

SPECIAL MASTER CODE ENFORCEMENT HEARING OF APRIL 13, 1999

MINUTES  
TOWN OF OCEAN RIDGE  
SPECIAL MASTER CODE ENFORCEMENT HEARING  
APRIL 13, 1999

Present: Paul Nicoletti, Town Attorney; Karen Hancsak, Town Clerk; and Lt. Stefan Katz.

Meeting called to order at 8:45 A.M.

A. Special Master Randy Zeldin approved the minutes of March 15, 1999.

B. APPEAL REQUEST

Mr. Anton Ritlop, 595 Royal York Road, Toronto, M8Y2S8, Ont. Canada is requesting to appeal an assessed fine of \$300.00 in connection with notification of a grass height violation pursuant to Section 34-6 of the Ocean Ridge Code of Ordinances for Lot 51, McCormick Mile Subdivision.

The respondent, Anton Ritlop, was present.

At this point Lt. Katz and Anton Ritlop were sworn in by Special Master Randy Zeldin.

Special Master Randy Zeldin questioned whether this appeal was based on a decision made by him to which he was advised that it was based on a \$300.00 fine violation written as a result of a violation written up on March 6, 1999. Mr. Zeldin explained to Mr. Ritlop that the town would present its case and then he would be afforded the opportunity to speak and present testimony.

Atty Nicoletti questioned Lt. Katz on the chain of events leading to this hearing. Lt. Katz advised that on March 6, 1999 Sgt. Tinfina had observed that Mr. Ritlop's lot was overgrown and in violation of Section 34-6 and subsequently wrote a complaint report which was forwarded to Town Hall. On March 23, 1999 Sgt. Tinfina had observed that the lot was still in violation. Lt. Katz added that he had observed the lot on April 12, 1999 and observed that the lot has been cut, however, on the west end by the water line there is brush and vegetation (approximately 2-5% of the lot) that needs to be cleaned.

Atty Nicoletti clarified that a letter was sent by the Town Manager on March 24, 1999 citing a third violation which automatically incurs a \$300.00 penalty. Atty Nicoletti introduced the March 24, 1999 letter as Exhibit #1. Atty Nicoletti then introduced a copy of the Complaint Report completed by the Dept. of Public Safety as Exhibit #2. Lastly, he introduced a photograph taken on March 24, 1999 as Exhibit #3. He added that the town had no further testimony to present.

SPECIAL MASTER CODE ENFORCEMENT HEARING OF APRIL 13, 1999

Mr. Ritlop asked Lt. Katz why Sgt. Tinfina was not present. He was advised that Sgt. Tinfina was currently on the afternoon shift, however, he could be available via telephone if so requested. Mr. Ritlop stated that he had stopped by the Town Hall on March 26, 1999 because he had discovered through a refinancing application that there were currently liens on the property. It was at that time that he was advised by the Town Clerk that she had just forwarded a letter on March 24, 1999 that the lot was overgrown, however, she also advised that it had been mowed on March 25, 1999. He added that the Clerk gave him a copy of the notice and he proceeded to the lot and noticed that it had indeed been freshly cut. He stated that he met with Director Hillery (Lt. Katz was also present) at the lot and that Director Hillery had told him that the lot was fine now as it had been cut yesterday. Lt. Katz stated that he recalled that Director Hillery did advise that the lot had just been cut but not that he stated it was now in compliance. Mr. Ritlop added that he had spoken with three individuals working at the Sun Dek who stated that they had never observed the lot overgrown. He also mentioned that his lawn man, Richard Walcott, mows the grass faithfully and he was trustworthy because he had been recommended through the City of Delray Beach. Mr. Ritlop requested that this violation and any past liens be removed.

Special Master Randy Zeldin questioned the procedure that leads up to the letter. Lt. Katz advised that the officer writes a report which is then forwarded to Town Hall. At this point the Town Clerk was sworn in. She advised that a letter is issued approximately 10 days after the initial report once it has been verified that the lot is still in violation. Special Master Zeldin requested to see the section of the code providing for the issuance of the fine. After reviewing the section he advised that he did not have jurisdiction over the liens that have already been filed for prior violations and suggested that Atty Nicoletti advise Mr. Ritlop on the process to file for an abatement of the liens.

Atty Nicoletti advised Mr. Ritlop that he could file for an abatement of the liens before the Town Commission and suggested that he contact Town Manager Dunham regarding the process of being placed on the agenda.

Regarding this appeal Atty Nicoletti requested that the Special Master uphold the \$300.00 fine and impose a \$50.00 daily fine until the property is in complete compliance.

Mr. Ritlop commented that he has owned the lot for 13 years and the western portion has always contained Florida Holly and vegetation for which he never received any violation notice. He added that he felt the holly and vegetation provide a buffer for people attempting to fish from his lot or children playing by the water. He stated that he felt the photograph showed that the lot is not in violation and requested that the Special Master grant him relief. He requested that his lawn man, Richard Walcott, testify that the lot has not been overgrown.

Mr. Walcott was sworn in by Special Master Randy Zeldin. Mr. Walcott stated that he has been mowing the lot since June of 1998 and he cuts it as often as needed and that he rides by the lot approximately every 3 weeks. He added that he felt the lot was only approximately 6-7" when he cut it on March 25, 1999.

SPECIAL MASTER CODE ENFORCEMENT HEARING OF APRIL 13, 1999

Mrs. Silverman, mother-in-law to Mr. Ritlop, was sworn in and stated that the grass has always been maintained and added that the vegetation in the back of the lot remains there for protection purposes.

Atty Nicoletti recalled Lt. Katz and questioned how he would characterize the vegetation on the lot to which Lt. Katz stated that there were stray bushes, Florida Holly and vegetation. He added that the vegetation was only one aspect of the violation and the lot was also cited for being overgrown in spotty areas.

After hearing all the testimony, Special Master Randy Zeldin stated that he does not have jurisdiction over the existing liens and he believed that the respondent has complied with correcting the violation in this instance and thereby grants relief from the \$300.00 violation.

C. Adjournment

The meeting was adjourned at approximately 9:45 AM.

---

Town Clerk