

CERTIFIED MAIL



TOWN OF JUPITER

CODE COMPLIANCE DIVISION NOTICE OF VIOLATION

May 16, 2023

MARGARET TANIS & LYNNE DIGIACOMO
185 HARBOURSIDE CIR
JUPITER, FL 33477

CASE NO.: 23-000526

You are hereby notified that an inspection was made at:

LOCATION: 185 HARBOURSIDE CIR, Jupiter, Florida
PCN: 30434117020001033

The following violation of the Town of Jupiter Code of Ordinances was observed:

Violation Information

AN OAK TREE WAS REMOVED FROM THIS PROPERTY WITHOUT FIRST OBTAINING A VEGETATION REMOVAL PERMIT. DUE TO THE IRREVERSIBLE NATURE OF THIS VIOLATION, THIS CASE WILL BE BROUGHT BEFORE THE SPECIAL MAGISTRATE FOR A HEARING ON JULY 12, 2023 AT 10:00AM. A DOUBLE-PERMIT FEE WILL BE ASSESSED FOR THE TREE REMOVED. ADDITIONALLY, A NEW TREE WAS PLANTED WITHOUT FIRST OBTAINING HOA AND NATURAL RESOURCES'S APPROVAL OF SPECIES AND LOCATION. CONTACT NATURAL RESOURCES COORDINATOR GRETCHEN CARR AT 561-741-2565, OR BY E-MAIL AT GRETCHENC@JUPITER.FL.US FOR MORE INFORMATION.

Violation Description

VEGETATION AND ENVIROMENTAL PRESERVATION VEG REMOVAL PERMIT
26-35(b) VEGETATION REMOVAL PERMIT

(b) It shall be unlawful, unless otherwise provided within this section, for any person, without first obtaining a vegetation removal permit from the department of planning and zoning, to remove trees or vegetation or otherwise clear off any land within the town by stripping off, destroying or removing the natural foliage there by use of tractors, bulldozers, drag lines, scrapers or other heavy earth-moving equipment, or by any other means.

You are hereby directed to correct this violation immediately and then notify the Code Compliance Office at (561) 741-2477 that the violation has been corrected.

THIS VIOLATION IS CONSIDERED TO BE IRREPARABLE AND/OR IRREVERSIBLE IN NATURE, OR IT PRESENTS A SERIOUS THREAT TO THE PUBLIC HEALTH, SAFETY AND WELFARE. AS A RESULT, THIS CASE WILL BE BROUGHT BEFORE THE SPECIAL MAGISTRATE FOR A HEARING, WITH A REQUEST FOR A FINDING OF VIOLATION AND ASSESSMENT OF ADMINISTRATIVE COSTS.

Sincerely,

Henry Cardoso
Code Compliance Officer
Town of Jupiter

CERTIFIED MAIL



TOWN OF JUPITER

CODE COMPLIANCE DIVISION
SPECIAL MAGISTRATE
NOTICE OF HEARING

May 16, 2023

MARGARET TANIS & LYNNE DIGIACOMO
185 HARBOURSIDE CIR
JUPITER, FL 33477

CASE NO.: 23-000526

LOCATION: 185 HARBOURSIDE CIR, Jupiter, Florida
PCN: 30434117020001033

You are hereby notified that on **07/12/23 at 10:00 AM** there will be a hearing conducted by the Town of Jupiter Special Magistrate in the Council Chambers of the Town of Jupiter Municipal Complex, 196 Military Trail, concerning the alleged violation of the Town Code:

Violation Information

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You are hereby ordered to appear before the Special Magistrate on the above-referenced date to respond to the alleged violation and to present any oral or written testimony regarding the alleged violation. Failure to appear will result in the Special Magistrate proceeding in your absence. You will have the opportunity to present witnesses, as well as question the witnesses against you, prior to the Special Magistrate making a determination. You have the right to obtain an attorney, at your expense, to represent you before the Special Magistrate. **CASE FILES WILL BE AVAILABLE FOR REVIEW BY RESPONDENTS ONE-HALF HOUR PRIOR TO THE START OF THE HEARING.**

If the alleged violation still exists as of the compliance date specified in the notice of violation, this case may proceed to the hearing whether or not compliance is achieved prior to the hearing date, with a request to the Special Magistrate for a finding of violation and assessment of **ADMINISTRATIVE COSTS**. If the alleged violation still exists at the time of the hearing and you are found in violation, the Special Magistrate may enter an order against you and may assess both **ADMINISTRATIVE COSTS** and a fine of up to **\$1,000.00 PER DAY PER VIOLATION** for every day the violation continues beyond the date set by the Special Magistrate in the order for compliance. If the violation

is considered by the Special Magistrate to be irreparable or irreversible in nature, a fine may be imposed not to exceed **\$15,000.00 PER VIOLATION**. If you are found in violation and subsequently violate the same code section(s) again at a later date, a repeat violator fine of up to **\$5,000.00 PER VIOLATION PER DAY** could be assessed for every day of violation, plus administrative costs.

Should any interested party seek to appeal any decision made by the Special Magistrate with respect to any matter considered at such meeting or hearing, he will need a record of the proceedings and for such purpose he may need to insure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is based.

There is a procedure whereby an alleged violator may stipulate to the existence of a violation and waive appearance at the above hearing. If you so wish to, you may enter into stipulation with the Town whereby you are admitting to the violation described herein.

Sincerely,

Henry Cardoso
Code Compliance Officer
Town of Jupiter

CERTIFIED MAIL

AFFIDAVIT OF POSTING
Notice of Violation
Notice of Hearing

Case No.: 23-000526
Date Posted: May 16, 2023
Property Owner: MARGARET TANIS & LYNNE DIGIACOMO
Property Address: 185 HARBOURSIDE CIR

Places of Posting: Town Hall
185 HARBOURSIDE CIR

(See Attached Copy of Posted Notice)

STATE OF FLORIDA
COUNTY OF PALM BEACH

BEFORE ME, the undersigned authority personally appeared, **HENRY CARDOSO**, a duly-designated Code Compliance Officer of the Town of Jupiter, who, after being duly sworn by me under oath, deposes and says:

1. Prior to posting this notice, the undersigned has reviewed the file of this matter and has determined that a bona fide attempt was made to hand-deliver or mail notice to the alleged violator.
2. This Affidavit of Posting shall serve to meet the notice requirements of Section 162.12, Florida Statutes.
3. This property was posted for at least ten (10) days in two (2) locations, the first being upon the property where the code violation is alleged to exist, the address of which is listed herein above, and the second being at the Jupiter Town Hall, 210 Military Trail, Jupiter, Florida 33458, in accordance with Section 162.12(2)(b), F.S. The undersigned affiant submits this affidavit as proof of compliance with the requirements of Section 162.12(2)(b), F.S.

FURTHER AFFIANT SAYETH NOT

Henry Cardoso

Personally appeared before me the undersigned authority, and acknowledged that (he)/(she) did execute the foregoing affidavit.

Sworn to and subscribed before me this 16th day of May, 2023.

Dean Fowler

Notary Public

