



CODE COMPLIANCE SPECIAL MAGISTRATE HEARING

AGENDA FOR JULY 28, 2020 5:30 P.M

LOCATION:

Medley Municipal Services Facility
Council Chambers
7777 NW 72 Avenue
Medley, FL 33166

SPECIAL MAGISTRATE:

Rafael Suarez-Rivas, Esq.

TOWN COUNSEL:

Jose Arango, Esq.

TOWN CLERK:

Victoria Martinez, FRP, CMC

CODE COMPLIANCE DEPARTMENT STAFF:

Jose Guasch Jr - *Code Compliance Chief Officer*

Maria Ayala - *Code Compliance Officer*

Carlos Medio - *Code Compliance Officer*

Jessica Diaz- *Code Compliance Clerk*

WELCOME

The Special Magistrate Hearing is a Quasi-Judicial forum which hears testimony and determines whether sufficient evidence exists to find property owners in violation of Town codes. The Special Magistrate also determines if any additional time is appropriate, and the fine that should be imposed for failing to comply with its orders, if any.

APPEALS

If you wish to appeal the ruling of the Special Magistrate, you must file your appeal with the Circuit Court within 30 days of the date of this hearing (Ch. 162.11, *Florida Statutes*). If a person decides to appeal any decision made by the Special Magistrate with respect to any matter considered at a hearing, that person will 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.

ADA COMPLIANCE: In accordance with the Americans with Disabilities Act of 1990 (ADA), disabled persons who, because of their disabilities, need special accommodation to participate in the meeting or hearing should contact the Medley Municipal Services Facility, 7777 N.W. 72 Avenue, Medley, Florida 33166 or telephone (305) 887-9541 Ext. 0 no later than three (3) business days prior to such meeting or hearing.

NOTE: If you are not able to communicate or are not comfortable expressing yourself in the English language, it is your responsibility to bring with you an English-speaking interpreter when conducting business at the Town of Medley during your appearance at a hearing. This person may be a friend, relative or someone else. A minor cannot serve as a valid interpreter. The Town of Medley **DOES NOT** provide translation during any public hearing or during any quasi-judicial proceeding.

A. CALL TO ORDER

B. SPECIAL MAGISTRATE OPENING STATEMENT

C. ROLL CALL

D. APPROVAL OF MINUTES:

1. Approval/Corrections of the Special Magistrate Hearing of March 10, 2020

E. ADOPTION OF AGENDA (DEFERRALS, ADDITIONS, MODIFICATIONS)

F. PUBLIC HEARING:

SWEARING IN OF INTERESTED PARTIES

SIGN-IN SHEET: Those who wish to address the Magistrate during the public hearing must legibly records their name and address on the sign-in sheet with their respective case number. The primary purpose of the sign-in sheet is to record the attendance at the meeting and to assist in the accurate recording of the minutes.

1. CASE NUMBER: ECC2017-0123
Business Name: Imad North America
Property Address: 7225 NW 84 AVE Medley, Fl 33166
Property Owner: Omar Zulaikha
Code Enforcement Officer: Carlos Medio
Certification of fines

VIOLATION(S):

SEC. 62-56: Every owner of real property shall provide for disposal of all stormwater, and it shall be unlawful to drain water to adjacent property owned by other persons.

SEC. 41-32(B): The exterior of the premises and any auxiliary structures thereon, including the swale area immediately abutting the premises, shall be kept free of any public nuisance, litter, and any hazards to the safety of the occupant, pedestrians and other persons who may utilize the premises, and any of the foregoing shall be promptly removed and abated by the owner, operator or occupant.

2. CASE NUMBER: E2015-0281
Business Name: 7980 Holdings LLC
Property Address: 7980 NW 82 PL Medley, Fl. 33166
Property Owner: 7980 Holdings LLC
Code Enforcement Officer: Carlos Medio
Certification of fines

VIOLATION(S):

SEC. 14-155(F): On-site stormwater drains shall be installed at each facility to accommodate stormwater and to prevent groundwater pollution. This shall include filters, baffles or others structures as shall be required by the town's professional engineer.

3. CASE NUMBER: ECC2017-0091
Business Name: Evenstar Properties LLC
Property Address: 8150 NW 90 St # B Medley, Fl. 33178
Property Owner: Evenstar Properties LLC
Code Enforcement Officer: Maria Ayala
Cortication of fines

VIOLATION(S):

SEC. 11-54: No person shall erect or construct or proceed with the erection or construction of any building or structure, nor add to, enlarge, move, improve, alter, convert or demolish any building or structure, or any group of buildings and/or structures under one or joint ownership whether on one or more of the lots or tract of land; or cause the same to be done, where the cost of the work is \$25.00 or more in value; and any remodeling or alteration job of any value, without first obtaining a building permit therefore from the building department of the town.

