

SPECIAL MASTER CODE ENFORCEMENT HEARING OF SEPT. 12, 2000

MINUTES
TOWN OF OCEAN RIDGE
SPECIAL MASTER CODE ENFORCEMENT HEARING
SEPTEMBER 11, 2000

Present: Bill Capko, Attorney Representing Town, Gregory Dunham, Town Manager, Karen Hancsak, Town Clerk, Edward Hillery, Director of Public Safety and Lt. Stefan Katz.

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

- A. Special Master Paulette Torcivia advised that she had not reviewed the minutes of August 15, 2000, however, she would before the end of the meeting.

Special Master Torcivia 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 then the respondent may ask questions and be given the opportunity to present their side after which she would render a decision and issue a Final Order.

At this point all individuals that were prepared to give testimony were sworn in.

- B. VIOLATIONS
CASE NO. CE2000-03

Susan Wright Hansford

RE: Lots 58, McCormick Mile (River Dr.)

Nature

Violate Section 34-6 of the Town Code of Ordinances by cutting of various shrubbery debris left in piles on the lot and the grass is in excess of 12 inches thereby causing a public nuisance, because they are a menace to life, property, the public health or public welfare, in that they provide a nest or breeding ground for sand flies, mosquitoes, rats, mice, other rodents, snakes or other types of pests or vermin and shall be removed from any lot, tract or parcel where found to exist.

The respondent was present.

Atty Capko advised that Lt. Katz would be presenting the facts regarding this case.

Lt. Katz advised that on August 21, 2000 he observed a violation of Section 34-6 of the Code of Ordinances stated that the lot was overgrown, however, the owner was in the process of clearing debris from the lot. This presented a health and fire hazard. He advised that he had spoke with Mrs. Hansford and advised her that the violation needed to be corrected by mowing the lot and removing the limbs. He advised that he returned to

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the property on Sept. 6, 2000 and observed that Mrs. Hansford was there clearing and cutting the trees towards the west end of the lot and she was advised that the limbs could not fall or be deposited in the water. On Sept. 8, 2000 he went back to the lot and observed that it was still overgrown, however, a lot of the limbs were cleared but quite a few remained. He added that he observed several limbs in the waterway and spoke to a representative regarding the problem and later with Mrs. Hansford, who advised that she would take care of the it. He concluded by stating that again spoke with Mrs. Hansford on Sept. 11, 2000 advising that the lot was still not in compliance.

At this point Section 34-6 of the Ocean Ridge Code of Ordinances was shown to Mrs. Hansford and Special Master Torcivia entered it as Exhibit #1 for the Town. Special Master Torcivia stated she did not observe anything regarding debris in the water in this section citing that it only referred to a tract, parcel or land, however, she would proceed.

Lt. Katz then submitted 6 photographs of various areas of the lot taken on Sept. 11, 2000 after showing Mrs. Hansford. Special Master Torcivia entered the photos as Exhibit #2 for the Town.

Special Master Torcivia described the photographs as showing debris in and out of the water, debris by a fence, piles of mulch and rocks set by the roadway.

Mrs. Hansford commented that unfortunately she would have to leave at 10:30 AM. Special Master Torcivia advised her that the hearing would still continue and that she would still render a decision.

Special Master Torcivia asked if there was still debris to be picked up to which Mrs. Hansford advised that there was and the work was still ongoing. She also asked if Mrs. Hansford requested a continuance from the Town and further questioned how long she thought it would be until compliance could be met. Mrs. Hansford stated that she felt at least to the end of the month or possibly into the first two weeks into November. Special Master Torcivia stated that she felt that to be too long.

Mrs. Hansford explained that when she purchased the property the overgrowth was already there, however, when she started to clean the lot it was discovered that the underbrush was thick and dead. She then showed photographs of the lot condition when she purchased the lot.

Mrs. Hansford stated that part of the problem has been with the difficulty in BFI removing the debris. Town Clerk Hancsak explained to Special Master Torcivia that BFI is the Town's contracted hauler, however, the Town does not invoice vacant lots and therefore they are independently responsible for any trash removal. Mrs. Hansford commented that she has even rented a wood chipper and chipped the limbs herself and that BFI only responded after she asked the Town to call them.

Atty Capko stated that the Town's recommendation was that the respondent be given 7 days to bring the violation into compliance because of the threat of the debris in the

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waterway. He added that the property should then be properly maintained so as not to exceed 12" in height.

Mrs. Hansford reiterated that she is continually working on the lot and that the property was in worse condition when she bought it.

Special Master Torcivia stated that she would find that a violation exists and that the respondent has until Sept. 25, 2000 to bring the property into full compliance, including the debris in the waterway failing, which would constitute a \$75.00 daily fine. She added that if the respondent was cited again it could be considered a repeat violation with up to a maximum \$500 daily fine.

The meeting was recessed at 10:30 AM so that Special Master Torcivia could read the minutes and was reconvened at 10:35 AM at which time she approved the Aug. 15, 2000 minutes.

C. Adjournment

The meeting was adjourned at approximately 10:36 AM.

Town Clerk