

SPECIAL MASTER CODE ENFORCEMENT HEARING OF NOV. 14, 2000

MINUTES  
TOWN OF OCEAN RIDGE  
SPECIAL MASTER CODE ENFORCEMENT HEARING  
NOVEMBER 14, 2000

Present: Ken Spillias, Town Attorney, 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. The minutes of September 12, 2000 were not adopted at this time. Special Master Paulette Torcivia will adopt these minutes at the next 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. REQUEST FOR APPEAL  
CASE NO. CE2000-17

Mr. Eric Carlstrom

RE: Lot 12, Blk 6, Boynton Beach Park  
(19 Hudson Avenue)

NATURE OF VIOLATION

Appealing a Lot Violation Fine of \$200.00 as a result of violation of Section 34-6 Town Code of Ordinances

Respondent was present and was sworn in earlier.

Atty Spillias submitted a copy of Mr. Carlstrom's letter, the town's letter, incident report and certified receipt to the Special Master after it was shown to the respondent which she accepted as Exhibit #1.

Atty Spillias advised that the town agreed with the appeal to void the fine adding that there was also no competent testimony to present to uphold the Notice of Violation.

The respondent thanked the town and commented that he could understand why the violation was cited because although the rear of the lot was cut the front could not be cut and it appeared the total lot was overgrown. He added that the lot frontage was cut once it was dry enough.

Special Master Torcivia stated that she agreed with the Town's request to void the fine.

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C. VIOLATIONS

It was decided to hear the violations where respondents were present first.

CASE NO. CE2000-16

Mr. Fred Bernheim

RE: Lot 2, Ocean Shore Estates  
(corner of Adams Rd. and SR A1A)

NATURE OF VIOLATION

Violate Section 34-6 of the Town Code of Ordinances by allowing the height of the grass on the lot to exceed 12 inches.

Atty Spillias advised that the intent for this notice was for a Finding of Violation and a time period to comply, however, the lot was being mowed this morning and the town has not received the certified return receipt. Special Master Torcivia advised that the absence of the return receipt would not defer her decision because evidently the respondents were made aware. Atty Spillias added that the code provides for a \$200.00 fine that is independent of future complaints and requested that the fine be upheld.

Special Master Torcivia accepted the following exhibits on behalf of the town: #1 - certified letter and return receipt from the town dated Sept. 25, 2000, #2 - related incident report, #3 - certified letter and return receipt from the town dated April 27, 2000 with attached incident report, #4 - Section 34-6 of the Town Code of Ordinances, and #5 - the Claim of Lien with the attached certified letter and return receipt from the town dated June 26, 2000 with attached incident report after they were shown to the respondents.

Mrs. Bernheim advised that the town was correct that the lot was in violation, however, she explained that they purchased the lot in May 2000 and retained the services of a gardener who was supposed to mow the lot every two weeks which was obviously not done. She added that she did not realize that each time she received a letter that a fine was established. Special Master Torcivia read the last paragraph of the letters and stated that she did not feel they were confusing. She then asked the respondent if they were stipulating that there was indeed a violation and whether they were protesting the fine. The respondent advised yes to both questions.

Special Master Torcivia advised that while she sympathized with the respondent that they reside in two different areas it was still their responsibility to ensure that the property is being properly maintained even if it means having a neighbor verify that it is being done. She added that she was agreeing with a Finding of Violation and the respondent must pay the \$200.00 fine within 7 days (by Nov. 22, 2000) or incur a \$25.00 daily fine until it is paid. She also advised the respondent that the town could ask for a \$250.00 daily fine and administrative costs and re-inspection fees should a repeat violation of this type occur in the future if they were brought back before the Special Master.

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Mrs. Bernheim clarified that the \$200.00 was the only fine due within the 7 days. Town Clerk Hancsak advised that the lien was separate and they needed to contact her at a later date to obtain the total costs to have it satisfied or how to possibly appeal the lien before the Town Commission.

While Lt. Katz was conversing with Mr. and Mrs. Bernheim Atty Spillias suggested that they discuss Case No. 2000-12 and 2000-13.

CASE NO. CE2000-12

Mr. or Mrs. G Makris

RE: Lot 40 Inlet Cay

NATURE OF VIOLATION

Violate Section 34-6 of the Town Code of Ordinances by allowing the height of the grass on the lot to exceed 12 inches.

Atty Spillias advised that a representative for the respondent was present prior to the meeting. He verbally stipulated that the owner would be found in violation, however, no fine would be assessed so long as the property is brought into compliance within three days (Nov. 17, 2000) failing which would constitute a \$50.00 daily fine until brought into compliance. Town Clerk Hancsak added that the respondent has only received a verbal warning letter to this date.

Special Master Torcivia advised that she would accept the stipulation and would Find a Violation and not incur a fine provided the property is brought into compliance within three days failing which would constitute a \$50.00 daily fine.

CASE NO. CE2000-13

Mr. or Mrs. T Tzikas

RE: Lot 3, Blk 5, Boynton Beach Park  
(2 Hudson Avenue)

NATURE OF VIOLATION

Violate Section 34-6 of the Town Code of Ordinances by allowing the height of the grass on the lot to exceed 12 inches.

Atty Spillias advised that this case should be dismissed because there is now a new owner and a new notification would be sent out.

Special Master Torcivia dismissed Case No. CE2000-13.

CASE NO. CE2000-11

Mr. Harry Rauch

RE: Lot 13, Blk 6, Boynton Beach Park  
(21 Hudson Avenue)

NATURE OF VIOLATION

Violate Section 34-6 of the Town Code of Ordinances by allowing the height of the grass on the lot to exceed 12 inches.

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The respondent was not present.