4. CASE NUMBER: E2015-0217
Business Name: Jose V Perez & Maria V Coto
Property Address: 9050 NW 93 ST Medley, Fl 33178
Property Owner: Jose V Perez & Maria V Coto
Code Enforcement Officer: Carlos Medio
Certification of fines

VIOLATION(S):

SEC 14-33: Failing to obtain a certificate of use for any and all businesses located of property.

SEC. 47-1: It shall be unlawful for any owner or occupant of real property within the limits of the town to deposit, store, keep or maintain or to permit to be deposited, stored, kept or maintained, junk, trash, refuse, rubbish, garbage or any other material offensive to the public health, safety or warefare upon his property except as otherwise provided herein.

SEC. 14-155; failing to comply with the minimum standards for a commercial vehicle facility.

5. CASE NUMBER: ECC2017-0042
Business Name: Polimix
Property Address: 11750 NW South River Drive Medley, Fl. 33178
Property Owner: Polimix Properties LLC
Code Enforcement Officer: Maria Ayala
Certification of fines

VIOLATION(S):

CHAPTER 62, ARTICLE VI, SECTION 62-86 ORDINANCE C-151, S9, 3-4-74: Nothing shall be allowable of premises that shall in any way be offensive by the reason of emission of odors, gases, dirt, smoke, vibration or noise , nor shall anything be constructed or maintained including private incinerators , that would in any way constitute an eyesore or nuisance to adjacent property owners, residents or the community.

CHAPTER 14, ARTICLE VI, SECTION 14-152, ORDINANCE C-299, S2,12-1-2003: Control requirement of sediments and pollutants.

CHAPTER 14, ARTICLE V, SECTION 14-155, ORDINANCE C-299, S5, 12-1-2003: Pavement requirement of facilities.

CHAPTER 41, ARTICLE II, SECTION 41-32, ORDINANCE C-394: maintenance requirement of parking areas abutting premises of the facilities.

6. CASE NUMBER: E2016-0101
Business Name: KNZ Salvage Yard Inc
Property Address: 8601 NW 96 Street, Medley Fl 33166
Property Owner: KNZ Salvage Yard Inc
Code Enforcement Officer: Carlos Medio
Certification of Fines

VIOLATION(S):

SEC. 38-28: It shall be unlawful for any individual, corporation, business, partnership, unincorporated association or any other legal or commercial entity to place, erect, park or otherwise locate a trailer on property zoned for industrial of commercial use within the corporate limits of the town.

7. CASE NUMBER: E2015-0216
Business Name: El Terreno, LLC
Property Address: 8900 NW 93rd Street Medley, Fl 33178
Property Owner: El Terreno, LLC
Code Enforcement Officer: Maria Ayala
Certification of Fines/Continuance

VIOLATION(S):

SEC. 38-28: It shall be unlawful for any individual, corporation, business, partnership, unincorporated association or any other legal or commercial entity to place, erect, park or otherwise locate a trailer on property zoned for industrial of commercial use within the corporate limits of the town.

SEC. 62.88(A): All storage of materials and products and all operations of work of every character shall be carried on entirely within enclosing walls or under the roof of a building and/or enclosed by a masonry wall with a minimum height of eight feet when the work is of a nature to be carried on, on the

outside of a building, and provided further that no building or land shall be used and no building shall be hereafter erected, constructed, reconstructed or structurally altered.

SEC. 59-1(A): Failing to properly maintain the property to prevent the growth or accumulation of grass or weeds.

SEC. 62-56: Every owner of real property shall provide for disposal of all stormwater, and it shall be unlawful to drain water to adjacent property owned by other persons.

SEC. 47-1: It shall be unlawful for any owner or occupant of real property within the limits of the town to deposit, store, keep or maintain or to permit to be deposited, stored, kept or maintained, junk, trash, refuse, rubbish, garbage or any other material offensive to the public health, safety or ware fare upon his property except as otherwise provided herein.

SEC. 14-26(B): No person shall engage in any business that is carried on within the town, and no business tax receipt shall be issued, until a business tax for the current year, and all prior outstanding business taxes have been paid for such business and the proper business tax receipt obtained.

