

MINUTES
TOWN OF OCEAN RIDGE
SPECIAL MAGISTRATE/CODE ENFORCEMENT HEARING
November 14, 2006

Present: Karen Hancsak; Town Clerk, Lt. Katz, Sgt. Eubanks, and Kenneth Spillias, Town Attorney.

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

Special Magistrate Lara Donlon 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.

A. ADOPTION OF OCTOBER 3, 2006 MINUTES

Special Magistrate Donlon adopted the October 3, 2006 minutes.

B. VIOLATION HEARING

**CASE NO. CE#2006-0059 CPI Real Estate, Inc., 49 NE 22nd Street, Miami
FL 33137-4822**

**RE: Blks A,B, & Z Palm Beach Shore Acres
W 272' of Lot 17 (Less W 18' of N Ocean Blvd.
& N 10' Tropical Drive R/WS) Blk A (5019 N
Ocean Blvd.)**

NATURE OF VIOLATION

Violate Section(s) 34-1 of the Town's Code of Ordinances by allowing sewage to run onto the driveway and roadway, causing a public nuisance

Atty Spillias advised that this case can be dismissed as the violation has been corrected.

Atty Spillias requested that this case be postponed until Nov. 14, 2006 because the owner is in the process of working with the Health Department to correct the violation.

**CASE NO. CE#2006-0063 CPI Real Estate, Inc. 49 NE 22nd Street, Miami
FL 33137-4822**

**RE: Blks A, B, & Z Palm Beach Shore Acres
W 272' of Lot 17 (Less W 18' of N Ocean Blvd.
& N 10' Tropical Drive R/WS) Blk A (5019 N
Ocean Blvd.)**

NATURE OF VIOLATION

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Violate Section(s) 34-6(a) and 67-33(a) of the Town's Code of Ordinances by allowing Australian pines on the east side of the property to grow in excess of 10 feet high, and by not preventing runoff on the east side of the property from discharging onto the adjacent property at 14 Tropical Drive of the Town's Code of Ordinances removing the roof tiles on the house without a permit

The respondent, Michael Dubose, part owner, was present.

Town Atty Spillias summarized the violation by stating that the respondent has corrected the violation involving the Australian pines but not the other violation. He stated that the officer had not personally observed the other violation; however, a witness affidavit had been submitted by the neighbor, Patricia DiStefano.

Special Magistrate Donlon accepted the following Town exhibits: the Affidavit and Notice of Violation and the green card receipt as #1, and the Witness Affidavit as #2.

Atty Spillias requested a five minute recess so that he could speak with both the respondent and neighbor, Pat DiStefano.

The meeting was reconvened at approximately 10:20 AM at which time he advised that Mr. Dubose and Mrs. DiStefano planned on discussing the violation with each other and they both agreed to postpone this violation until Dec. 5, 2006 at 10:00 AM.

Special Magistrate Donlon advised that she would prepare an Order Granting Continuance until Dec. 5, 2006 at 10:00 AM.

**CASE NO. CE#2006-64 6393 North Ocean Blvd., 979 Dale Road,
Jenkintown PA 19046-2513
RE: Boynton Beach Park Subdivision S 125'
of N 175' of Unmbrd Blk Lyg E of Ocean Blvd.
(6393 North Ocean Blvd)**

NATURE OF VIOLATION

Violate Section(s) 34-6(a) of the Town's Code of Ordinances by allowing the grass and weeds to grow in excess of 12 inches on the parcel at 6393 N Ocean Blvd.

The respondent was not present.

Special Magistrate Donlon accepted the following Town exhibits: the Affidavit and Notice of Violation, green card receipt from Oct. 17, 2006 along with an original violation letter dated Sept. 26, 2006 and complaint report with green card receipt and also property appraiser owner information dated Oct. 12th and Nov. 14th, 2006 showing the

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same owner as #1, two photographs taken on Nov. 14, 2006 by Sgt. Eubanks as #2; two photographs taken on Oct. 12, 2006 as #3, and the administrative cost recovery sheet in the amount of \$216.20 as #4.

Sgt. Eubanks testified that the Town Clerk had sent a letter dated Sept. 26, 2006 advising that the violation must be corrected within 5 days and after the time period lapsed she issued the Notice of Violation. She advised that she reinspected the property this date and the violation still exists.

Special Magistrate Donlon stated that she did find there was proper notice and her Final Order would state that the respondent has 24 hours (Nov. 15th at 10:30 AM) to correct the violation failing which would begin a \$100 daily fine until brought into full compliance. She added that the respondent must also pay the \$100 violation as provided for in Section 34-6 (in the letter) and also the administrative recovery costs in the amount of \$216.20 within 10 days (by Nov. 24th). A Fine Assessment Hearing has been scheduled for Dec. 5, 2006 at 10 AM.

D. ADJOURNMENT

The meeting was adjourned at approximately 10:30 AM.

Town Clerk