

MINUTES
TOWN OF OCEAN RIDGE
SPECIAL MAGISTRATE/CODE ENFORCEMENT HEARING
May 6, 2008

Present: Jean Hallahan; Deputy Town Clerk, Ken Spillias, Town Atty, and Sgt. Eubanks.

Meeting called to order at approximately 10:00 A.M.

There was an audience.

A. ADOPTION OF MARCH 4, 2008 AND APRIL 1, 2008 MINUTES

The minutes were approved.

B. FINE ASSESSMENT/STATUS HEARING

CASE NO. CE#2008-009

Fernando Carmons and Shelby St. James, 6780 N. Ocean Blvd., Ocean Ridge FL 33435

RE: Lot 43, McCormick Mile Subdivision (6780 N Ocean Blvd.)

NATURE OF VIOLATION

Violate Section/s 34-6(a) and 34-1 of the Town's Code of Ordinances by allowing the grass and weeds to grow in excess of 12 inches, and by allowing the existence of a public nuisance on their property. The coconuts need to be cut from the palm tree next to the sidewalk, as falling coconuts create a safety hazard for pedestrians

Atty Spillias summarized the case by stating that the property was overgrown. He added that Sgt. Eubanks will testify that the violation has not been corrected in full. He produced a copy of the order showing an attempt to serve the property owner.

Sgt. Eubanks stated that she had inspected the property on April 11th, 2008 and again on May 6, 2008 and found it still in violation. For safety reasons, the Town had removed the coconuts, but that the property was still overgrown in excess of 12 inches and needed to be brought into compliance.

Gerard Scals, SafeGuard Properties, stated that their company provides property preservation of foreclosure and pre-foreclosure properties. Their company was hired by the bank to maintain this property and would be willing to comply with any actions requested of the town. He believed that this property was in the stages of foreclosure. Sgt. Eubanks confirmed that her last conversation with the bank, she was informed that this property was in foreclosure.

Atty. Spillias stated that the Town was seeking a \$250 daily fine effective May 7th, 2008, and reimbursement for the administrative costs in the amount of \$204.87.

SPECIAL MAGISTRATE CODE ENFORCEMENT HEARING OF MAY 6, 2008

Special Magistrate Donlon accepted the following Town exhibits: Code Enforcement Order Finding Violation as #1; One photo page dated May 6, 2008 as #2, and the administrative recovery worksheet in the amount of \$204.87 as #3.

Mr. Scals assured the Town that the bank was willing to comply and correct the code violation.

Special Magistrate Donlon stated that she did find there was proper notice and advised that the owner shall be fined \$250 per day commencing with May 7, 2008, and the administrative recovery costs in the amount of \$204.87 is to be paid immediately and the Town may file a lien on the property.

C. VIOLATION HEARING

CASE NO. CE#2008-010

Michael S. DuBose and Sharon DuBose, 32 Oceanview Drive, Ocean Ridge FL 33435

RE: Palm Beach Shore Acres Blks A,B,&Z E 100' of W 450' of N 65.28' of Lot 18, Blk A (32 Oceanview Drive)

NATURE OF VIOLATION

Violate Section/s 67-52 of the Town's code of ordinances by suspending or abandoning the authorized work for a period of six months after the time the work is commenced

Atty Spillias stated requested that this case was in compliance, as a permit had been pulled and a renewal fee paid awaiting approval.

CASE NO. CE#2008-011

Michael J. Cudahy, 5727 Old Ocean Blvd., Ocean Ridge FL 33435

RE: Ocean Shore Estates (UNREC) Lot 1 & UND 1/52 Int in Lot B (5727 Old Ocean Blvd.)

NATURE OF VIOLATION

Violate Section/s 67-51 of the Town's Code of Ordinances by installing a staircase on the property without obtaining a permit

Atty. Spillias summarized the violation and stated that the property was not in compliance and submitted a copy of the order and a receipt, along with an affidavit of violation. Atty. Spillias asked for the violation to be brought into compliance within 10 days, and failure to do so for the fine to be up to \$250 per day.

Sgt. Eubanks reported that on February 14th, 2008, Sgt. Hallahan observed that stairs had been installed without a permit and she also observed the violation and took photographs. The replacement stairs were missing railings, and she felt that this caused a safety issue.

Gail Aaskov, stated that she was part owner of the neighboring property to the south, and stated that these new stairs were encroaching onto their property, along with a deck and part of a driveway. Sgt. Eubanks informed her that this was a separate issue and not part of this case.

SPECIAL MAGISTRATE CODE ENFORCEMENT HEARING OF MAY 6, 2008

Special Magistrate Donlon accepted the following Town exhibits: the Affidavit and Notice of Violation along with the copies of the proof of delivery as #1; five photographs taken February 14, 2008 depicting the new and existing stairs as #2, three photographs taken on May 2, 2008 as #3, and the administrative recovery worksheet in the amount of \$199.66 as #4.

Special Magistrate Donlon stated that she did find there was proper notice and the violation does exist and she would give the respondent up to 10 days from today to be compliant or a fine of up to \$250 per day may be assessed at the Fine Assessment Hearing that will be scheduled for June 3, 2008 if they did not comply within that time frame. She also stated that the administrative recovery costs in the amount of \$199.66 shall be paid within 10 days.

Before adjournment, Sgt. Eubanks noted that Ms. Cavanaugh was present in the audience for a code violation case that was inadvertently not scheduled for this session. She apologized to Ms. Cavanaugh and presented her with her notice of violation, and stated that this would be brought up at the next code enforcement meeting.

C. ADJOURNMENT

The meeting was adjourned at approximately 10:25 AM.

Deputy Town Clerk