

MINUTES
TOWN OF OCEAN RIDGE
SPECIAL MAGISTRATE/CODE ENFORCEMENT HEARING
November 6, 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 10:05 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.

A. ADOPTION OF OCTOBER 2, 2007 MINUTES

Special Magistrate Donlon adopted the October 2, 2007 minutes.

B. FINE ASSESSMENT/STATUS HEARING

CASE NO. CE#2007-020 Pedro Gomez, 9121 SW 6th 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 that this case was brought before the Special Magistrate on Oct. 2, 2007 and brought into compliance on Oct. 15, 2007. She added that the fine assessment was postponed until this meeting and the Town was seeking \$50.00 per day for the seven days in violation. She also stated that the respondent paid the administrative recovery costs on Oct. 30, 2007 but was not present today.

Special Magistrate Donlon accepted the following Town exhibits: the Order Finding Violation with the attached green card receipt as #1, the returned Order Finding Violation date stamped Oct. 31, 2007 (with the \$213.58 check to be deposited) as #2, the Incident Report reflecting Oct. 15, 2007 as the compliance date as #3; and the new administrative recovery sheet in the amount of \$202.25 as #4.

Special Magistrate Donlon stated that she did find there was proper notice and did find that the property remained in violation seven days after the Final Order provided for compliance. She stated her order would reflect a \$50 daily fine beginning for the seven

days in noncompliance and that the administrative costs in the amount of \$202.25 be paid immediately and the property can be liened.

**C. VIOLATION HEARING
CASE NO. CE#2007-019**

**David and Lorraine B. McCall, 1410
Wrightstown Road, Newtown, Pennsylvania,
18940**

**RE: Blks A,B, & z PB Shore Acres PT of Lots
19 & 20 in DB900P619 & 622 &
DB1033P84/Being Lots 27-A, 27B, & 29, Unrec
Plat of Blue Ocean/Blk A (11 Douglas Drive)**

NATURE OF VIOLATION

Violate Section(s) 101.2.1, 101.3, 104.5 and 104.6 of the Florida Building Code, and Sections 67-177(b)(1), 67-177(a)(1), 67-179(g)(3), 67-179(b), 67-174(a)(1)(2), 67-177(b)(4), 67-179(c), 67-174(c), 67-178(b), 67-179(b)(c)(1) and 67-179(c)(d) of the Town's Code of Ordinances by having the following violations: Units 9 and 5 have extensive water damage to the base boards and some signs of mold throughout. Several wall areas have signs of water leakage from the ceiling. The bathroom and kitchen fixtures are not in good operable condition and show signs of water leakage. The hot water heater lines have signs of extensive corrosion. Some electrical outlets are not operable; Unit 9 has a grease-laden range, creating a possible fire hazard and unsanitary condition; The roof shows excessive signs of leakage; Some areas of fascia have extensive water damage, pockets holding water and paint peeling; Several exterior lights are missing light covers and/or bulbs; The exterior of the property contains junk, debris, yard waste, and outside storage of building material; The landscaping has several areas with overgrown weeds, rocks, and dirt bald spots; There is excessive loose and unsecured wiring in the rear of the building by the panel box; Some jalousie windows have broken and/or missing window louvers; Some exterior wall areas below some window A/C units have rust marks; Proper water runoff lines for the window A/C units need to be provided to eliminate water marks on the walls or puddles of water with mold on the walkways in the rear of the property.

The respondent was present.

Atty Baker advised that this violation was brought into compliance as determined by an inspection completed approximately 45 minutes ago, however the owner never notified the Town. She added that the Town had still accumulated costs related to this case and was seeking administrative reimbursement in the amount of \$212.78.

Special Magistrate Donlon accepted the following Town exhibits: the administrative recovery cost sheet in the amount of \$212.78 as #1, and the Notice of Violation with two Affidavits of Service as #2.

Sgt. Eubanks testified that the original violations were observed on Aug. 8, 2007 and a certified Notice of Violation was sent giving until Oct. 22, 2007 to correct the violations. She testified that the certified letter came back unclaimed at which time she posted the property on two occasions and forwarded a copy of the notice via regular mail. She added that she telephoned the owner last week and advised her of the notice. Sgt. Eubanks inspected the property today with the building official and determined that the property is now in compliance.

Mrs. McCall, respondent, commented that she purchased the property in June 2007 and inherited its many problems. She stated that she had corrected as many problems as possible in August and did not realize there were still violations. She conveyed that she has incurred a lot of expense related to this property and requested that no additional fines be added.

Special Magistrate Donlon stated that she did find that there was proper notice and that the violation did continue to exist past the ten days, although she recognizes that the property is now in compliance. She stated that the Town is entitled to reasonable costs per State Statute and Town Ordinance and she was awarding the Town the \$212.78 to be paid within ten days. She recommended that the respondent leave an alternate address with the Town in the event of any type of future notifications.

D. ADJOURNMENT

The meeting was adjourned at approximately 10:25 AM.

Town Clerk