

**TOWN OF OCEAN RIDGE, FLORIDA  
SPECIAL MAGISTRATE CODE ENFORCEMENT HEARING  
TUESDAY, JUNE 4, 2019  
10:00 A.M.  
TOWN HALL COMMISSION CHAMBERS**

**\*\*\* AGENDA \*\*\***

**A. ADOPTION OF THE MAY 7, 2019 MINUTES**

**B. VIOLATION HEARING  
CASE NO. 19-0001**

**Brookshore, Ltd.**

**6009 North Ocean Blvd, Ocean Ridge FL 33435**

**RE: BOYNTON SUB AMNDED PL**

**(6009 N Ocean Blvd)**

**NATURE OF VIOLATION**

Violate Section(s) 67-174 (a) (1) & (2), FBC 6<sup>th</sup> Edition  
116.1 of the Town's Code of Ordinances by not  
maintaining the exterior of the structure according to Town  
Code.

**C. ADJOURNMENT**

Please be advised that if a person decides to appeal any decision made by the Town Commission with respect to any matter considered at this meeting, such person will need to ensure that a verbatim record includes the testimony and evidence upon which the appeal is based. The Town neither provides nor prepares such record. Persons who need an accommodation in order to attend or participate in this meeting should contact the Town Clerk at 561-732-2635 at least 5 days prior to the meeting in order to request such assistance.

MINUTES  
TOWN OF OCEAN RIDGE  
SPECIAL MAGISTRATE/CODE ENFORCEMENT HEARING  
June 4, 2019

Present: Special Magistrate Amity Barnard, Town Attorney Brian Shutt, Acting Town Manager Tracey Stevens, Assistant Town Clerk Kathie Gatewood, Building Official Wayne Cameron, and Ron Brito.

The meeting was called to order at 10:05 A.M. by Special Magistrate Barnard.

Special Magistrate Amity Barnard 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 Barnard.

(Town Clerk's Note: The items in the minutes will appear in a different order than the printed agenda. Also, the case number was changed from 19-0001 to 2019-004 to conform to a new filing system.)

**A. ADOPTION OF May 7, 2019 MINUTES**

The Code Enforcement Hearing Minutes of May 7, 2019 were adopted by Special Magistrate Barnard.

**B. VIOLATION HEARING**

**CASE NO. 2019-004**

**Brookshore, Ltd.  
6009 North Ocean Blvd, Ocean Ridge FL 33435  
RE: BOYNTON SUB AMNDED PL  
(6009 N Ocean Blvd)**

**NATURE OF VIOLATION**

Violate Section(s) 67-174 (a) (1) & (2), FBC 6<sup>th</sup> Edition 116.1 of the Town's Code of Ordinances by not maintaining the exterior of the structure according to Town Code.

Special Magistrate Barnard accepted the following Town Exhibits into evidence without objection: Affidavit and Notice of Violation as #1, Photographic Evidence as Composite #2, Certified Mail Receipt as #3, Town Code as #4, Previous Property Violation as #5, Town's Cost Recovery Calculation Worksheet as #6, Sunbiz Corporation Datasheet as #7, Property Appraiser's Property Data Sheet as #8, and Affidavit of Service as #9.

SPECIAL MAGISTRATE CODE ENFORCEMENT HEARING OF JUNE 4, 2019

Town Attorney Brian Shutt explained the exhibits to the defendant's appointed representative and contractor, Mr. Brito.

Building Official Wayne Cameron explained to Special Magistrate Barnard that the property located at 6009 North Ocean Blvd. has been derelict for the last few years. The property damage stems from a leaky roof, which resulted in a water intrusion that extends from the second story to the first. Building Official Cameron also explained that the rafters are bearing down on the structure. Building Official Cameron presented Special Magistrate Barnard with photographs of the property showing structural damage. Building Official Cameron testified that the property is in violation of Section(s) 67-174 (a) (1) & (2), FBC 6<sup>th</sup> Edition 116.1 of the Town's Code

Ron Brito, of Enterprise Contactors, Inc. and appointed agent of property owner Brookshore, Ltd., testified that the condition of the property was due to the owner's sale of an overseas business. Mr. Brito stated that after the business was sold that Homeland Security froze the funds leaving the owner with no finances to remodel the home. Mr. Brito explained that the funds have recently become available and the owner wants to move forward with improving the property. Mr. Brito further stated that a decision was made to demolish the home and pool then to rebuild and that they would need time to apply and complete the demolition. Mr. Brito said once the demolition was complete they would apply for a building permit shortly thereafter.

Special Magistrate Barnard asked Town Attorney Shutt and Building Official Cameron if the town was seeking abatement. Town Attorney Shutt stated the Town was not seeking abatement at this time and that today's hearing is just for the violation. Town Attorney Shutt concluded by saying if the property owner did not comply that there may be a time when the Town would seek such a remedy.

Special Magistrate Barnard clarified with Building Official Cameron that the Town wanted the demolition to be completed including inspections within 90 days of the final order, and Building Official Cameron confirmed. Special Magistrate Barnard called Mr. Brito back to the podium and he asked for leniency in regards to the demolition permit in case they ran into any problems and needed a time extension if work would go past 90 days. Town Attorney Shutt recommended to Mr. Brito that if he thought that was going to happen that he approach the Town to come back in front of the Town to seek an extension. Town Attorney Shutt informed Mr. Brito that he would need to let the Town know if an extension was needed at least 45 days prior to the end of the 90-day period so a hearing can be scheduled. Mr. Brito stated that he should have a timeline and scope of work way before that.

Special Magistrate Barnard and Town Attorney Shutt agree on August 6<sup>th</sup>, 2019 for the Fine Assessment Hearing. Town Attorney Shutt stated this hearing was the first step for compliance and if the property owners pulled a permit they would not need to worry about attending the August 6 hearing.

Special Magistrate Barnard advised that her final order would reflect that notice is good and sufficient. The property was in violation of Town Codes 67-174 (a) (1) & (2), FBC 6<sup>th</sup> Edition 116.1. A Finding of Fact Order will be in place and if the Respondent fails to achieve compliance by obtaining a permit (demolition) within 30 days of the date of the order and complete the demolition of the unsafe structure within 90 days of the date of the order, a daily Fine of up to \$250.00 per day may be imposed for each day the violation continues to exist. Special Magistrate Barnard ordered the additional administrative costs of \$270.60 be paid within 30 days.

**C. ADJOURNMENT**

The meeting was adjourned at 10:24 am.

Minutes prepared by Assistant Town Clerk Gatewood, and adopted by Special Magistrate Barnard on 8/6/2019.

ATTEST:



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Tracey L. Stevens, MMC, Town Clerk