

MINUTES
TOWN OF OCEAN RIDGE
SPECIAL MAGISTRATE/CODE ENFORCEMENT HEARING
MAY 7, 2019

Present: Special Magistrate Jennifer Ashton, Town Attorney Brian Shutt, Acting Town Manager Tracey Stevens, Assistant Town Clerk Kathie Gatewood, Building Official Wayne Cameron, and Police Officer Aaron Choban.

The meeting was called to order at 10:00 A.M. by Special Magistrate Ashton.

Special Magistrate Jennifer Ashton explained the hearing process, noting that the town will call the cases as they appear on the agenda. Once the case is called, the Town will present evidence first, and then the respondent will have the opportunity to see the evidence and ask any questions, and then the respondent will provide testimony and evidence. Once all of the evidence and testimony has been concluded, the Special Magistrate will make a ruling, and the town and respondent will receive the written order in the mail within the next few days. This is not meant to be a formal court room and formal rules of evidence do not apply.

All those persons planning on providing testimony were sworn in by Special Magistrate Ashton.

(Town Clerk's Note: The items in the minutes will appear in a different order than the printed agenda.)

A. ADOPTION OF FEBRUARY 5, 2019 MINUTES

The Code Enforcement Hearing Minutes of February 5, 2019 were adopted by Special Magistrate Ashton.

B. VIOLATION HEARING

CASE NO. 2019-003

**Aaron Stearns & Barbara Villa
5501 N. Ocean Blvd, Ocean Ridge FL 33435
RE: TROPICAL PARK ADD 1 IN
(5501 N Ocean Blvd)**

NATURE OF VIOLATION

Violate Section 64-1 (c)(3) of the Town's Code of Ordinances by renting the home as a short-term vacation rental.

Special Magistrate Ashton accepted the following Town exhibits into evidence without objection: Affidavit and Notice of Violation as #1, Affidavit of Service as #2, Police Reports as #3, Rental evidence as #4, Town Code as #5, Property Appraiser's Property Data Sheet as #6, Certified Mail Receipt as #7, Rental invoice as #8, and the Town's Cost Recovery Calculation Worksheet as #9.

Town Attorney Brian Shutt explained the Town exhibits to the Mr. Stearns, the property owner, who was in attendance. Mr. Stearns had no objections to the Town exhibits. Town Attorney Shutt asked Officer Aaron Choban to the podium for testimony. During testimony, Officer Choban testified he was familiar with the residence in question due to a previous violation. Town Attorney Shutt asked Officer Choban to confirm that his Affidavit for Notice of Violation was correct and to explain the details of what he determined. Officer Choban stated on April 4, 2019 that the Town police department received an anonymous call about a possible vacation rental violation. Officer Lequandra Beckford made contact with a female at the residence who identified herself as a renter. The renter said she was leasing the property for six nights and agreed to provide a lease agreement and other documentation. Officer Choban explained that the case was given to him due to his involvement in a previous violation at the same residence. Officer Choban confirmed the police report, his affidavit and the exhibits presented. Officer Choban testified that the renter provided documentation showing a rental agreement from April 3-9, 2019 for \$1800.00 which is under the 30-day limit and he determined the property was in violation of Town Code.

Special Magistrate Ashton asked Mr. Stearns to the podium for testimony. Mr. Stearns stated everything was rectified regarding his property and that he clearly made a mistake in not knowing the Town Code relating to vacation rentals. He noted that once he became aware of the violation he immediately changed his rental agreement to 30 days and eventually stopped renting altogether. Special Magistrate Ashton noted that this property was in violation for the same code a few months earlier and this is a repeat violation case. She stated to Mr. Stearns that he was found in violation then and her order stated if he was found in violation again the Town could ask for repeat violation fines from the date the repeat violation was observed until it stopped. Town Attorney Shutt noted Mr. Stearns paid the administrative costs for the first violation in a timely manner, and there were additional administrative costs for this hearing that he recommended have a 30-day period for Mr. Stearns to pay. He stated after speaking with the Police Chief and Acting Town Manager, they would be looking for the higher end of the spectrum for a per day fine for the six nights in violation. Special Magistrate Ashton asked Town Attorney Shutt to clarify if he was seeking a \$500.00 per day fine, which he confirmed. Special Magistrate Ashton asked Mr. Stearns for comment. Mr. Stearns said he thought the \$500.00 per day fine was high end but he rectified everything. Mr. Stearns agreed it was a repeat violation but that he did not want to send the renter away before the six nights were up because she purchased airline tickets and his mistake would ruin her vacation. Special Magistrate Ashton verified with Town Attorney Shutt that the Town would be okay with assessing the fine for the date observed until the violation stopped (April 4 – 9), and not from the lease agreement days (April 3 – 9), which he confirmed.

Special Magistrate Ashton advised that her final order would reflect that notice is good and sufficient. Code 64-1 (c)(3) was in Violation, and has since come into compliance. A Finding of Fact Order will be in place and the repeat violation fine will be \$500/day fine for 5 nights, April 4-9, 2019. Special Magistrate Ashton ordered the additional administrative costs of \$298.80 be paid within 30 days.

C. ADJOURNMENT

The meeting was adjourned at 10:25 am.

Minutes prepared by Assistant Town Clerk Gatewood, and adopted by Special Magistrate Ashton on May 30, 2019.

ATTEST:



Tracey L. Stevens, MMC, Town Clerk