

Thursday, November 21, 2024, 2:00 p.m.

Please be advised that in keeping with a recent directive from the Town Council, the minutes of all Town Boards and Commissions will be “abbreviated” in style. Persons interested in listening to the meeting, after the fact, may access the audio from the item via the Town’s website at www.townofpalmbeach.com or may obtain an audio recording of the meeting by contacting the Code Enforcement Board Secretary at (561)227-7080. As a point of reference, you will find the recording times listed on these minutes at the beginning of each item.

I. Call to Order: (1:59:57)

Chairman Mr. Klein called the hearing to order.

II. Roll Call: (1:59:58)

Martin Klein, Chairman
Scotch Peloso, Vice Chairman
Chris Larmoyeux
Pamela Saba
John McGowan
Harris Fried
John P. Cohen, Alternate Member

III. Approval of the Minutes of October 17, 2024, Minutes: (2:00:40)

MOTON BY MS SABA TO APPROVE THE OCTOBER 17, 2024, MINUTES.

MOTION SECONDED BY MR. FRIED.

MOTION PASSED UNANIMOUSLY.

IV. Administration of Oath to Town Staff: (2:00:45)

V. Code Statistics: (2:01:18)

- 2410 Year to date Code Enforcement cases.
- 2319 Year to date closed cases.
- 96% Code Enforcement Compliance Rate.
- 226 cases initiated since the last Code Board Hearing.
- 177 cases officer generated.
- 49 cases were received (not self-initiated).
- 34 cases are set to appear at the October Code Board.
- 27 cases achieved compliance before the hearing.
- 7 new cases to be heard today.
- 0 fine consideration cases to be heard today.
- 0 fine reduction case to be heard today.
- 0 old business cases to be heard today.

VI. Financial Report: (2:01:55)

The Financial report was presented by the Board Secretary Marcote.

VII. Public Hearing: (2:03:06)

A. Case # CE 24-2178, 210 La Puerta, ABA Pools: (2:03:15)

Violation of Chapter 106, Section 106-40 of the Town of Palm Beach Code of Ordinances states except as otherwise provided by this code, it shall be unlawful to throw or deposit offal or other offensive matter in any street, or to place sod, building materials, discarded furniture, rugs, household appliances or items of a similar nature in any street, or to discharge or permit to be discharged from any premises, so much water or other liquids as may put any part of the streets in bad repair, or to obstruct the gutter or sewers with dirt, trash, wood, lumber, brick or other material.

Officer Moriarty requested a dismissal for compliance.

MOTION BY MR. MCGOWN TO DISMISS THE CASE.

MOTION SECONDED BY MR. FRIED.

MOTION PASSES UNANIMOUSLY.

B. Case # CE 24-2050, 151 N County Road, Greens Pharmacy Luncheonette: (2:04:29)

Violation of Chapter 46, Section 46-66 (a) of the Town of Palm Beach Code of Ordinances states there are hereby adopted by the town, for the purpose of prescribing regulations governing conditions hazardous to the health, safety, welfare, life and property from fire or explosion, certain codes in accordance with F.S. §§ 633.202 and 633.208 the "Florida Fire Prevention Code" adopted by the State Fire Marshal Chapter 69A-60 of the Florida Administrative Code, as may be amended, including N.F.P.A. 1 Fire Code, Florida Edition, and the N.F.P.A. 101 Life Safety Code, Florida Edition, both as modified by Chapter 69A-60 of the Florida Administrative Code, all of which are deemed adopted by reference, as fully as if set out at length herein, as the minimum fire safety code. If conflicts exist between the codes, the more stringent shall be applied at the discretion of the fire chief or his or her representatives.

Officer Moriarty presented the facts of the case and entered evidence into the record. Fire Marshall's Kathy Klien and Jimmy Duane gave testimony in the case.

Mr. Allen Rutman the property owner was present and gave testimony in the case.

MOTION BY MR. PELOSO OF FINDING NON-COMPLIANCE, ASSESS ADMINISTRATIVE FEE IN THE AMOUNT OF \$150.00 TO BE PAID WITHIN 30 DAYS OF THIS ORDER AND TO COME INTO COMPLIANCE BY JANUARY 13, 2025, OR THIS CASE WILL RETURN FOR FINE CONSIDERATION AT THE JANUARY 16, 2025, CODE BOARD HEARING.

MOTION SECONDED BY MR. MCGOWAN.

MOTION PASSED UNANIMOUSLY.

C. Case # CE 24-1876, 2560 S. Ocean Blvd., 2560 South Ocean Blvd Condo Association: (2:15:54)

Violation of Chapter 62, Section 62-77 of the Town of Palm Beach Code of Ordinances, states all bulkheads and seawalls within the town shall be maintained in good condition to provide for the protection of upland and foreshore properties, limit wave overtopping, and be impervious without cracks or holes that would allow for the passage of sand. Failure to maintain a bulkhead or seawall in good condition shall be a violation of this section and subject to action before the town's code enforcement

board. When cited by the town's code enforcement board a condition survey of any seawall or bulkhead prepared by a professional engineer licensed to practice in the state along with plans required to implement the engineer's recommendation to bring the structure into compliance shall be submitted to the town. Upon project completion, certification by a professional engineer licensed to practice in the state must be submitted to the town. Recertification of the seawall by a professional engineer licensed to practice in the state shall be required every 15 years from the date of the original certification.

