

MINUTES
TOWN OF OCEAN RIDGE
SPECIAL MAGISTRATE/CODE ENFORCEMENT HEARING
August 4, 2009

Present: Karen Hancsak; Town Clerk, Darren Leiser, Town Atty., Lt. Yannuzzi and Sgt. Eubanks.

Meeting called to order at approximately 10:15 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 intending on providing testimony were sworn in.

A. ADOPTION OF JULY 7, 2009

The minutes were adopted as written.

B. STATUS/FINE ASSESSMENT HEARING

**CASE NO. CE#2009-015 Malgorzata and Nicholas Chimienti, 6230 N
Ocean Blvd., Ocean Ridge FL 33435
RE: Lot 9, Blk 2, Boynton Beach Park
Subdivision (41 Coconut Lane)**

NATURE OF VIOLATION

Violate Section/s 67-174(a)(1)(2) of the Town of Ordinances by not maintaining the property

The respondent, Margaret Chimienti, was not present.

Atty. Leiser summarized that the property owner was found to be in violation and an Order Granting Continuance was issued to allow the respondent to provide an update regarding the short sale of this property. He advised that the Town is willing to grant another continuance until the Sept. 1, 2009 meeting.

Special Magistrate Donlon accepted the following Town exhibits: a copy of the Order Assessing Fine and Granting Continuance with the proof of delivery as #1; and the documents provided as an update from Bank of America as #2.

Special Magistrate Donlon stated that she did find there was proper notice and the violation continues to exist and she would grant another continuance until the Sept. 1, 2009 meeting. The Town was not seeking administrative recovery costs for this meeting.

CASE NO. CE#2009-011 POM Properties LLC, 4783 North Congress Ave., Boynton Beach, FL 33426

RE: Palm Beach Shore Acres Blks A,B,&Z Lot 17 LYS WLY of & ADJ to Ocean Blvd. R/W (less W 748') Blk A (5006 Old Ocean Blvd.)

NATURE OF VIOLATION

Violate Section/s 67-174(a)(1), 67-175(a)(8)(10), 67-175(a)(8), 67-175(a)(10), 67-174(a)(1)(2)(b), 67-177(a)(3)(b)(1), 67-177(b)(1), 67-174(a)(1)(b), 67-177(a)(1)(2)(3)(b)(1) of the Town's Code of Ordinances by not maintaining the property such as electrical rusting issues, deterioration, junk and debris on site, etc.

Atty Leiser commented that the respondent was not present but he has attempted partial compliance. He was requesting that the property still be found in non-compliance and a \$25 daily fine be imposed from July 17, 2009 along with assessment of the administrative recovery costs.

Sgt. Eubanks testified that she re-inspected the property and found that it was still not in full compliance and submitted photographs taken this date.

Special Magistrate Donlon accepted the following Town exhibits: two photographs dated 8/3/09 as #1; a copy of the Final Order with the proof of delivery as #2; and the administrative recovery costs in the amount of \$266.85 as #3.

Special Magistrate Donlon stated that she did find there was proper notice and the violation continues to exist. She stated she would impose a \$25 daily fine commencing July 18, 2009 each day the violation continues to exist. She added that the administrative recovery costs in the amount of \$266.85 must be paid immediately and the property may be lienied at this time.

Special Magistrate Donlon was advised that Case No.'s 2009-020, 022, 023, and 031 will be postponed until the Sept. 1, 2009 meeting. She was also advised that Case No. 2009-014 was brought into compliance.

B. VIOLATION HEARING/S

CASE NO. CE#2009-032

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

RE: Lots 7 and 8, Blk 5, Amended Plat of Boynton Sub (6011 North Ocean Blvd.)

NATURE OF VIOLATION

Violate Section/s 424.17 through 424.2.17.1.9 of the Florida Building Code by not providing a pool barrier for their pool

The respondent was not present.

Atty Leiser advised that Sgt. Eubanks would provide testimony. He requested the property be found in violation and brought into compliance by Aug. 28, 2009 failing which would impose a \$100 daily fine citing a safety hazard. He added that they have been cited for this before. He also requested that the Town be reimbursed for the administrative recovery costs.

Sgt. Eubanks testified that she received a complaint and observed no pool barrier. She subsequently left a door hanger advising of the violation. On July 11, 2009 she re-inspected the property and observed a barrier of only vegetation and a gate that does not lock. She added as a point of information that in on Jan. 11, 2008 she observed the same violation of no pool barrier and spoke with the resident and on Jan. 29, 2008 she issued a Notice of Violation and a barrier was erected thereby bringing the violation into compliance prior to the hearing. She stated she observed the barrier missing again in November 2008 and issued a Notice of Violation and again it was brought into compliance on Nov. 30, 2008 prior to the meeting.

Special Magistrate Donlon accepted the following Town exhibits: the Property Appraiser showing proof of ownership as #1; 2 photographs taken on July 13, 2009 as #2; the returned Certified Mail envelope as #3; the Affidavit of Service and Notice of Violation with the hearing date as #4; photographs taken on Aug. 4, 2009 as #5; and the administrative recovery sheet in the amount of \$266.85 as #6.

Special Magistrate Donlon questioned how quick the violation can be brought into compliance to which she was advised that the fence just needs to be placed back into the existing holes. She stated that she did find there was proper notice and that a violation exists and the respondents would be given until August 13, 2009 to be brought into compliance. Failure to do so could result in a fine of up to \$250 per day and that the Town is entitled to the administrative recovery costs in the amount of \$266.85 to be paid in full by Aug. 13, 2009. A Fine Assessment/Status Hearing is set for Sept. 1, 2009 at 10 AM.

C. ADJOURNMENT

The meeting was adjourned at approximately 10:40 AM.

Town Clerk