector/Officer and a re-inspection indicates that the property is in compliance. Respondent has failed to pay and is ordered to pay the following amounts on or before the date set for compliance or by **NOVEMBER 16, 2022**.

☒ Administrative costs of \$181.14
☒ Citation fine of \$150.00
☒ Re-inspection fee of \$30.00

All payments shall be made to Village at 226 Cypress Lane, Palm Springs, Florida 33461.

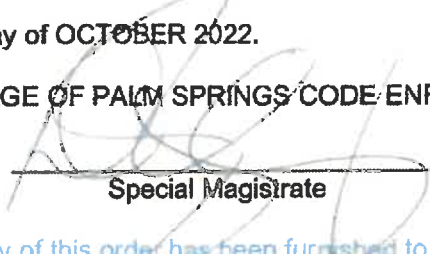
A certified copy of this order may be immediately recorded in the Public Records of Palm Beach County and if recorded, shall constitute notice pursuant to section 162.07(4), Fla. Stat. Within twenty (20) days of the date of this order, the Respondent may submit a written request to Code Inspector/Officer JOSE INOA at the Village of Palm Springs, 226 Cypress Lane, Palm Springs, FL 33461, for a hearing to challenge the fine amount imposed by this order. If such a hearing is timely requested, the Village shall notify the Respondent of the hearing date and time by regular U.S. mail sent to the address provided in the written request for the hearing. The requested hearing will be limited to a consideration of only those new findings necessary to impose an appropriate fine amount. The Respondent shall bear the burden of proof at such hearing and shall be required to show cause why this order and the fine amount stated herein should not be imposed. However, if the Respondent fails to timely request a hearing as described above and fails to bring the violations into compliance and/or pay all administrative costs and fees as ordered herein, the Village, if it has not already done so pursuant to section 162.07(4), Fla. Stat., may record a certified copy of this order in the Public Records of Palm Beach County, Florida, and thereafter this order shall constitute a lien pursuant to section 162.09, Fla. Stat. If a certified copy of this order has previously been recorded pursuant to section 162.07(4), Fla. Stat., then that recorded order shall constitute a lien pursuant to section 162.09, Fla. Stat. The lien shall be assessed against the real property at issue (if applicable) and the real and personal property of the Respondent. After three (3) months from recording the lien which remains unpaid, the Special Magistrate may authorize the Village Attorney to foreclose on the lien or to sue to recover a money judgment for the amount of the lien plus accrued interest. Future violations of the aforementioned code section(s) may be considered a repeat violation for which a fine of up to five-hundred-dollars (\$500.00) per day may be imposed beginning on the date the violation begins.

Upon complying, it is the responsibility of the Respondent to notify the Village of Palm Springs Code Inspector/Officer at (561) 584-8200 EXT 8523 to request a reinspection of the property and/or violation(s).

DONE AND ORDERED this 20th day of OCTOBER 2022.

VILLAGE OF PALM SPRINGS CODE ENFORCEMENT

BY:


Special Magistrate

A copy of this order has been furnished to the respondent at the following statutory address:
85 MORGANS WAY
PALM SPRINGS FL 33461

VILLAGE OF PALM SPRINGS, FLORIDA CODE CITATION

CITATION NO. 2602

DAY OF WEEK <u>Tuesday</u>	MONTH <u>9</u>	DAY <u>20</u>	YEAR <u>2022</u>	TIME <u>10:31 AM</u>
FIRST NAME <u>FYR SFR</u>	MID INT. <u>Bouwer</u>	LAST NAME <u>LLC</u>		
STREET ADDRESS <u>85 Morgan Way</u>				
CITY <u>Palm Springs</u>	STATE <u>IL</u>	ZIP CODE <u>53461</u>		
TAG NO. <u>34-94</u>		DESCRIPTION <u>Parking violation</u>		
VIOLATION CODE SECTION(S) & DESCRIPTION: <u>tags, parking violation</u>				
<u>30-143 Public nuisance</u>				
<u>Debris - trash</u>				
☐ REPEAT VIOLATION				

Jose Inoa 136
Code Enforcement Officer ID#

This citation is issued pursuant to Chap. 162, Florida Statutes and Section 2-233. The violation charge is a civil infraction and may subject you to a fine of up to \$250 per day (or \$500 per day for Repeat Violations), plus costs assessed by a Magistrate before whom this matter is heard. You are scheduled to appear before the Magistrate at a hearing for this violation on:

Tuesday
September 20 2022 at 10:00 AM
Hearing Date Time

Location: Community Room,
226 Cypress Lane, Palm Springs, Florida

You may avoid a hearing by complying with the Code section cited, obtaining an inspection by calling 561-304-4826 or 561-304-4829 and paying a fine of \$150.00, plus a re-inspection fee of \$30.00 for a TOTAL Civil Penalty of \$180.00. The inspection must be completed and full payment must be received at Village Hall, Land Development Dept., 226 Cypress Lane, Palm Springs, FL 33461, no later than 5:00PM on 9/20/22, by cash or check payable to "Village of Palm Springs".

