

MINUTES
TOWN OF OCEAN RIDGE
SPECIAL MAGISTRATE/CODE ENFORCEMENT HEARING
May 5, 2009

Present: Jean Hallahan; Deputy Town Clerk, Keri-Ann Baker, Town Atty., and Sgt. Eubanks.

Meeting called to order at approximately 10:00 A.M.

No respondents were present and staff intending on providing testimony were sworn in.

Special Magistrate Glen Torcivia explained that this was an informal hearing and rules of evidence were not required, however, the Town may have exhibits that a respondent has the right to make objections to. He added that the Town would present their case and he would render a decision and issue a Final Order.

A. ADOPTION OF MARCH 3, 2009

The minutes were adopted as written.

**B. VIOLATION HEARING
CASE NO. CE#2009-008**

**Aida Fernandez, 25 Hersey Drive, Ocean Ridge FL 33435
RE: Lot 13, Ocean Shore Estates Subdivision (16
Adams Road)**

NATURE OF VIOLATION

Violate Section/s 67-174(1)(2) and 34-6(a) of the Town's Code of Ordinances by not maintaining the exterior of the premises and the structure thereon at 16 Adams Road. The walls and wooden door frames show evidence of deterioration, weathering and discoloration. There is a small hole in the wall east of the front door. The wooden door on the storage shed on the west side of the property is not properly fitted and is rotting. The wooden gate and fence are rotting. The stucco is crumbling. The wooden door frames are rotting and the paint on them is chipped. There are water stains on the walls. Pieces of tarp were hanging from the roof. There is mildew on the ground tiles. Dead palm fronds are hanging from the trees. Dead palm fronds, coconuts, and debris are strewn about the property. The weeds are in excess of 12 inches in height.

Atty. Baker summarized the violation and stated that the condition of the property was the result of hurricane damage 3 years ago. The Town has requested the homeowner to demolish the house and/or maintain the property. In March the homeowner had pulled a demolition permit and had promised at various times that it would be demolished, but as of this date no action had been taken. Atty Baker also presented an affidavit and receipt of a hand delivered notice to the homeowner.

Sgt. Eubanks testified that this was brought to her attention by the Town Manager on March 24th, 2009 and presented photos taken on March 24th, 2009 showing the condition

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of the property. She testified that the homeowner kept pushing back the demolition date. Yesterday morning, May 4th, she went to the property and found the back gate open, and found that the condition of the home had further deteriorated. She also submitted the Property Appraiser printout showing ownership.

Special Magistrate Torcivia accepted the following Town exhibits: a copy of the demolition permit #12516 dated March, 17, 2009, as #1; the Affidavit and Notice of Violation with the hand delivery receipt, along with a copy of the ordinance as #2; photographs taken by Sgt. Eubanks on March 24, 2009 as #3; and photographs taken by Sgt. Eubanks on May 4, 2009 as #4; and the Property Appraiser printout showing ownership as #5 and the administrative recovery sheet in the amount of \$261.80 as #6.

In closing Atty. Baker requested that the property be found in violation, and the residence be demolished by June 1st, after that a \$100 per day fine be assessed and administrative costs be paid.

Special Magistrate Torcivia stated that he did find there was proper notice and also that the property was in violation of Section/s 67-174(1)(2) and 34-6(a) of the Town's Code of Ordinances. He advised that the home must be brought into compliance or demolished by June 1st, 2009, after that a \$100 per day fine would start from June 1st, 2009 and he would require reimbursement for the administrative costs in the amount of \$261.80. There is a Fine Assessment/Status Hearing scheduled for June 2, 2009 at 10:00 AM.

C. ADJOURNMENT

The meeting was adjourned at approximately 10:08 AM.

Deputy Town Clerk