Officer Moriarty presented the facts of the case and entered evidence into the record.

Mr. J. Pierman was present on behalf of the condo association and gave testimony in the case.

MOTION BY MR. FRIED OF FINDING OF NON-COMPLIANCE, ASSESS ADMINISTRATIVE FEE IN THE AMOUNT OF \$150.00 TO BE PAID WITHIN 30 DAYS OF THIS ORDER AND TO COME INTO COMPLIANCE BY JANUARY 13, 2025, OR THIS CASE WILL RETURN FOR FINE CONSIDERATION AT THE JANUARY 16, 2025, CODE BOARD HEARING.

MOTION SECONDED BY MR. MCGOWAN.

MOTION PASSED UNANIMOUSLY.

D. Case # CE 24-1840, 228 Nightingale Trl., Allsion & Winston Wren: (2:26:36)

Violation of Chapter 18, Section 18-233 of the Town of Palm Beach Code of Ordinances adopts the Florida Building Code which requires building permits to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure or install, alter, repair, remove, convert or replace any electrical, mechanical or plumbing system.

Officer Viramontes presented the facts of the case and entered evidence into the record.

Ms. Allison Wren the property owner was present and gave testimony in the case.

MOTION BY MR. PELOSO OF FINDING OF NON-COMPLIANCE, ASSESS ADMINISTRATIVE FEE IN THE AMOUNT OF \$150.00 TO BE PAID WITHIN 30 DAYS OF THIS ORDER AND TO COME INTO COMPLIANCE BY FEBRUARY 17, 2025, OR THIS CASE WILL RETURN FOR FINE CONSIDERATION AT THE FEBRUARY 20, 2025, CODE BOARD HEARING.

MOTION SECONDED BY MR. MCGOWAN.

MOTION PASSED UNANIMOUSLY.

E. Case # CE 24-1798, 301 Via Linda, 301 Via Linda LLC: (2:40:19)

Violation of Chapter 18, Section 18-233 of the Town of Palm Beach Code of Ordinances adopts the Florida Building Code which requires building permits to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure or install, alter, repair, remove, convert or replace any electrical, mechanical or plumbing system.

Officer Viramontes requested that this case be dismissed for compliance.

MOTION BY MR. MCGOWAN TO DISMISS THE CASE FOR COMPLIANCE.

MOTION SECONDED BY MR. FRIED.

MOTION PASSED UNANIMOUSLY.

F. Case # CE 24-2004, 300 N Lake Way, Sciame Homes: (2:42:04)

Violation of Chapter 106, Section 106-1 of the Town of Palm Beach Code of Ordinances states it shall be unlawful to obstruct or cause to be obstructed any sidewalk or crossing in anyway.

Officer Felix requested the case be dismissed for compliance.

MOTION BY MR. MCGOWN TO DISMISS THE CASE FOR COMPLIANCE.

MOTION SECONDED BY MR. PELOSO.

MOTION PASSED UNANIMOUSLY.

G. Case # CE 24-1982, 216 Tradewind Drive, 216 Tradewind LLC: (2:43:05)

Violation of Chapter 88, Section 88-16(L) of the Town of Palm Beach Code of Ordinances prohibits vegetation infested with pests such as whitefly. Chapter 88, Section 88-16 (D) of the Town of Palm Beach Code of Ordinances states premises and exterior property shall be maintained free of weeds or plant growth in excess of 8 inches. Chapter 118, Section 118-87 of the Town of Palm Beach Code of Ordinances states it shall be unlawful for any person to park any motor vehicle on the unimproved property of another person. This section shall not be construed to prohibit an owner and members of his household, including bona fide guests, from parking on unimproved property owned by him, nor to parking on an unimproved lot on special occasions, when permission therefore has been granted by the town manager. Any person who parks any motor vehicle on the unimproved property of another person shall have the burden of proving by competent evidence that permission or consent therefor has been granted either by the owner of the property or by the town manager.

Officer Felix presented the facts of the case and entered evidence into the record.

The property owner was not present and there was a finding of proper notice.

MOTION BY MR. FRIED FINDING OF NON-COMPLIANCE, ASSESS ADMINISTRATIVE FEE IN THE AMOUNT OF \$150.00 TO BE PAID WITHIN 30 DAYS OF THIS ORDER AND TO COME INTO COMPLIANCE BY DECEMBER 15, 2024, OR THIS CASE WILL RETURN FOR FINE CONSIDERATION AT THE DECEMBER 19, 2024, CODE BOARD HEARING.

MOTION SECONDED BY MS. SABA.

MOTION PASSED UNANIMOUSLY.

VIII. Board Comments: (2:50:44)

There were no board comments.

IX. Adjournment: (2:50:57)

MOTION BY MR. MCGOWAN.

MOTION SECONDED BY MR. PELOSO.

MOTION PASSES UNANIMOUSLY.