

MINUTES
TOWN OF OCEAN RIDGE
SPECIAL MAGISTRATE/CODE ENFORCEMENT HEARING
September 2, 2008

Present: Karen Hancsak; Town Clerk, Keri-Ann Baker, Town Atty, and Sgt. Eubanks.

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

There was an audience and all those intending on providing testimony were sworn in.

Special Magistrate Lara Donlon 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. She added that the Town would present their case and she would render a decision and issue a Final Order.

A. ADOPTION OF AUGUST 5, 2008 MINUTES

The minutes will be placed on the Oct. 7, 2008 agenda for approval.

The violation hearing portion of the agenda was heard first because that respondent was the only one present.

B. VIOLATION HEARING
CASE NO. CE#2008-048

Rosemarie Peterson, 22 Harbour Drive North, Ocean Ridge FL 33435

RE: Lot 1 Shore View Subdivision (1Hersey Drive)

NATURE OF VIOLATION

Violate Section/s 66-151(b)(7) of the Town's Code of Ordinances by failing to trim and maintain the trees so as not to come in contact or otherwise obstruct or interfere with power or other utility lines or facilities.

Atty Baker summarized the violation by stating that there were trees not maintained and therefore obstructing or interfering with the power or other utility lines or facilities and the property is still in violation. She added that the law provides that property owners need to maintain landscaping in the ROW's. She recommended finding there was a violation and compliance should be met by Oct. 2, 2008 failing which a daily fine would be assessed and the administrative recovery costs would then be instituted.

Sgt. Eubanks testified that she took photos on July 15, 2008 and then re-inspected the property this date and observed that the violation still exists.

Special Magistrate Donlon accepted the following Town exhibits: Photographs from July 15, 2008 and Sept. 2, 2008 as #1; Property Appraiser showing ownership as #2; and Affidavit and Notice of Violation and Receipt of Affidavit as #3. She also accepted the following Respondent exhibits: Copy of the survey for 1 Hersey Drive as #1; and three photographs depicting various views from the property in question as #2-4.

Mrs. Peterson stated that she felt the code requirements (passed in 2005) did not apply to her situation because it specifically cites a utility easement or a situation when a property owner plants in the ROW. She added that she was under the impression that the town owned the property and she has never planted, maintained, or received notification regarding this area. She also commented that the trees may have been the result of seeds blowing in the wind.

Atty Baker stated that while FPL has taken some responsibility for some of the landscaping and trimming it is still the responsibility for the owner to have it maintained by whatever party and that the Town would not have planted the DOT ROW. She added that several similar cases were found in violation at last month's hearing.

Special Magistrate Donlon stated that she did find there was proper notice and there was a violation and advised that the owner had until Oct. 2, 2008 to comply or face a fine up to \$250.00 per day to be determined at the fine assessment hearing. She also stated that the administrative recovery costs shall be assessed for both hearings if the property was not brought into compliance within that time frame. She stated that a Fine Assessment Hearing will be scheduled for the 7th day of October, 2008 at 10:00 AM if necessary.

A. STATUS HEARING/FINE ASSESSMENT

CASE NO. CE#2008-018

Michael and Sharon DuBose, 110 Gleason Street, Delray Beach FL 33483

RE: Palm Beach Shore Acres Blks A,B,&Z 100' of W 450' of N 65.28' of Lot 18 Blk A (32 Oceanview Drive)

NATURE OF VIOLATION

Violate Section/s 67-175(a)(2)(11), 67-177(a)(1)(2), 67-175(a)(6)(11), 67-174(a)(1), 67-177(a)(1), 67-175(a)(11), and 67-177(a)(3) of the Town's Code of Ordinances by demolishing a building with standing walls thereby leaving a potential hazard in a abandoned and unsecured state, having the property contain an accumulation of construction material, junk, debris, and furniture, standing walls appear to have some block falling away and the remaining walls present a blight to the neighborhood, and having a concrete slab within standing walls that has several areas cut out and thereby providing access to harbor vermin infestation

The respondent was not present.

Atty. Baker summarized the case and stated that the hearing was held last month for this property. She submitted the Order Finding Violation and added that respondent had not come into compliance nor paid the first administrative hearing costs. She requested that both administrative recovery costs be reimbursed and that the \$150 per day fine be imposed until brought into compliance.

Special Magistrate Donlon accepted the following Town exhibits: the Order Finding Violation and certified mail notice and the first administrative recovery costs in the

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amount of \$213.70 as #1; and the second administrative recovery worksheet for this hearing in the amount of \$218.28 as #2.

Special Magistrate Donlon stated that she did find the property was still in violation and the \$150 per day fine would start from Aug. 30, 2008 and she would require reimbursement for both the additional administrative costs in the amount of \$213.70 and \$218.28 and the property can be liened.

D. ADJOURNMENT

The meeting was adjourned at approximately 10:25 AM.

Town Clerk