

MINUTES
TOWN OF OCEAN RIDGE
SPECIAL MAGISTRATE/CODE ENFORCEMENT HEARING
FEBRUARY 3, 2015

Present: Karen Hancsak; Town Clerk, Kathryn Rossmell, Town Atty., Officer Kurz, and Lt. Hutchins.

Meeting called to order at approximately 10:05 A.M.

Special Magistrate Barbara Alterman 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 and Respondent would present their case and she would render a decision and issue a Final Order or Order of Assessment.

Everyone planning on providing testimony were sworn in.

A. ADOPTION OF JANUARY 6, 2015 MINUTES

The minutes were adopted.

C. FINE ASSESSMENT/STATUS HEARING

**CASE NO. CE#2014-022 March Lacho, 87 Island Drive So, Ocean Ridge
FL 33435**

**RE: Lot 87, McCormick Mile Addition No 1
Subdivision (87 Island Drive So)**

NATURE OF VIOLATION

Violate Sections 67-174, 67-175 of the Town's Code of Ordinances by not maintaining the property. The exterior of all structures on premises are not maintained causing a blighting influence on neighborhood properties. The exterior walls are not anchored. Pool contains green water

The Respondent was present.

Atty Rossmell summarized the violations and advised that a sufficient pool barrier was erected on February 2, 2015 (3 days beyond the compliance date of Jan. 29th). She stated the Town has agreed to extend the compliance date for the building permit submittal until Feb. 25th. She requested that the Fine Assessment include \$150.00 (3 days of non-compliance), one half of the administrative recovery costs in the amount of \$169.81, and an extension of the building permit submittal until Feb. 25th with a new Status Hearing scheduled for March 3rd.

Special Magistrate Alterman accepted the following Town exhibits: photographs of the pool barrier fence as #1; a copy of the Final Order and the returned certified mail as #2; and the administrative recovery cost worksheet in the amount of \$\$339.63 as #3.

Town Clerk Hancsak testified that the Town was willing to extend the permit submittal date because the Zoning Official had written a letter and met with Mr. Lacho regarding the grandfathered status of the remaining walls. She added that at the meeting Mr. Lacho had not made a definite decision regarding whether to submit earlier plans for a single story addition/renovation, or a two story addition/renovation or possibly demolish the entire structure to avoid the daily fines, so she felt that the Feb. 25th permit submittal was necessary to ensure that the project would keep moving forward.

Mr. Lacho thanked the staff for working with him and he was satisfied with the attorney's recommendations.

Special Magistrate Alterman advised that there was proper notice, and that while the pool barrier is now in compliance there were 3 days of non-compliance or \$150.00 due by Feb. 25, 2015, the respondent must submit the proper building permit application/s by Feb. 25, 2015 failing which could commence a \$50.00 daily fine, and ½ of the administrative recovery costs in the amount of \$169.81 must be paid by Feb. 25. She added that a Fine Assessment/Status Hearing is scheduled for March 3, 2015.

**CASE NO. CE#2014-023 Polar Palm Properties, LP, 11 Douglas Drive,
Ocean Ridge FL 33435
RE: Palm Beach Shore Acres, Blk A, B & Z of
Lots 18-20, Blk A lying between Oceanview
Drive and Douglas Dr (1-16 Douglas Drive)
NATURE OF VIOLATION**

Violate Section/s 67-177(a)(1) of the Town's Code of Ordinances by failing to maintain a safe and sanitary septic system for the tenant residents at this location. The Owner(s) have knowledge of the required repairs and have failed to make the necessary repairs since Sept. 9, 2014. As a result of failing to maintain, the septic system; which is buried in front of Unit 11, is seeping sewage through the ground and surfacing on the sidewalk and grassy common. The seepage is causing a green discoloration to be present on the ground's surface and is also causing a very strong odor of raw sewage

A representative of the Respondent was present.

Atty Rossmell summarized the violation and Final Order.

SPECIAL MAGISTRATE CODE ENFORCEMENT HEARING OF FEB. 3, 2015

Special Magistrate Alterman accepted the following Town exhibits: a copy of the Final Order and certified mail receipt as #1, and the administrative cost recovery sheet in the amount of \$286.49 as #2.

Ms. Annette Lyons, property manager for Polar Bear Properties, stated that on Jan. 26th they received comments back from the Health Dept and their engineer addressed some of their concerns on Jan. 28th. They did not feel they should be assessed any fines since they were progressing.

Special Magistrate Alterman accepted the following Respondent exhibits: the letter dated Jan. 26, 2015 from the Health Dept. and the response by their civil engineer (Reliable Drainfield Design) on Jan. 28, 2015 as #1.

