

MINUTES
TOWN OF OCEAN RIDGE
SPECIAL MAGISTRATE/CODE ENFORCEMENT HEARING
March 3, 2009

Present: Karen Hancsak; Town Clerk, Keri-Ann Baker, Town Atty, and Sgt. Eubanks.

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

No respondents were present and staff intending on providing testimony were sworn in.

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.

A. ADOPTION OF NOVEMBER 4, 2008

The minutes were adopted as written.

B. VIOLATION HEARING

CASE NO. CE#2009-003

**Joseph Romano, 6011 N Ocean Blvd., Ocean Ridge FL
33435**

RE: Lot 9 Shore View Subdivision (29 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 a
residential property

Atty Baker summarized the violation and stated that the property owner has advertised the subject for \$500 per night or \$3,800 weekly which is prohibited by Town Code.

Sgt. Eubanks testified that while checking the short term rentals on the internet she discovered that 29 Hersey Drive was being advertised for daily, weekend, and weekly rates. She added that she recognized the home because of the unusual pool. She submitted computer printouts, photos, and photos taken by her. She added that the telephone listed on the advertisement is the same as a cell phone number she had previously used to call the respondent in the past but it is now temporarily disconnected.

Special Magistrate Donlon accepted the following Town exhibits: the Affidavit and Notice of Violation with the hand delivery receipt, along with a copy of the ordinance as #1; Property Appraiser printout showing ownership as #2; computer printouts with photographs as #3; photographs taken by Sgt. Eubanks as #4; the computer printout dated this date as #5; and the administrative recovery sheet in the amount of \$261.80 as #6.

Special Magistrate Donlon questioned whether the police had observed the residence being used as a rental or if any of the neighbors reported different people occupying the dwelling, or if the resident advised they were renting. Sgt. Eubanks advised that she had

not actually observed it being used a rental and had no information from the neighbors. Sgt. Eubanks did advise that when the notice was delivered to Mrs. Romano she stated that she was aware of the code and when she spoke with Mr. Romano on Feb. 24th he advised that he was not advertising less then 30 days. She added that she then advised Mr. Romano that his advertisement needed to be updated to reflect minimum of 30 days at which time he became upset and accused the police department of harassment.

In closing Atty Baker stated that the respondent was advertising for less than 30 days and there was no reason to do so unless they were trying or actually renting it for the time periods quoted. She requested that the property be found in violation, be given one week to come into compliance failing which would constitute a \$50 daily fine, and also asked for reimbursement of the administrative recovery costs in the amount of \$261.80.

Special Magistrate Donlon clarified the outcome of a similar case and then stated that because of the unique facts in this case she was requesting that the Town present a legal type brief providing proof that would actually give her authority to rule in the Town's favor. She requested the documentation by Monday, March 9, 2009.

C. ADJOURNMENT

The meeting was adjourned at approximately 10:20 AM.

Town Clerk