

MINUTES
TOWN OF OCEAN RIDGE
SPECIAL MAGISTRATE/CODE ENFORCEMENT HEARING
APRIL 6, 2021

Present: Special Magistrate Amity Barnard, Town Attorney Christy Goddeau, Town Manager Tracey Stevens, Assistant Town Clerk Kathie Gatewood, Police Chief Hal Hutchins and Building Official Durrani Guy.

The meeting was called to order at 10:02 A.M. by Special Magistrate Barnard.

Special Magistrate Barnard explained the hearing process, noting that the Town will call cases as they appear on the agenda. Once the case is called, the Town will present evidence first, then the respondent will have the opportunity to see the evidence, 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 courtroom and formal rules of evidence do not apply.

All those persons planning to provide testimony were sworn in by Special Magistrate Barnard.

A. ADOPTION OF March 2, 2021 MINUTES

The Code Enforcement Hearing Minutes of March 2, 2021 were adopted by Special Magistrate Barnard.

**B. VIOLATION HEARING
CASE NO. 2020-005**

**THE TAMARIND, INC.
6665 NORTH OCEAN BLVD, Ocean Ridge, FL
33435
RE: TAMARIND COND**

NATURE OF VIOLATION

Violate Section(s) 22-1 Failure to maintain fire equipment according to Town Code.

Town Attorney Goddeau requested the case to be continued until May 4, 2021. Special Magistrate Barnard confirmed with Town Attorney Goddeau that all parties agreed to a continuance.

Special Magistrate Barnard advised that she would make the following findings of fact and conclusions: the Respondents are the owners of the above-described property, notice is proper and sufficient though the Respondent was not presented at the hearing, the Respondent and Town mutually agreed to a continuance, a continuance was granted, the Respondent is required to attend a Violation Hearing held on May 4, 2021 at 10:00a.m. at the Ocean Ridge Town Hall, 6450 N. Ocean Blvd., Ocean Ridge, Florida 33435 unless the Town certifies that compliance has been achieved. The Town's administrative costs incurred in prosecuting previous hearings are *reserved*.

C. STATUS/FINE HEARING

CASE NO. 2021-002

**SPITI TRUST & DANIEL J. BEIRUTE TRUST
6080 OLD OCEAN BLVD, OCEAN RIDGE, FL 33435
RE: AMENDED PLAT OF BOYNTONS SUB LT 2 &
N 1/2 OF LT 3 BLK 9**

NATURE OF VIOLATION

Violate Section(s) 67-51, 67-60 of Town Code and Section 105.1 of the Florida Building Code, 6th Edition – Performing construction work without a permit, according to Town Code.

Town Attorney Goddeau summarized the case for the Special Magistrate. Building Official Guy testified that the above-mentioned property was still in violation for performing work without a permit against Town Code. He further stated that the Respondent’s contractor did not hold the correct license to perform the work on the permit application.

The Respondent’s Property Manager Richard Syberg testified that the property owners have been vigilant in assisting to see that the matter is resolved. He stated that a new contractor with the proper license has been hired to bring the property into compliance quickly.

Town Attorney Goddeau recommended that the Respondents receive a daily fine of Two Hundred Fifty Dollars (\$250.00) for each day the violation exists. She also asked that administrative costs of \$194.20 for the April 6, 2021 hearing be assessed and paid within 30 days.

Special Magistrate Barnard advised that she would make the following findings of fact and conclusions: the Respondents are the owners of the above-described property, notice is proper and sufficient and the Respondent were represented at the hearing by their Property Manager Richard Syberg, by the “Order Finding Violation” dated March 2, 2021, the Special Magistrate ordered the Respondents to comply with Sections 67-51, 67-60 of the Code of Ordinances of the Town of Ocean Ridge and Section 105.1 of the Florida Building Code (6th Edition), based upon the evidence, pictures and testimony presented at the April 6, 2021, the property remains in violation of with Sections 67-51, 67-60 of the Code of Ordinances of the Town of Ocean Ridge and Section 105.1 of the Florida Building Code (6th Edition).

The Special Magistrate ordered a Fine of One Thousand Seven Hundred Fifty Dollars (\$1,750.00) at Two Hundred Fifty Dollars (\$250.00) per day, for the violations which existed on the property beginning from March 31, 2021 through April 6, 2021, a period of seven (7) days; and the fine amount shall accrue at Two Hundred Fifty Dollars (\$250.00) per day until compliance is achieved. Administrative costs for the April 6, 2021 hearing were awarded to the Town for \$194.20 to be paid within 30 days.

D. VIOLATION HEARING

CASE NO. 2021-005

**JAMES CERULLO
55 DOUGLAS DRIVE, OCEAN RIDGE, FL 33435
RE: PALM BEACH SHORE ACRES BLKS A, B & Z
PT OF LTS 19 & 20 BLK A LYG N OF & ADJ TO**

DOUGLAS DR R/W IN OR13585P1336 A/K/A LT 37
BLUE OCEAN SUB UNREC
NATURE OF VIOLATION

Violate Section(s) 64-44– Installation of a fence that exceeds the height allowed, according to Town Code.

Town Attorney Goddeau summarized the case for Special Magistrate Barnard. Building Official Guy testified that after an investigation that the above-mentioned property was in violation of installation of a fence that exceeds the height allowed by Town Code.

Debbie Cerullo, the Respondent’s wife, explained to the Special Magistrate that they hired a fence contractor to submit a fence permit to replace it, to which Assistant Town Clerk Gatewood confirmed one was submitted just prior to today’s hearing. Building Official Guy stated that at this time, the fence is in violation for being a height taller than Town Code allows, and the property can achieve compliance by removing or reducing the height of the fence in question.

Special Magistrate Barnard advised that she would make the following findings of fact and conclusions: the Respondent is the owner of the above-described property, notice is proper and sufficient and the Respondent was represented at the hearing by Debbie Cerullo, wife, based upon the evidence and testimony presented at the April 6, 2021 hearing the property is not in compliance with Section 64-44 of the Code of Ordinances of the Town of Ocean Ridge.

The Special Magistrate ordered the Respondent to comply with Section 64-44 of the Code of Ordinances of the Town of Ocean Ridge on or before May 3, 2021. If the Respondent fails to achieve compliance a daily fine of One Hundred Dollars, (\$100.00) may be imposed for each day the violation continues to exist. The Respondent is required to attend a Status/Fine Assessment Hearing held on May 4, 2021 at 10:00a.m. at the Ocean Ridge Town Hall, 6450 N. Ocean Blvd., Ocean Ridge. Florida 33435 unless the Town certifies that compliance has been achieved. Administrative costs for the April 6, 2021 hearing were awarded to the Town for \$184.40 to be paid within 30 days.

F. ADJOURNMENT

The meeting was adjourned at 10:35 A.M.

Minutes prepared by Assistant Town Clerk Gatewood, and adopted by Special Magistrate Barnard on May 4, 2021.

ATTEST:



Karla Armstrong, Town Clerk