

MINUTES  
TOWN OF OCEAN RIDGE  
SPECIAL MAGISTRATE/CODE ENFORCEMENT HEARING  
October 2, 2007

Present: Karen Hancsak; Town Clerk, Keri-Ann Baker, Atty representing Atty Spillias, and Sgt. Eubanks. No respondents were present.

Meeting called to order at approximately 10:30 A.M.

At this point all individuals planning on providing testimony were sworn in.

**A. ADOPTION OF AUGUST 7, 2007 MINUTES**

Special Magistrate Donlon adopted the August 7, 2007 minutes.

**B. FINE ASSESSMENT/STATUS HEARING**

**CASE NO. CE#2007-012 Jerry or 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 o 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.

Atty Baker summarized that this case involved a stipulation that was entered into an Order Accepting Stipulation at the August 7, 2007 hearing by stating that the date for full compliance was Sept. 28, 2007 failing which would impose a \$50 daily fine and after 30 days would increase to a \$150 daily fine.

Special Magistrate Donlon accepted the following Town exhibits: the Order Accepting Stipulation with the attached green card receipt as #1, the Building Permit Application and Passed Inspection for Steel as #2, and the administrative recovery sheet in the amount of \$220.05 as #3.

Town Clerk Hancsak testified that the respondent did have a permit and one inspection has been called in, however, the final inspection has not been called in.

Sgt. Eubanks clarified that the case number was actually 2007-014 and not 012. 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 \$50 daily fine beginning Sept. 29, 2007 and if the property owner fails to bring into complete

SPECIAL MAGISTRATE CODE ENFORCEMENT HEARING OF OCT. 2, 2007

compliance on or before Oct. 28, 2007 another Fine Assessment Hearing will be scheduled for Nov. 6, 2007 to determine whether the fine will be increased to \$150 per day. She also stated that the administrative costs in the amount of \$220.05 be paid immediately and the property can be liened.

**C. VIOLATION HEARING**

**CASE NO. CE#2007-020**

**Pedro Gomez, 9121 SW 6<sup>th</sup> Street, Miami FL 33474**

**RE: Lot 35, McCormick Mile Subdivision (35 Sabal Island Drive)**

**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

Atty Baker summarized the violation and commented that the respondent was notified two times regarding the violation and it has not been corrected.

Sgt. Eubanks testified that the violation continues to exist.

Special Magistrate Donlon accepted the following Town exhibits: the letter from the Town a copy of the July 5, 2007 incident attached along with the signed green card receipt as #1, the Affidavit and Notice of Violation dated Aug. 20, 2007 with the signed green card receipt as #2, the Property Appraiser address information printed this date as #3, a photograph taken Oct. 2, 2007 as #4, and the administrative recovery sheet in the amount of \$213.58 as #5.

Atty Baker recommended ten days for compliance or a \$50 daily fine until brought into compliance.

Special Magistrate Donlon stated that based on the evidence and testimony she did find there was proper notice. She stated that she also did find there was a violation and she would require compliance within 5 days failing which could constitute a fine of up to \$250 per day to be determined at the Fine Assessment Hearing on Nov. 6, 2007 at 10:00 AM. She also ordered that the administrative recovery costs in the amount of \$213.58 also be paid within 5 days.

**D. ADJOURNMENT**

The meeting was adjourned at approximately 10:40 AM.

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Town Clerk