DO NOT MAIL CASH

If you fail to pay the civil penalty within the time allowed, or fail to appear at the hearing to contest the citation, you shall be deemed to have waived your right to contest the citation and a judgment may be entered against you for an amount up to the maximum civil penalty.

Not Done Prosted
Respondent Signature Printed Name

VILLAGE OF PALM SPRINGS, FLORIDA
CODE ENFORCEMENT

CIT CASE NO: 2022-2602

XX AFFIDAVIT OF COMPLIANCE

VILLAGE OF PALM SPRINGS, FLORIDA
Petitioner
vs.

FYR SFR BORROWER LLC
3505 KOGER BLVD SUITE #400
DULUTH, GA 30096 7672
Respondent

The property at 85 MORGANS WAY on the Code Enforcement NOTICE OF VIOLATION/NOTICE OF HEARING dated October 20th, 2022, in the above-mentioned case, has been re-inspected and, I JOEY SANDERS state that said property is NOW in compliance with, Section 34-914: Parking Violations on Residential Property and Section 30-143: Public Nuisance Trash and Debris of the Ordinance Codes of the Village of Palm Springs on the Second (2nd) day of December 2024.

Note: Administrative costs, citation fine and re-inspection fee of \$361.14 have not been paid.

Joey Sanders ID #211
Code Enforcement Officer

STATE OF FLORIDA
COUNTY OF PALM BEACH

Sworn to, (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, this 2nd day of December, 2024, by, Joey Sanders, who is personally known to me or who has produced _____ as identification.

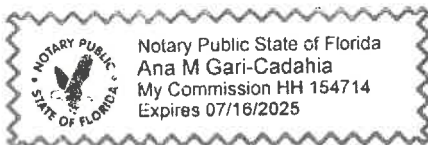
My Commission expires: 7/16/25

NOTARY SIGNATURE

Ana Gari Cadahia

PRINT NAME

Notary Public, State of Florida
Commission No.:





**VILLAGE OF PALM SPRINGS
CODE ENFORCEMENT
SPECIAL MAGISTRATE**

CASE NO: 2022-2602 & 2024-29

REQUEST FOR REDUCTION OF FINE

INSTRUCTIONS: Please answer all questions on this form completely. Be specific and use additional pages if necessary.

PRIOR TO SUBMITTING THIS REQUEST, ALL UNPAID CITATIONS AND ADMINISTRATIVE COSTS MUST BE PAID AND PROPERTY MUST BE IN TOTAL COMPLIANCE.

Return this form and the **\$250.00** application fee, to the Secretary of the Code Enforcement Special Magistrate. The request will then be presented to the Magistrate at the next regularly scheduled hearing. **The Special Magistrate will not consider your request unless you are present at the hearing.** You will be notified in writing of the Special Magistrate's decision within ten (10) days after the meeting. If you are claiming medical or financial hardship, attach supporting documentation (i.e., a Doctor's statement or proof of income). If you have any questions, please call the Secretary at the Clerk's Office (561) 965-4010.

Property Owner's Name: FYR SFR TRS LLC, a Delaware limited liability company

Property Address: 85 Morgans Way, Palm Springs Fl 33461

Telephone number where you can be reached during the day: 855-451-0841

Is the property now in compliance: Yes: X No: (If no, explain in detail)

Are you requesting an extension of time to make repairs: Yes: No: X

If yes, until what date:

Date you called The Village of Palm Springs Code Enforcement Division for a
re-inspection:

Compliance date specified by Special Magistrate: Dec. 2, 2024

Are you claiming a financial hardship: Yes: No: x

Are you claiming a medical hardship: Yes: No: x

If the property owner is unable to complete this form, list name of person who is authorized to act
for the property owner: Theodore A. Topouzis

Relationship to property and/or property owner: Legal Counsel

Request for Reduction of Fine
Case No.: 2022-2602 &
2024-29

MAKE CERTAIN THAT THIS FORM SETS FORTH YOUR POSITION.

I, Theodore Topouzis, do hereby submit this petition in request for a reduction in the total amount of penalty imposed, or a request for an extension of time to bring the property into compliance, and in support, offer the following statement: See Attached form for explanation

Date: 12-20-24 Signature: [Signature]

State of: Rhode Island County of: Kent

STATE OF ~~FLORIDA~~ Rhode Island
COUNTY OF ~~PALM BEACH~~ Kent

Sworn to, (or affirmed) and subscribed before me by means of ☒ physical presence or ☐ online notarization, this 20th day of December, 2024, ~~2023~~, by, Theodore A. Topouzis, who is personally known to me or who has produced _____ as identification.

Cindy R. Johwa
NOTARY SIGNATURE
Cindy R. Johwa

PRINT NAME
Notary Public, State of ~~Florida~~ Rhode Island
Commission No.