Atty Spillias submitted the Affidavit and Notice of Violation, certified return receipt and the original certified and return receipt letter by the Town Clerk to the Special Master.

Special Master Torcivia accepted the certified letter dated Oct. 12, 2000 and return receipt with the attached incident report of Sept. 22, 2000 as Exhibit #1. She also accepted the certified letters dated Aug. 23, 2000 and July 25, 2000 with the return receipts, with attached incident reports and maintenance report and Affidavit and Notice of Violation as Exhibit #2.

Special Master Torcivia questioned if the respondent has tried to contact the town on any of the occasions to which he was advised that he had not.

Lt. Katz also submitted a photograph taken this date by Officer Wohlfiel showing that the property has not been brought into compliance. Special Master Torcivia accepted the photo as Exhibit #3. Special Master Torcivia questioned if this lot was also wet as in Case No. 2000-17 heard earlier. Lt. Katz advised that there should be no problem mowing this lot.

Atty Spillias requested that the property be found in violation, the \$100 fine as provided by code be confirmed, and if not compliance is not met within seven days (Nov. 22, 2000) then a \$50.00 daily fine be instituted until brought into compliance.

Special Master Torcivia did make a Finding of Violation ordering that the property be brought into compliance within seven days (Nov. 22, 2000) failing which would constitute a \$50.00 daily fine and the \$100.00 fine is still due the town.

CASE NO. CE2000-15

Susan Wright Hansford

RE: 57 River Drive

NATURE OF VIOLATION

Violate Section 34-6 of the Town Code of Ordinances by allowing the height of the grass at the rear and side of the lot to exceed 12 inches.

The respondent was present and was sworn in.

Lt. Katz advised that there has been a little confusion regarding this property because the property is actually overgrown in the rear and side of the residence and not in the front. When the April 22, 2000 incident report was written the officer was referring to the rear of the property, however, when the officers did follow up reports on the same property they saw only the front and it was in compliance. Because of this the property has actually been in violation for quite some time.

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Lt. Katz added that he sent out an Affidavit and Notice of Violation on Nov. 3, 2000, which was signed on Nov. 7, 2000 advising that the property needed to be brought into compliance by Nov. 13, 2000. Town Clerk Hancsak commented that the respondent did contact her via telephone last Friday and advised that she had received her building permit for construction at the home and therefore the lot didn't need to be mowed because of the heavy equipment that would be brought onto the lot. Town Clerk Hancsak added that she advised Mrs. Hansford that she needed to explain her situation to the Special Master.

Special Master Torcivia accepted the Affidavit and Notice of Violation with return receipt as Exhibit #1 and a photograph taken by Officer Wohlfiel this date as Exhibit #2. She clarified that the photo was taken of the rear of the property and that it was an approximate 4' wide area.

Atty Spillias requested that the property be found in violation and if compliance is not met within seven days (Nov. 22, 2000) then a \$25.00 daily fine should occur until brought into compliance.

The respondent explained that she received the letter approximately two weeks ago and she knew she would be receiving her building permit shortly and building would commence, which actually started Nov. 11, 2000. She did not feel it would be necessary to mow the property once construction has begun. Special Master Torcivia questioned when she thought the home would be completed to which she was advised approximately 4 months.

Mrs. Hansford advised that she could actually remove the grass while construction was underway, however, she offered to call the one affected neighbor and ask their preference.

Special Master Torcivia advised that she would find the property was in violation, however, she would not fine the owner nor grant the request to have the property mowed within seven days. She stated that she would like a status check in 4 months (only if necessary) and at that time she could grant the town's request and consider the violation a repeat violation, which could create additional fines and administrative costs.

Atty Spillias advised that the town did receive a complaint from the neighbor regarding this property and during the 4 month period the lot may become more dense and provide a better habitation for rodents. It was agreed that the respondent would contact the neighbor and advise Lt. Katz of the neighbors' preference. Special Master Torcivia also advised that the town may bring this case back before March if a problem should arise.

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CASE NO. CE2000-14

Bank Atlantic % Jim Gordon  
RE: 5907 North Ocean Blvd.

NATURE OF VIOLATION

Violate Section 34-6 of the Town Code of Ordinances by allowing the height of the grass on the lot to exceed 12 inches.

The respondent was not present.

Atty Spillias presented and Special Master Torcivia accepted the Affidavit and Notice of Violation with certified return receipt as Exhibit #1, the Sept. 25, 2000 town letter with certified return receipt and attached incident report as Exhibit #2 and the photograph taken by Officer Wohlfiel this date as Exhibit #3.

Atty Spillias advised that this property has been brought before the Special Master in the past when the home was destroyed by arson and was not demolished in a timely manner. He advised that there is already a substantial lien on the property and that the town believes the bank has foreclosed on it. He added that no action has been taken to maintain the property even though prior letters have been forwarded. Town Manager Dunham commented that this property is adjacent to several homes and it is located on a corner lot at SR A1A and Thompson St.

Town Clerk Hancsak submitted a prior certified letter of violation and return receipt dated May 11, 2000 with attached incident report and subsequent certified letter and return receipt dated Aug. 24, 2000 advising that the lot was mowed. Special Master Torcivia accepted this information as Exhibit #4.

Due to the repeated violations and non-compliance, Atty Spillias requested a Finding of Violation, a seven day time period to achieve compliance failing which would constitute a maximum \$250.00 daily fine until compliance is achieved.

Special Master Torcivia agreed with the Finding of Violation, agreed with a \$250.00 daily fine if not in compliance by Nov. 22, 2000 and also confirmed that a \$100.00 fine is also due.

C. Adjournment

The meeting was adjourned at approximately 11:20 AM.

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Town Clerk