8. CASE NUMBER: E2016-0146
Business Name: 7600 Medley Industrial LLC
Property Address: 7650 NW 69 Ave Medley, Fl 33166
Property Owner: 7600 Medley Industrial LLC
Code Enforcement Officer: Carlos Medio
Certification of Fines

VIOLATION(S):

SEC. 41-32(B)(4): Holes, excavations, breaks, and obstructions on any sidewalks, right-of-way abutting an owner's property, parking lot or other part of the premises which is accessible to the public. Holes and excavations shall be filled and repaired, sidewalk replaced, and other conditions removed where necessary to eliminate hazards or unsanitary conditions.

SEC. 41-32(A)(1): The exterior of buildings and structures shall be maintained by the owner, operator, or occupant in good repair in order to facilitate public safety and so as their appearance will not constitute a blight to the detriment of the adjacent neighborhood within the town. This shall include maintaining all windows, roofs, gutters, fences, screens, shutters, awnings, canopies, floors, ceilings, doors and masonry walls free from mold, mildew, fungus, cracks, graffiti, peeling paint, and rodent infestation. Exterior wall surfaces shall be maintained in good condition to prevent deterioration and shall be cleaned, repainted or recovered when 25 percent or more of any single sight view becomes discolored or is peeling, molding, or mildewing. All parts of the structure that show rot, or other deterioration shall be repaired, replaced or refinished. The exterior faces shall be free from materials, objects, graffiti, dirt, grime, stains, wall murals and all other adverse conditions.

SEC. 41-32(A)(4): All exterior doors and windows shall be in good repair and substantially weather tight and infestation proof. There shall be no deterioration of windows or doors.

SEC. 41-26(A): It shall be unlawful for any person to bring into, [or store in,] the town any junked or stripped down automobile, truck, trailer or other vehicle and abandoning such junked or stripped down vehicle on any public or private property within the municipal limits of the town, and further it shall be

unlawful for any person to bring into the town any automobile, truck, trailer or other vehicle for the purpose of junking or stripping down such vehicle and abandoning the same on any public or private property within the municipal limits of the town.

9. CASE NUMBER: ECC2016-0098
Business Name: Alberto Ramirez, Oscar Aguilar, Alexander Aguilera
Property Address: 7150 NW 77 TER Medley, Fl 33166
Property Owner: Alberto Ramirez, Oscar Aguilar, Alexander Aguilera
Code Enforcement Officer: Carlos Medio
Certification of fines

VIOLATION(S):

SEC. 14-155(F): On-site stormwater drains shall be installed at each facility to accommodate stormwater and to prevent groundwater pollution. This shall include filters, baffles or others structures as shall be required by the town's professional engineer.

SEC. 14-33(A): Each applicant for a business tax receipt shall state and set out the exact location at which such business shall be operated. It shall be the duty of the applicant to ensure the business location complies with the won code, rules and regulations, including, but not limited to, all building and zoning regulations. The issuance of a business tax receipt by the town shall not signify that the business location is in compliance with any town code, rule or regulation, other than the payment of the business tax, nor may it be relied upon by the applicant or any other person or entity as evidence of compliance with any code, rule or regulation other than payment of business tax.

10. CASE NUMBER: E2015-0222
Business Name: Arquimidess Rafi
Property Address: 9005 NW 93 ST Medley, Fl. 33178
Property Owner: Arquimidess Rafi
Code Enforcement Officer: Carlos Medio
Certification of fines

VIOLATION(S):

SEC. 14-26(B): No person shall engage in any business that is carried on within the town, and no business tax receipt shall be issued, until a business tax for the current year, and all prior outstanding business taxes shall be paid for such business and the proper business tax receipt obtained.

SEC 14-33: Failing to obtain a certificate of use for any and all business on property.

SEC. 14-155; Failing to comply with the minimum standards for a commercial vehicle facility.

SEC. 38-28: It shall be unlawful for any individual, corporation, business, partnership, unincorporated association or any other legal or commercial entity to place, erect, park or otherwise locate a trailer on property zoned for industrial of commercial use within the corporate limits of the town.

SEC. 47-1: It shall be unlawful for any owner or occupant of real property within the limits of the town to deposit, store, keep or maintain or to permit to be deposited, stored, kept or maintained, junk, trash, refuse, rubbish, garbage or any other material offensive to the public health, safety or warefare upon his property except as otherwise provided herein.

G. ADJOURNMENT