My commission expires: 9/11/2028

Cindy R. Johwa
NOTARY PUBLIC
State of Rhode Island
Comm. No. 62793
Commission Expires 9/11/2028

Explanation in Support of Mitigation

85 Morgans Way, Palm Springs, FL 33461

Please consider the following in support of our request for mitigation.

Our client, on August 8, 2018, FYR SFR Borrower LLC, a Delaware limited liability company took title to this property, by deed recorded at Book 30063, Page 197.

Since the property was acquired, it was at once placed in a rental pool.

The tenant never forwarded any of the correspondence regarding the code violations.

Recently, on July 2, 2024, FYR SFR Borrower LLC, a Delaware limited liability company conveyed the property to a sister company, FYR SFR TRS LLC, a Delaware limited liability company, which deed was recorded on July 11, 2024 at Book 35135, Page 1819.

The seller also on or about that time took this property out of their rental pool and decided to sell it. This firm, as counsel for the seller, conducted a title and lien search which found the existence of the code matters and immediately brought the violations to the attention of the seller. Seller acted on them expeditiously and to our knowledge brought them into compliance on December 2, 2024.

We are respectfully requesting that the board consider this lack of notice sent to the seller by its occupant and the speed in which it brought these items into compliance as mitigating circumstances. Thank you for your consideration and anticipated cooperation.

TOPOUZIS & ASSOCIATES PC

Operating Account
595 JEFFERSON BLVD
WARWICK, RI 02886



5-7017/2110



12/20/2024

PAY TO THE
ORDER OF

The Village of Palm Springs

\$**250.00

Two hundred fifty and 00/100*****

DOLLARS

The Village of Palm Springs
226 Cypress Lane
Palm Springs, FL 33461



[Handwritten Signature]

AUTHORIZED SIGNATURE

MEMO

Case No: 2022-2602 & 2024-29 // 85 Morgans Way

⑈004209⑈ ⑆211070175⑆ 1403253975⑈

TOPOUZIS & ASSOCIATES PC

12/20/2024

The Village of Palm Springs

4209

250.00

Citizens Operating - 3975

Case No: 2022-2602 & 2024-29 // 85 Morgans Way

250.00



Topouzis & Associates, P.C.
Attorneys at Law

In an effort to deliver this to you promptly, we are mailing the enclosed without a formal cover letter. For any questions or additional information please contact our office.

Thank you.

12-20-24

Date

[Handwritten Signature]

Signature

Topouzis & Associates, P.C.
595 Jefferson Blvd., Warwick, RI 02886
855-451-0841
www.taclosinglaw.com



VILLAGE OF PALM SPRINGS
226 CYPRESS LANE; PALM SPRINGS, FL 33461
561-584-8200 x 8460

Receipt #: PT07282

Application Date: 12/19/24

Receipt Date 12/19/24 Permit Number 24-01303
Payee FYR
Address 85 MORGANS WAY, Palm Springs, FL 30096
Permit Type Property Maintenance General
Payment Method Check Payment
Confirmation #

CE Hearing Administrative Cost	\$361.14
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Comments:

Amount \$361.14
Total Paid \$361.14



VILLAGE OF PALM SPRINGS
226 CYPRESS LANE; PALM SPRINGS, FL 33461
561-584-8200 x 8460

Receipt #: PT07282

Application Date: 12/19/24

Receipt Date 12/19/24 Permit Number 24-01303
Payee FYR
Address 85 MORGANS WAY, Palm Springs, FL 30096
Permit Type Property Maintenance General
Payment Method Check Payment
Confirmation #

CE Hearing Administrative Cost	\$361.14
--------------------------------	----------

Comments:

Amount \$361.14
Total Paid \$361.14



VILLAGE OF PALM SPRINGS
226 CYPRESS LANE; PALM SPRINGS, FL 33461
561-584-8200 x 8460

Receipt #: PT07301

Application Date: 05/07/24

Receipt Date 12/23/24 Permit Number 24-00458
Payee TOPOUZIS & ASSOCIATES PC
Address 85 MORGANS WAY, Palm Springs, FL 30096
Permit Type Public Nuisances
Payment Method Check Payment
Confirmation #

CE Application Fee for Fine Reduction Request	\$250.00
---	----------

Comments:

Amount \$250.00
Total Paid \$250.00



VILLAGE OF PALM SPRINGS
226 CYPRESS LANE; PALM SPRINGS, FL 33461
561-584-8200 x 8460

Receipt #: PT07301

Application Date: 05/07/24

Receipt Date 12/23/24 Permit Number 24-00458
Payee TOPOUZIS & ASSOCIATES PC
Address 85 MORGANS WAY, Palm Springs, FL 30096
Permit Type Public Nuisances
Payment Method Check Payment
Confirmation #