Atty Rossmell recommended a Feb. 25, 2015 completion date or schedule the Status Hearing to determine if substantial progress has been achieved. She also felt the administrative recovery costs were justified because the initial application for the new septic system was not applied for until Dec. 22, 2014 and this hearing still had to take place.

Special Magistrate Alterman did find that there was proper notice and the violation continues to exist, however; there has been progress. She stated that her Order would include compliance by Feb. 25, 2015, failing which would begin a \$50.00 daily fine. She also stated that the Respondent must pay \$143.24 (1/2 of the administrative costs) by Feb. 25, 2015. A Status Hearing will be held on March 3, 2015 if necessary.

CASE NO. CE#2014-027 Bill Morris, owning the property at 2 Coconut Lane, Ocean Ridge FL 33435

RE: Lot 3, Block 2, Boynton Beach Park Subdivision (2 Coconut Lane)

NATURE OF VIOLATION

Violate Section/s 34-6(a) of the Town's Code of Ordinances by failing to clear the rubbish and related trash therefore allowing the nesting of mice, rats or other rodents and failing to maintain a neat and orderly appearance of the property

The Respondent was not present.

Atty Rossmell summarized the violation and the Final Order. She added that the administrative costs from the first hearing have not been paid.

Officer Kurz testified that he inspected the property and took photographs on Feb. 3, 2015 and the property was still in violation. He added that evidently someone mows the front of the property (possibly a neighbor) but nothing else is maintained.

SPECIAL MAGISTRATE CODE ENFORCEMENT HEARING OF FEB. 3, 2015

Special Magistrate Alterman accepted the following Town exhibits: a copy of the Final Order and returned certified and regular mail as #1; photographs taken this day as #2; and the administrative recovery cost sheet in the amount of \$287.62 as #2.

Special Magistrate Alterman advised that she did find there was proper notice and the violation continues to exist. She would prepare an Order on Fine Assessment to include a \$50.00 daily fine beginning on Jan. 29, 2015 until brought into compliance. She would include the administrative recovery costs for both the Jan. 6, 2015 hearing in the amount of \$287.62 and also the Feb. 3, 2015 hearing in the amount of \$287.62 to be paid immediately.

**C. VIOLATION HEARING
CASE NO. CE#2014-035**

**Doug Hauck & Land Trust Service Corp TR
TITL HLDR, 125 Marlin Drive, Ocean Ridge FL
33435**

**RE: Lot 125, McCormick Mile Addition No 1
Subdivision (125 Marlin Drive)**

NATURE OF VIOLATION

Violate Section/s 66-151(b)(7) of the Town's Code of Ordinances by failing to cut/trim/remove the trees or vegetation in violation

The Respondent was not present.

Atty Rossmell summarized the violation by stating the respondent was cited under Section 66-151(b)(7) by failing to cut/trim/remove the trees or vegetation in violation. She advised that Officer Kurz originally observed the violation on 9/17/14. She requested that there be a finding of proper notice, a finding that the violation existed and still exists, the Town be reimbursed for the administrative recovery costs, and that the respondent be given until Feb. 25, 2015 for compliance failing which a \$50 daily fine should commence.

Officer Kurz testified that he originally observed the violation Sept. 17, 2014. He stated he left a letter of the violation on Oct. 24, 2014 and also left a telephone message for the owner to call with negative results. On Dec. 16, 2014 he inspected the property again and tried to contact the owner with negative results so on Dec. 19, 2014 he posted and mailed an Affidavit and Notice of Violation. On Dec. 19, 2014 he received a phone message and spoke with the owner and advised him of the completion date by Jan. 29, 2015. He stated that the Palm Tree on the property is still in violation in the front yard on the south side.

Special Magistrate Alterman accepted the following Town exhibits: The Affidavit and Notice of Violation, code section, Property Appraiser Ownership Sheet, and certified mail receipt as composite #1; police reports as #2; photographs taken on 2/3/15 as #3; and the administrative recovery cost sheet in the amount of \$287.62 as #4.

SPECIAL MAGISTRATE CODE ENFORCEMENT HEARING OF FEB. 3, 2015

Special Magistrate Alterman advised that she did find there was proper notice and that the violation existed and continues to exist. She stated she would prepare a Final Order requiring full compliance by Feb. 25, 2015 failing which a \$50.00 daily fine would begin. She also would include that the Town be reimbursed the \$287.62 administrative recovery costs by Feb. 25, 2015. A Fine Assessment/Status Hearing is scheduled for March 3, 2015 if necessary.

D. ADJOURNMENT

The meeting was adjourned at approximately 10:50 AM.

Town Clerk