

MINUTES  
TOWN OF OCEAN RIDGE  
SPECIAL MAGISTRATE/CODE ENFORCEMENT HEARING  
December 7, 2010

Present: Karen Hancsak; Town Clerk, Keri-Ann Baker, Town Atty., and Lt. Hutchins.

Meeting called to order at approximately 10:07 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.

Atty Baker requested to address Case No. CE#2010-020 as there was a member of the public present regarding this case.

**A. ADOPTION OF NOVEMBER 2, 2010**

Special Magistrate Donlon adopted the minutes as presented.

**B. STATUS/FINE ASSESSMENT HEARING**

**CASE NO. CE#2010-20 Gary Kafka and Sondra Pastore, 40 Hibiscus Way, Ocean Ridge FL 33435**  
**RE: Lot 21, Ocean Ridge Beach (40 Hibiscus Way, Ocean Ridge)**

**NATURE OF VIOLATION**

Violate Section/s 67-174(a)(1) of the Town's Code of Ordinances by allowing grass and weeds in excess of 12" in height on his property

The respondent was not present.

Atty Baker commented that at the November meeting they were issued an Order Finding Violation. She stated that the property is in partial compliance only because some of the grass has died. She stated the Town was seeking a \$50 daily fine until compliance is met, along with the original \$277.38 administrative costs and the new administrative recovery costs in the amount of \$277.38. She added that there are multiple violations on this property.

Special Magistrate Donlon accepted the following Town exhibits: a copy of the Final Order with the proof of delivery as #1; 3 pages of photographs taken Dec. 7, 2010 by Lt. Hutchins as #2; and the administrative recovery costs in the amount of \$277.38 as #3.

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Lt. Hutchins testified that he inspected the property and took photographs depicting that some of the grass had died, thereby creating a blight, and some areas were clearly overgrown.

Special Magistrate Donlon stated that she did find there was proper notice and the violation continues to exist. She stated she would impose a \$50 daily fine commencing Nov. 13, 2010 each day the violation continues to exist. She added that the administrative recovery costs in the amount of \$277.38 must be paid immediately and the property may be liened at this time to include the 1<sup>st</sup> hearing \$277.38 administrative recovery costs.

Nancy Hogan, 37 Hibiscus Way, commented that she comes to most of the meetings relating to this property so that her comments may be placed into the record. She commented on other violations such as the pool being in an unsafe condition for over a year, the porch was falling down, the raised elevation of the house with the concrete deck, and planting of hedges (which she stated causes water flowing onto her property thereby damaging her seawall). She added that she felt the Town was not doing their due diligence by contacting the foreclosure bank or attorney representing the bank.

**CASE NO. CE#2010-019      Wilson S. Wengert, 6 Sabal Island Drive, Ocean Ridge FL 33435**

**RE:    Lot 6, McCormick Mile Subdivision (6 Sabal Island Drive, Ocean Ridge)**

**NATURE OF VIOLATION**

Violate Section/s 34-1 and 67-174(a)(1) of the Town's Code of Ordinances by allowing grass and weeds in excess of 12" in height on his property

The respondent was not present.

Atty Baker commented that at the November meeting they were issued an Order Finding Violation. She stated that the property is in partial compliance only because some of the grass has died. She stated the Town was seeking a \$50 daily fine until compliance is met, along with the original \$266.30 administrative costs and the new administrative recovery costs in the amount of \$271.84.

Special Magistrate Donlon accepted the following Town exhibits: a copy of the Final Order with the proof of delivery as #1; 3 pages of photographs taken Dec. 7, 2010 by Lt. Hutchins as #2; and the administrative recovery costs in the amount of \$271.84 as #3.

Lt. Hutchins testified that he inspected the property and took photographs showing the property still in violation of being overgrown.

Special Magistrate Donlon stated that she did find there was proper notice and the violation continues to exist. She stated she would impose a \$50 daily fine commencing Nov. 13, 2010 each day the violation continues to exist. She added that the

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administrative recovery costs in the amount of \$271.84 must be paid immediately and the property may be liened at this time to include the 1<sup>st</sup> hearing \$266.30 administrative recovery costs.

**C. ADJOURNMENT**

The meeting was adjourned at approximately 10:20 AM.

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Town Clerk