CE Application Fee for Fine Reduction Request	\$250.00
---	----------

Comments:

Amount \$250.00
Total Paid \$250.00

Property Detail

Location Address : 85 MORGANS WAY
Municipality : PALM SPRINGS
Parcel Control Number : 70-43-44-19-04-083-0140
Subdivision : PALM SPRINGS VILLAGE PL 8 IN PB 26 PGS 27 & 28
Official Records Book/Page : 35135 / 1819
Sale Date : 07/02/2024
Legal Description : VILLAGE OF PALM SPRINGS PL 8 LOT 14 BLK 83

CE Case #2022-2602

Owner Information

Owner(s)

FYR SFR TRS LLC

Mailing Address

PO BOX 4090
SCOTTSDALE AZ 85261 4090

Sales Information

Sales Date	Price	OR Book/Page	Sale Type	Owner
07/02/2024	\$10	35135 / 01819	QUIT CLAIM	FYR SFR TRS LLC
08/06/2018	\$17,375,043	30063 / 00197	WARRANTY DEED	FYR SFR BORROWER LLC
02/26/2015	\$109,500	27381 / 00902	WARRANTY DEED	RHA 2 LLC
06/03/2011	\$47,500	24592 / 00001	WARRANTY DEED	RAZA IMRAN
08/17/2010	\$0	24014 / 01959	CERT OF TITLE	FEDERAL NATL MORTGAGE ASSN
06/16/2004	\$150,000	17368 / 01390	WARRANTY DEED	FERNANDEZ ISMAEL
10/07/2002	\$93,000	14290 / 00859	WARRANTY DEED	RODRIGUEZ JINMY S &
04/01/1994	\$59,000	08236 / 01453	WARRANTY DEED	

Exemption Information

No Exemption Information Available.

Property Information

Number of Units : 1
***Total Square Feet :** 1028
Acres : .18
Property Use Code : 0100—SINGLE FAMILY
Zoning : RS—RESIDENTIAL SINGLE-FAMILY (70-PALM SPRINGS)

Building Details

Structural Details

Structural Element for Building 1	
Exterior Wall 1	MSY: CB STUCCO
Year Built	1959
Air Condition Desc.	HTG & AC
Heat Type	FORCED AIR DUCT
Heat Fuel	ELECTRIC
Bed Rooms	3
Full Baths	1
Half Baths	0
Exterior Wall 2	NONE
Roof Structure	GABLE/HIP
Roof Cover	ASPHALT/COMPOSITION
Interior Wall 1	PLASTER
Interior Wall 2	N/A
Floor Type 1	CERAMIC/QUARRY TILE

Sketch for Building 1



[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Search by Entity Name](#) /

Detail by Entity Name

CE# 2022-2602

Foreign Limited Liability Company
FYR SFR TRS, LLC

Filing Information

Document Number M24000004107
FEI/EIN Number 93-3407334
Date Filed 03/11/2024
State DE
Status ACTIVE

Principal Address

7500 N. Dobson Rd
Suite 300
Scottsdale, AZ 85256

Changed: 02/05/2025

Mailing Address

PO BOX 4090
Scottsdale, AZ 85261

Changed: 02/05/2025

Registered Agent Name & Address

CORPORATION SERVICE COMPANY
1201 HAYS STREET
TALLAHASSEE, FL 32301-2525

Authorized Person(s) Detail

Name & Address

Title Member

FYR SFR Equity Owner, LLC
7500 N. Dobson Rd
Suite 300
Scottsdale, AZ 85256

Annual Reports

Report Year	Filed Date
2025	02/05/2025



[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Search by Entity Name](#) /

Detail by Entity Name

CE case #2024-29

Foreign Limited Liability Company
FYR SFR BORROWER, LLC

Filing Information

Document Number	M18000006467
FEI/EIN Number	83-1276468
Date Filed	07/13/2018
State	DE
Status	ACTIVE
Last Event	LC AMENDMENT
Event Date Filed	10/22/2021
Event Effective Date	NONE

Principal Address

7500 N. Dobson Rd.
Suite 300
Scottsdale, AZ 85256

Changed: 02/05/2025

Mailing Address

PO BOX 4090
Scottsdale, AZ 85261

Changed: 02/05/2025

Registered Agent Name & Address

CORPORATION SERVICE COMPANY
1201 HAYS STREET
TALLAHASSEE, FL 32301-2525

Name Changed: 06/03/2019

Address Changed: 06/03/2019

Authorized Person(s) Detail

Name & Address

Title Member

VILLAGE OF PALM SPRINGS, FLORIDA

**STAFF RECOMMENDATION TO THE SPECIAL MAGISTRATE
ON REQUEST FOR REDUCTION OF FINE**

Code Enforcement Officer: Sanders

Date: February 20th, 2025

Case No.: 2022-2602

Original Respondent(s): FYR SFR BORROWER LLC

Current Respondent(s): FYR SFR TRS LLC

Violation Address: 85 MORGANS WAY

BACKGROUND

On **October 20th, 2022** the above referenced case was adjudicated by the Special Magistrate as being in violation of Code Section(s): **34-914: Parking Violations on Residential Property and 30-143: Public Nuisance Trash/Debris**. The original Respondent was given a violation and fine commencing on **November 16th, 2022** and continuing to accrue at the rate of **\$100.00 per day, per violation** for every day not in compliance. The fine accumulated for **747 days** for a total fine of **\$149,400.00**, as of the compliance date of **December 2nd, 2024**. The **\$361.14** administrative costs, citation fine and re-inspection fee have been paid in full.

