

MINUTES  
TOWN OF OCEAN RIDGE  
SPECIAL MASTER CODE ENFORCEMENT HEARING  
June 3, 2003

Present: Karen Hancsak, Town Clerk; Director Hillery, Lt. Stefan Katz, Sgt. Bill Hallahan, and Ken Spillias, Town Attorney.

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

A. The minutes of May 13, 2003 were adopted.

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 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. FINE ASSESSMENT HEARING AND STATUS HEARING

CASE NO. CE2003-04

Steven Bedigian, 205 S.E. 36<sup>th</sup> Ave., Boynton Beach FL 33435-8658

RE: 10 Coconut Lane or legally described as Lot 3, Block 1, Boynton Beach Park Subdivision

NATURE OF VIOLATION

Violate Section(s) 13-136(c) and Section 14-154 of the Town Code of Ordinances by failing to spread fill within 10 days of delivery and creating a blighting influence on neighboring property and creating a hazard to public health, safety and welfare by failing to maintain the property according to the following standards: a) allowing stagnant water to exist in the pool along with a pile of rubbish, coconuts, and planted material creating an environment for vermin, rodents, etc., b) maintaining a fence that is missing slats, leaning over, and is weathered and deteriorated, c) landscaping – allowing stones, weeds, wood, pvc pipe, dirt and other rubbish and excessive lawn growth in excess of 12” to exist on the property (back and side yards) and d) allowing a temporary barrier fence to exist surrounding various parts of the property. **(COMPLIANCE ACHIEVED ON MAY 14<sup>TH</sup> AND MAY 15<sup>TH</sup>, 2003)**

The respondent was present.

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Special Master Torcivia accepted the following evidence presented by the Town: the Final Order addressed to Mr. Bedigian dated May 13, 2003 #1, the Final Order addressed to Mr. Bedigian dated April 8, 2003 as #2, six photographs taken this date by Sgt. Hallahan depicting the fence and mulch as #3, and the memorandum by Sgt. Tinfina dated April 24, 2003 as #4.

Atty Spillias advised that a memorandum from Lt. Katz dated May 23, 2003 advises that the violations appeared to be corrected on May 14<sup>th</sup> and 15<sup>th</sup>, 2003 and the fines total \$1,000 for violation #3 (20 days at \$50 per day), \$300 for violation #4 (6 days at \$50 per day), and \$306.05 for administration fees. He added that Sgt. Hallahan took photos today that reflected that while the fill was spread mounds of mulch are now there and per the April 8, 2003 Final Order a fence has been installed, however, it is obviously not completed. He stated that the Town's position is that the fence should have been installed completely by April 20, 2003 and while the fill is spread the mounds of mulch are a continuing violation.

Mr. Bedigian commented that he was told previously by Sgt. Tinfina that the fence was satisfactory to block the pool and he added that he also approved the brick relocation.

Lt. Katz commented that he inspected the property on May 14, 2003 and observed that the trash and fill were taken of.

Special Master Torcivia advised that due to the memorandum and statement from Lt. Katz and the memorandum from Sgt. Tinfina she would not find that the fence was in violation now, however, she did state that it was brought into compliance five days late and she would assess a \$750 fine and the respondent had 24 hours to bring the fence into compliance to close in the pool. She added that the Town could recite the respondent for the fence if the condition is not corrected. She added that the second time could be considered a repeat violation and could result in a \$500 daily fine.

Special Master Torcivia advised that she would not cite the respondent for the trash violation (#3) because the respondent was under the impression that it was brought into compliance.

Regarding spreading the fill (#4) Special Master Torcivia stated that she would find that the respondent did not bring this violation into compliance until May 15, 2003 and therefore a \$350.00 fine would be assessed in addition to the \$306.00 administrative fees. After reading the definition of fill she determined that the new mulch would not be considered a continuing violation, however, the Town could cite him if it is not spread within 10 days of delivery. She stated that these fines must be paid by July 18, 2003 failing which a lien would be placed on the property and any reduction requests must be brought before the Town Commission.

At this point it was determined that since past violations were brought into compliance the respondent could request a fine reduction at this hearing and a 10 minute recess was called at 11:15 A.M.

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At 11:25 A.M. the meeting was reconvened and the respondent stated that he was not trying to be defiant and was trying to achieve compliance and felt this process penalizes someone who truly makes an effort to comply. He added that his intention was never to have the dirt considered a blight but he was not capable of completing the work in the time frame, and regarding the fence he was under the impression he would be notified when the permit was ready but he finished the fence within four days of actually picking up the permit. He concluded that assessing the fine would only make it more of a hardship for him and felt he should only be assessed the administrative fees.

Special Master Torcivia stated that Florida Statute allows for the Town to foreclose on a property and then maintain it itself in certain circumstances.

Atty Spillias commented that it was the Town's position that the \$350 fine for the fill and the \$306 administrative fees remain. He advised that in fairness to the respondent the Town was willing to reduce the fine for the fence from \$750 to \$250 which could still assist in reimbursing the administrative fees for two more hearings. He added that the Town will cite the respondent for a repeat violation if it is not corrected.

Special Master Torcivia advised that her Order Assessing the Fine would be forwarded and her Fine Reduction Order would include the six day violation for the fill at \$50 per day for a total of \$350, a reduction in the fence violation from \$750 to \$250, and the administrative fees in an amount of \$300, for a total of \$900 that must be paid by July 18, 2003 failing which would increase the total fines back to the original \$1406 and would allow a lien to be placed on the property.

Lt. Katz advised that he would meet with Mr. Bedigian today to discuss the current fence and mulch violations.

C. Adjournment

The meeting was adjourned at approximately 11:40 AM.

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Town Clerk