

MINUTES
TOWN OF OCEAN RIDGE
SPECIAL MAGISTRATE/CODE ENFORCEMENT HEARING
August 7, 2007

Present: Karen Hancsak; Town Clerk, Ken Spillias; Town Attorney, Keri-Ann Baker, Atty (also with Atty Spillias), and Sgt. Eubanks.

Meeting called to order at approximately 10:08 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 planning on providing testimony were sworn in.

It was agreed to hear Case No. 2007-16 first because of a scheduling conflict for the respondent.

A. ADOPTION OF JULY 3, 2007 MINUTES

Special Magistrate Donlon adopted the July 3, 2007 minutes.

C. VIOLATION HEARING

**CASE NO. CE#2007-016 6393 N Ocean Blvd. LLC, 979 Dale Road,
Jenkintown PA 19046-2513**

**RE: Boynton Beach Park S 125' of N 175' of
UNMBRD Blk Lyg E of Ocean Blvd. (6393 N
Ocean Blvd.)**

NATURE OF VIOLATION

Violate Section(s) 34-6 of the Town's Code of Ordinances by allowing the grass and weeds to grow in excess of 12 inches on the parcel

The respondent, David Marvisi, was present.

Atty Baker summarized the violation and commented that this was also a repeat violation.

Special Magistrate Donlon accepted the following Town exhibits: the Notice of Violation with the appropriate code sections and the signed hand delivered receipt of affidavit as #1, the 2006 Order Assessing Violation with signed green card receipt (demonstrating a repeat violation) as #2, the Property Appraiser address information printed this date as #3, a packet that was faxed on July 24, 2007 to Mr. Marvisi's employee containing the previous 2006 violation information and also advising of this current violation as #4, 3 photographs taken this date as #5, a letter dated July 9, 2007

SPECIAL MAGISTRATE CODE ENFORCEMENT HEARING OF AUG. 7, 2007

and signed green card on July 13, 2007 advising of the lot violation and \$200 fine as #6, and the administrative recovery sheet in the amount of \$214.09 as #7.

Sgt. Eubanks testified that she observed the original violation and also observed earlier this morning that the violation still existed, however, the portion abutting A1A has been mowed. Town Clerk Hancsak testified that on July 24, 2007 she faxed the 2006 violation information along with a cover sheet explaining that the lot was currently overgrown with a \$200 fine and she also faxed the same information to an attorney.

The respondent, David Marvisi, commented that he was now the new sole owner of the property and that he had never received any notification of the violation as they were mailed to the prior owner. He also stated that the actual deed had not been conveyed yet. He commented that he has met with representatives of the Town before and they should have been aware that he is the owner of the property. At this point he also gave his address for any future mailings. Sgt. Eubanks and Town Clerk Hancsak both testified that they have never met the respondent before.

Atty Baker recommended that the property be found in violation with a \$150 daily fine until brought into compliance, the administrative fines be reimbursed, and the \$200 fine be imposed.

Mr. Marvisi stated that he did hire someone to mow the lot, however, it was not his fault that the machine broke down and the company has not yet returned.

Special Magistrate Donlon stated that based on the evidence and testimony she did find there was proper notice, citing that by Florida Statute the notices are sent to the owner of record with the Property Appraisers Office. She added that it was the responsibility of the owner/s to convey information to each other. She stated that she also did find there was a violation and she would require immediate compliance as this was a repeat violation. She ordered that the respondent be assessed \$150 per day beginning on July 17, 2007 until brought into full compliance, and the administrative recovery costs in the amount of \$214.09 and the \$200 lot violation fine be paid immediately. She added that a future violation would constitute a \$300 lot violation fine and possibly a higher daily fine. She reminded the respondent that he should notify the Code Enforcement Officer when brought into compliance.

B. STATUS HEARING

CASE NO. CE#2007-009

Domingo Castro and Thallygee Castro, 1500 N Florida Mango Road, #17, West Palm Beach FL 33409

RE: Lot 14, Inlet Cay Subdivision (14 Inlet Cay Drive)

NATURE OF VIOLATION

Violate Section(s) 67-174(a)(1) of the Town's Code of Ordinances by not replacing the roof tiles on their property at 14 Inlet Cay Drive

SPECIAL MAGISTRATE CODE ENFORCEMENT HEARING OF AUG. 7, 2007

Chris Meyer, representing the respondents, was present and presented a notarized letter authorizing him to speak on their behalf. Special Magistrate Donlon accepted the letter as Respondent Exhibit #1.

Atty Baker summarized the violation and stated that this was a status hearing and supplied the Special Magistrate with the Order Assessing Fine and signed green card.

Special Magistrate Donlon accepted the following Town exhibits: the Final Order and signed green card verifying receipt as #1, one photograph taken this date as #2, and the administrative recovery sheet in the amount of \$199.46 as #3.

Sgt. Eubanks testified that she inspected the property this date, took a photograph, and advised that the property was still in violation. Special Magistrate Donlon verified that a building permit has been obtained.

Atty Baker recommended a \$100 daily fine and reimbursement of the administrative costs until brought into full compliance. She added that a Fine Reduction Hearing could be set if the property is brought into compliance quickly.

Mr. Meyer stated that he was waiting on the shingles which should be in and the job completed by the end of next week.

Special Magistrate Donlon stated that she did find there was proper notice and did find that the violation continues to exist. She stated her order would reflect a \$100 daily fine commencing today until brought into full compliance and that the administrative costs in the amount of \$199.46 be paid immediately.

C. VIOLATION HEARINGS CONTINUED

CASE NO. CE#2007-012 Jerry and Sandra McMahan, 12250 Lower Valley Pike, Medway, Ohio 45341
RE: Lot 77, McCormick Mile Addition #1 Subdivision (77 Island Drive)

NATURE OF VIOLATION

Violate Section(s) 64-81 of the Town's Code of Ordinances and Section(s) 210.8(c) of the National Electrical Code by not having ground-fault circuit-interrupter protection for the outlets that supply boat hoists, and by allowing the seawall to fall into a state of disrepair **(EXECUTED STIPULATION TO BE SUBMITTED)**

Atty Baker submitted a stipulation executed by the respondents that provided for full compliance by Sept. 28, 2007.

Special Magistrate Donlon advised she would incorporate the stipulation into a Final Order.

D. ADJOURNMENT

The meeting was adjourned at approximately 10:35 AM.

Town Clerk