RECOMMENDATION.

Code Enforcement Staff recommends the following actions pursuant to Florida Statute Section 162.09(b), for the Special Magistrate's consideration:

- A. ☒ That based upon the criteria of Section 162.09(b), Fla. Stat., that the Special Magistrate **approve** the current Respondent's Request for a Reduction of Fine, and that the current Respondent pay the reduced fine in the amount of **\$59,760.00** within ten (10) days of the date of the Magistrate's Final Order on the Request or on or before **March 1st, 2025**. If the reduced fine is not paid within the time specified, the original fine in the amount of **\$149,400.00** shall be reinstated.
- B. ☐ That based upon the criteria of Section 162.09(b), Fla. Stat., that the Special Magistrate **deny** the current Respondent's Request for a Reduction of Fine.

STAFF JUSTIFICATION FOR RECOMMENDATION

Staff has based its recommendation to the Special Magistrate on the following factors which include, but are not limited to, the gravity of the violation(s), the actions taken by the Respondent to correct the violation(s), and any previous violations committed by the Respondent. The basis for Staff's recommendation is set forth as follows: **Reference case presentation for additional information.**

Based on the totality of the circumstances, the Village recommends a fine reduction to 40% of the original fine amount which would be \$59,760.00.

Dated: February 20th, 2025

By: Joey Sanders
Code Enforcement Officer



**VILLAGE OF PALM SPRINGS CODE
ENFORCEMENT**

CODE CASE: 2024-57

**VILLAGE OF PALM SPRINGS, FLORIDA
Petitioner,**

**MN INVESTMENTS PROPERTIES HOLDINGS LLC
1946 SOUTH CONGRESS AVENUE
WEST PALM BEACH, FL 33406**

**MAILING ADDRESS:
MN INVESTMENTS PROPERTIES HOLDINGS LLC
700 GREENBRIAR AVENUE
FORT LAUDERDALE, FL 33325 6307**

Respondent(s).

ORDER FINDING VIOLATION

Re: Violation of the following Village of Palm Springs Code of Ordinances:

SECTION 34-1365: Land clearing, dredging and filling. It is unlawful to engage in land alteration without first obtaining a permit with payment of applicable fees.

SECTION 10-31 (FBC 105.1): Permits required. Remove all unpermitted and/or deteriorated structures specifically wooded lean-to and chain-link enclosure along south elevation and picket fence enclosure along west elevation #1952.

SECTION 34-143(a): Removal of rubbish. Public nuisance declared. Remove all trash and debris along service alley and drainage ditch.

SECTION 78-008: Illicit discharges – Generally. Discharges from dumpster, mop sink and plumbing sanitary discharge from the building along the south elevation between doors labeled #1960-1966 and any other discharge to the stormwater system that is not composed entirely of stormwater is prohibited. Remove and cap-off the mop sink and plumbing discharge from the building.

SECTION 62-75 (3): Commercial development storage areas. Dumpster enclosure required, screened on three sides with gate and shall be landscaped with hedge.

SECTION 46-3: Graffiti. Public nuisance and must be removed from rental sign and dumpster.

SECTION 66-112: General maintenance requirements. All sidewalks located in the right-of way and parking lot curbing shall be cleaned of discoloration. Road right-of way includes Congress Avenue and Floweva Street.

SECTION 10-9: Exterior of structure or building. Exterior shall be maintained in good repair, structurally sound and sanitary. Exterior painting – walls & ceiling of

overhang extensions, pressure washing walls kept free of holes, breaks, lose or rotting materials, properly surface coated, replace broken roof tiles.

SECTION 30-141: Excessive growth of weeds and vegetation. Hedge along west side of parking lot, vegetation at chain-link enclosure in rear.

SECTION 34-328 (c): Wall, under-canopy and window signs. Window signs shall not exceed 25 percent of the aggregate window area. Remove any excess signage from windows. Entry doors to be considered clear zones for security and safety purposes. Remove tint from entry doors and any graphics with exception of business name, address and hours of operation. Only one electronic "Open" sign allowed.

SECTION 70-94: Application; local business tax receipt required: exemptions. Unit #'s 1952 (Restaurant), 1958, 1960, 1966 (Religious affiliation) must submit application for local business tax.

