

MINUTES
TOWN OF OCEAN RIDGE
SPECIAL MAGISTRATE/CODE ENFORCEMENT HEARING
January 8, 2008

Present: Jean Hallahan; Deputy Town Clerk, Keri-Ann Baker, Atty representing Atty Spillias, and Sgt. Eubanks.

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.

It was agreed to hear Case No. #2007-024 first since that case had the only respondent present. At this point all individuals planning on providing testimony were sworn in.

A. ADOPTION OF DECEMBER 4, 2007 MINUTES

Special Magistrate Donlon adopted the December 4, 2007 minutes, clarifying that the date on the minutes needs to be corrected from Dec. 5th to Dec. 4th.

C. VIOLATION HEARING

CASE NO. CE#2007-024

Jeffrey Kahn, 2415 University Drive, Pompano Beach FL 33065

RE: Blks A,B,& Z Palm Beach Shore Acres, 76' of W 748' of Lot 17, Blk A

NATURE OF VIOLATION

Violate Section(s) 64-1(c) of the Town's Code of Ordinances by allowing short-term rentals of less than thirty (30) days at the residential property

Atty Baker summarized the violation by stating that the Town's code prohibits any rentals less than 30 days as that would then be considered as commercial property.

The respondent, Jeffrey Phillips, who has an ownership interest in the property was present.

Special Magistrate Donlon accepted the following Town exhibits: the advertisement dated Nov. 25, 2007 from the website for 28 Tropical Drive as #1; Affidavit and Notice of Violation with attached Ordinance 560 and the signed green card as #2; the website advertisements dated Dec. 31, 2007 and Jan. 4, 2008 as #3; Property Appraiser sheet showing the owner as #4; the website advertisement dated Jan. 8, 2008 as #5; and the administrative recovery cost sheet in the amount of \$218.55 as #6.

Sgt. Eubanks testified that she was made aware that the property was being advertised on the internet as a weekly rental and the notice of violation was prepared and mailed. She

advised that she spoke with Mr. Kahn on Dec. 14, 2007 and has since observed that two of three websites have been corrected.

Jeffrey Phillips testified that the owners do not manage the websites, however; the paperwork shows that the websites have been corrected with the exception of Beach House.com and they would send a statement to the real estate broker.

Atty Baker requested that the respondent correct the other website and provide proof that the real estate broker has been notified that the rentals must be a minimum of 30 days and to cancel future rentals less than 30 days and if they are not cancelled the town will seek that a fine be assessed. She also requested reimbursement of the administrative costs.

Special Magistrate Donlon advised that she did find there was proper notice and she would prepare an Order Finding Violation that requires compliance by correcting the website, providing a letter to the real estate broker advising of the Town code with a copy to the Town by the 18th of January, 2008, failing which a fine of up to \$250.00 daily may be assessed for each day the violation continues. She also stated that the administrative recovery costs in the amount of \$218.55 shall be assessed and paid in full by Jan. 18, 2008. She stated that a Fine Assessment Hearing will be scheduled for the 5th day of February, 2008 at 10:00 AM.

CASE NO. CE#2007-023

**BRJ Properties LLC, 804 Scott Nixon Memorial Drive,
Augusta GA 30907**

RE: Lot 8, Shore View Subdivision (27 Hersey Drive)

NATURE OF VIOLATION

Violate Section(s) 64-1(c) of the Town's Code of Ordinances by allowing short-term rentals of less than thirty (30) days at the residential property

The respondent was not present.

Atty Baker advised that proper notice had not been given and the town requested that this item be pulled and heard at the next code enforcement hearing.

B. FINE ASSESSMENT/STATUS HEARING

CASE NO. CE#2007-022

**Thomas W. Perry III, 19 Harbour Drive South, Ocean
Ridge FL 33435**

**RE: Lot 48 & ABND Porter Street lying South of &
Adjacent Thereto (19 Harbour Drive South)**

NATURE OF VIOLATION

Violate Section(s) 67-174(a)(1) of the Town's Code of Ordinances by not maintaining the fence on his property

Atty Baker summarized that this case was brought before the Special Magistrate on Dec. 4, 2007 and the respondent was given through Dec. 5, 2007 to come into compliance. She stated that the officers noticed that the property was brought into compliance on January 7, 2008 without notification from the respondent. She added that the Town was still requesting the administrative recovery costs in the amount of \$107.92. She added that the recovery costs from the first meeting had still not been paid.

SPECIAL MAGISTRATE CODE ENFORCEMENT HEARING OF JAN. 8, 2007

Special Magistrate Donlon accepted the following Town exhibits: the Order Finding Violation with the attached receipt of hand delivery as #1, and the administrative recovery worksheet in the amount of \$107.92 as #2.

Special Magistrate Donlon stated that she did find there was proper notice and advised she would prepare an Order Assessing Fine assessing a \$50.00 per day fine covering the period of Dec. 6, 2007 through Jan. 6, 2008 and would include the administrative recovery costs in the amount of \$197.04 for the Dec. 4, 2007 hearing and \$107.92 to paid immediately for the Jan. 8, 2008 hearing and added that the property can be liened.

D. ADJOURNMENT

The meeting was adjourned at approximately 10:40 AM.

Town Clerk