SECTION 34-916: Parking commercial vehicles on commercial property. Remove panel truck on property or submit proof truck is registered to business or business owner and keep parked no visible to any street right-of way.

Address: 1946 SOUTH CONGRESS AVENUE
Legal Description: CONGRESS HEIGHTS TRACT B /LESS N 132 FT OF W 125 FT/
PCN: 70-43-44-08-04-000-0552

The Special Magistrate appointed by the Village of Palm Springs to hear code enforcement cases for the Village of Palm Springs, in accordance with Chapter 162, Florida Statutes, has heard testimony at the Code Enforcement hearing held on the 17th day of October 2024, and based on the evidence and testimony presented, the following FINDINGS OF FACT, CONCLUSIONS OF LAW, and ORDER are hereby entered:

FINDINGS OF FACT

1. The Respondent ✓ was / _____ was not present at the hearing. There was a finding of proper notice.
2. The Code Inspector presented competent substantial evidence which included testimony and/or photographs to establish that the respondent is in violation of the code section(s) referenced above.

☒ Respondent is in violation of the following Village of Palm Springs Code of Ordinances:

in part

- ☐ *SECTION 34-1365: Land clearing, dredging and filling. It is unlawful to engage in land alteration without first obtaining a permit with payment of applicable fees.
- ☐ SECTION 10-31 (FBC 105.1): Permits required. Remove all unpermitted and/or deteriorated structures specifically wooded lean-to and chain-link enclosure along south elevation and picket fence enclosure along west elevation #1952.
- ☐ SECTION 34-143(a): Removal of rubbish. Public nuisance declared. Remove all trash and debris along service alley and drainage ditch.
- ☐ *SECTION 78-208: Illicit discharges – generally. Discharges from dumpster, mop sink and plumbing sanitary discharge from the building along the south elevation between doors labeled #1960-1966 and any other discharge to the

34-1365

- stormwater system that is not composed entirely of stormwater is prohibited. Remove and cap-off the mop sink and plumbing discharge from the building.
- ☒ *SECTION 62-75 (3): Commercial development storage areas. Dumpster enclosure required, screened on the three sides with gate and shall be landscaped with hedge.
 - ☒ SECTION 46-3: Graffiti. Public nuisance and must be removed from rental sign and dumpster.
 - ☒ SECTION 66-112: General maintenance requirements. All sidewalks located in the right-of way and parking lot curbing shall be cleaned of discoloration. Road right-of-way includes Congress Avenue and Floweva Street.
 - ☐ SECTION 10-9: Exterior of structure or building. Exterior shall be maintained in good repair, structurally sound and sanitary. Exterior painting – walls & ceiling of overhang extensions, pressure washing walls kept free of holes, breaks, loose or rotting materials, properly surface coated, replace broken roof tiles.
 - ☐ SECTION 30-141: Excessive growth of weeds and vegetation. Hedge along west side of parking lot, vegetation at chain-link enclosure in rear.
 - ☒ SECTION 34-328 (c): Wall, under-canopy and window signs. Window signs shall not exceed 25 percent of the aggregate window area. Remove any excess signage from windows. Entry doors to be considered clear zones for security and safety purposes. Remove tint from entry doors and any graphics with exception of business name, address and hours of operation. Only one electronic "Open" sign allowed.
 - ☒ SECTION 70-94: Application; local business tax receipt required: exemptions. Unit #'s 1952 (Restaurant), 1958, 1960, 1966 (Religious affiliation) must submit application for local business tax.
 - ☐ SECTION 34-916: Parking commercial vehicles on commercial property. Remove panel truck on property or submit proof truck is registered to business or business owner and keep parked no visible to any street right-of way.

☒ Respondent was in violation of the following Village of Palm Springs Code of Ordinances but is currently in compliance:

in part

- ☐ *SECTION 34-1365: Land clearing, dredging and filling. It is unlawful to engage in land alteration without first obtaining a permit with payment of applicable fees.
- ☒ SECTION 10-31 (FBC 105.1): Permits required. Remove all unpermitted and/or deteriorated structures specifically wooded lean-to and chain-link enclosure along south elevation and picket fence enclosure along west elevation #1952.
- ☒ SECTION 34-143(a): Removal of rubbish. Public nuisance declared. Remove all trash and debris along service alley and drainage ditch.
- ☐ *SECTION 78-208: Illicit discharges – generally. Discharges from dumpster, mop sink and plumbing sanitary discharge from the building along the south elevation between doors labeled #1960-1966 and any other discharge to the stormwater system that is not composed entirely of stormwater is prohibited. Remove and cap-off the mop sink and plumbing discharge from the building.

☐ *SECTION 62-75 (3): Commercial development storage areas. Dumpster enclosure required, screened on the three sides with gate and shall be landscaped with hedge.

☐ SECTION 46-3: Graffiti. Public nuisance and must be removed from rental sign and dumpster.

☐ SECTION 66-112: General maintenance requirements. All sidewalks located in the right-of way and parking lot curbing shall be cleaned of discoloration. Road right-of-way includes Congress Avenue and Floweva Street.

☐ SECTION 10-9: Exterior of structure or building. Exterior shall be maintained in good repair, structurally sound and sanitary. Exterior painting – walls & ceiling of overhang extensions, pressure washing walls kept free of holes, breaks, loose or rotting materials, properly surface coated, replace broken roof tiles.

☒ SECTION 30-141: Excessive growth of weeds and vegetation. Hedge along west side of parking lot, vegetation at chain-link enclosure in rear.

☐ SECTION 34-328 (c): Wall, under-canopy and window signs. Window signs shall not exceed 25 percent of the aggregate window area. Remove any excess signage from windows. Entry doors to be considered clear zones for security and safety purposes. Remove tint from entry doors and any graphics with exception of business name, address and hours of operation. Only one electronic "Open" sign allowed.

☐ SECTION 70-94: Application; local business tax receipt required: exemptions. Unit #'s 1952 (Restaurant), 1958, 1960, 1966 (Religious affiliation) must submit application for local business tax.

☒ SECTION 34-916: Parking commercial vehicles on commercial property. Remove panel truck on property or submit proof truck is registered to business or business owner and keep parked no visible to any street right-of way.

ORDER

It is the Order of the Code Enforcement Special Magistrate that:

- ☐ Respondent has brought the cited code violation(s) into compliance. Respondent has failed to pay and is ordered to pay the following amounts on or before October 31, 2024:
- ☐ Administrative costs of \$517.46
 - ☐ Citation fine of \$ N/A
 - ☐ Re-inspection fee of \$ N/A
- ☐ Respondent has not brought the cited code violation(s) into compliance and remains in violation. Respondent must comply with all code violations on or before December 18, 2024. The violations that require a permit from the Village of Palm Springs and designated with an Asterix, must be in compliance by April 16, 2025. If Respondent fails to comply within the time given, a fine of \$75.00 per day, per violation will continue to accrue until the Respondent contacts the Code Inspector/Officer and a re-inspection indicates that the property is in compliance. Respondent has failed to pay and is ordered to pay the following amounts on or before the date set for compliance or by October 31, 2024.

- ☒ Administrative costs of **\$517.46**
- ☐ Citation fine of \$ N/A
- ☐ Re-inspection fee of \$ N/A

All payments shall be made to Village at 226 Cypress Lane, Palm Springs, Florida 33461.

A certified copy of this order may be immediately recorded in the Public Records of Palm Beach County and if recorded, shall constitute notice pursuant to section 162.07(4), Fla. Stat. Within twenty (20) days of the date of this order, the Respondent may submit a written request to **Code Inspector/Officer Nanciann Cuenot** at the Village of Palm Springs, 226 Cypress Lane, Palm Springs, FL 33461, for a hearing to challenge the fine amount imposed by this order. If such a hearing is timely requested, the Village shall notify the Respondent of the hearing date and time by regular U.S. mail sent to the address provided in the written request for the hearing. The requested hearing will be limited to consideration of only those new findings necessary to impose an appropriate fine amount. The Respondent shall bear the burden of proof at such hearing and shall be required to show cause why this order and the fine amount stated herein shall not be imposed. However, if the Respondent fails to timely request a hearing as described above and fails to bring the violations into compliance and/or pay all administrative costs and fees as ordered herein, the Village, if it has not already done so pursuant to section 162.07(4) Fla. Stat., may record a certified copy of this order in the Public Records of Palm Beach County, Florida, and thereafter this order shall constitute a lien pursuant to section 162.09, Fla. Stat. If a certified copy of this order has previously been recorded pursuant to section 162.07(4) Fla. Stat., then that recorded order shall constitute a lien pursuant to section 162.09, Fla. Stat. The lien shall be assessed against the real property at issue (if applicable) and the real and personal property of the Respondent. After three (3) months from recording the lien which remains unpaid, the Special Magistrate may authorize the Village Attorney to foreclose on the lien or to sue to recover a money judgment for the amount of the lien plus accrued interest.

Future violations of the aforementioned code section(s) may be considered a repeat violation for which a fine of up to five hundred dollars (\$500.00) per day may be imposed beginning on the date the violation begins.

Upon complying, it is the responsibility of the Respondent to notify the Village of Palm Springs Code Inspector/Officer at (561) 584-8300 ext. 8524 to request a reinspection of the property and/or violation(s).

DONE AND ORDERED this 17th day of October 2024.

VILLAGE OF PALM SPRINGS CODE ENFORCEMENT

Special Magistrate

A copy of this order has been furnished to the respondent at the following statutory address:

1946 South Congress Avenue
West Palm Beach, FL 33406

To Whom It May Concern:

My Name is Nasira A. Arain, owner of MN Investments Properties Holdings LLC, who owns Shores Shopping Center at 1946 S Congress Ave West Palm Beach, gives Jason Young at Young United Realty permission to represent us during this hearing.

Thank you in advance.

Nasira A. Arain

Nasira A. Arain
Signature

State of Florida County of Broward

The foregoing instrument was acknowledged before me
by means of ☒ physical presence OR ☐ online notarization
this 16th day of October, 2024

By Nasira A. Arain

Personally Known ☐ OR Produced Identification ☒

Type of Identification Produced Florida Learners License

(NOTARY SEAL) . Signature *[Signature]*



VILLAGE OF PALM SPRINGS, FLORIDA

**STAFF RECOMMENDATION TO THE SPECIAL MAGISTRATE
ON SECOND REQUEST FOR EXTENSION OF TIME**

Code Enforcement Officer: Cuenot

Date: February 20, 2025

Case No.: 2024-57

Respondent(s): MN INVESTMENTS PROPERTIES HOLDINGS LLC

Violation Address (Subject Property): 1946 S. Congress Avenue, Palm Springs, FI

BACKGROUND

On **October 17, 2024** the above referenced case was adjudicated by the Special Magistrate/Code Enforcement Board as being in violation of Code Section 70-94 Application for Local Business Tax Receipt Required. The Respondent was given until December 18, 2024 to come into compliance, pay the fees, and obtain a local business tax receipt. Administration fees have been paid.

RECOMMENDATION.

Code Enforcement Staff recommends the following actions pursuant to Florida Statute Section 162.06(2), for the Special Magistrate's consideration:

- A. ☒ That based upon the criteria of Section 162.06(2), Fla. Stat., that the Special Magistrate **approve** the Respondent's Request for an Extension of time.
- B. ☐ That based upon the criteria of Section 162.06(2), Fla. Stat., that the Special Magistrate **deny** the Respondent's Request for an Extension of time.

Dated: February 20, 2025

By: Nanciann Cuenot,
Code Enforcement Officer

STAFF JUSTIFICATION FOR RECOMMENDATION

Staff has based its recommendation to the Special Magistrate on the following factors which include, but are not limited to, the gravity of the violation(s), the actions taken by the Respondent to correct the violation(s), and any previous violations committed by the Respondent. The basis for the Staff's recommendation is set forth as follows: The respondent had multiple violations on the property. They have come into compliance with most of the violations; however, to obtain a Local Business Tax receipt, the Churches at this location are required to submit a Unified Development Application for Special Exception and a site plan. This is a second request for an extension of time. The Village agrees that an extension to **March 20, 2025** is acceptable.

Dated: February 20, 2025

By: Nanciann Cuenot,
Code Enforcement Officer



Village of Palm Springs
Code Enforcement Magistrate Hearing

CODE CASE: 2024-57

VILLAGE OF PALM SPRINGS, FLORIDA
Petitioner,

v.
MN INVESTMENTS PROPERTIES HOLDINGS LLC
1946 SOUTH CONGRESS AVENUE
WEST PALM BEACH, FL 33406

MAILING ADDRESS:
700 GREENBRIER AVENUE
FORT LAUDERDALE, FL 33325 6307
Respondent(s).

PCN: 70-43-44-08-04-000-0552

ORDER GRANTING /DENYING SECOND EXTENSION OF TIME

THIS MATTER having come before the Village of Palm Springs Code Enforcement Special Magistrate on **February 20, 2025**, by the Respondent's request for an extension of time within which to come into compliance, the Magistrate, having heard the testimony and other evidence of the parties, and having been fully apprised of the circumstances:

1. The above Respondent is the owner or occupant of THE PROPERTY DESCRIBED AS: CONGRESS HEIGHTS TRACT B/LESS N 132 FT OF W 125 FT/
2. On **October 17, 2024**, the Village of Palm Springs Code Enforcement Special Magistrate entered an order finding the Respondent in violation of **Section 70-94: Application business tax receipt** required, of the Village of Palm Springs Code of Ordinances. The Respondent was given until **December 18, 2024**, within which to comply with the code, failing a fine of **\$75.00 per day, per violation** was assessed to be against the respondent.

IT IS HEREBY ORDERED, that

- A. Based upon the testimony of the parties, and viewing the facts presented in the light most favorable to the Respondent(s), shall/shall not be given an extension until, **March 20, 2025**, to comply with the Notice of Violation issued in this matter on or about **October 17, 2024**, requiring compliance on or before **December 18, 2024**.
- B. If the Respondent has not brought the alleged violations into compliance on or before the extended compliance date of **March, 2025**, the fine of **\$75.00 per day, per violation** shall commence from the original date of compliance of **December 18, 2024**, and continue for each and every day of non-compliance.

DONE AND ORDERED this **20th** day of **February 2025**.

By: _____
Special Magistrate

Copies Furnished to the Parties by U. S. MAIL