

MINUTES
TOWN OF OCEAN RIDGE
SPECIAL MAGISTRATE/CODE ENFORCEMENT HEARING
OCTOBER 3, 2017

Present: Town Attorney Brian Shutt, Town Clerk Tracey Stevens, and Officer Plesnik.

The meeting was called to order at 10:05 A.M. by Special Magistrate Ashton.

Special Magistrate Jennifer Ashton explained the hearing process, noting that the town will call the cases as they appear on the agenda. Once the case is called, the Town will present evidence first, and then the respondent will have the opportunity to see the evidence and ask any questions, and then the respondent will provide testimony and evidence. Once all of the evidence and testimony has been concluded, the Special Magistrate will make a ruling, and the town and respondent will receive the written order in the mail within the next few days. This is not meant to be a formal court room and formal rules of evidence do not apply.

All those persons planning on providing testimony were sworn in by Special Magistrate Ashton.

A. ADOPTION OF SEPTEMBER 6, 2016 MINUTES

The Code Enforcement Hearing Minutes of September 6, 2016 were adopted as amended by Special Magistrate Ashton.

B. VIOLATION HEARING

**CASE NO. CE#2017-002 Bill Morris, 2 Coconut Ln, Ocean Ridge, FL
33435**

**RE: BOYNTON BEACH PARK LT 3 BLK 2
(2 Coconut Ln)**

NATURE OF VIOLATION

Violate Section 67-174 (c) of the Town's Code of Ordinances due to improper maintenance of property with grass and weeds in excess of 12 inches.

Town Attorney Shutt called Officer Nubia Plesnik to testify, and asked her a series of questions.

Officer Plesnik testified that she was patrolling the area on July 30th when she noticed that the property had grass and weeds above 12" which is a violation of town code. She stated she attempted to reach the representative of the property at that time and left a message. She stated that on August 2nd she attempted to notify the property representative again and left a message. She stated that on August 30th she made contact with them, and gave them until September 1st to correct the violation. She stated that pictures have been taken of the property since then, and she took some new photos of the property today and presented them with the exhibits. She noted that the violation still

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exists as of today. She stated that the property was posted on September 5th as we were not able to provide service and receive return service from Mr. Morris. Officer Plesnik stated she made contact with Marina Barturen who is the Lawyer/Representative for the property and Ms. Barturen is aware that there is a violation and it needs to be corrected or there would be a code enforcement hearing today.

Special Magistrate Ashton asked if today's violation is just about the grass or is it also about other landscaping on the property. Officer Plesnik stated that the property needs to be cleaned up, and the violation is in reference to maintenance of property. She stated that Ms. Barturen is aware of the violations which includes more than just the grass.

Special Magistrate Ashton accepted the following Town exhibits into evidence without objection: Affidavit and Notice of Violation as #1, Affidavit of Service as #2, Police Reports as #3, Property Appraiser Property Detail Sheet as #4, Town Code Section 67-174 as #5, the Town's Cost Recovery Calculation Worksheet as #6, and photographs of the property as #7 including an addendum of color photos submitted today.

Town Attorney Shutt stated that the Town is requesting recovery of the prosecution costs in the amount of \$256.39 payable within 10 days of the date of the order, and we are also seeking compliance to be obtained within 10 days, or a \$250 per day fine to be assessed, as we have had past history with this property.

Special Magistrate Ashton stated that we will hold a Fine Assessment/Status hearing on November 7th if compliance is not achieved. She stated that if it becomes a health/safety issue, the Town can bring the matter back before her.

Special Magistrate Ashton advised that her final order would reflect that notice is good and sufficient, there is an affidavit of service by posting of notice of violation and posting of hearing, there has been actual contact with an Attorney or Representative for the owner, she is going to order that the respondent come into compliance within 10 days from today's date which will be on or before October 13th, and if compliance is not achieved by that date, there will be a \$250 per day fine that will be imposed that will run until compliance is achieved. A fine assessment hearing has been scheduled for November 7th if needed, and the Town's administrative costs for today's hearing have been awarded in the amount of \$256.39 to be paid within 10 days from today's date.

D. ADJOURNMENT

The meeting was adjourned at 10:18 a.m.

Minutes were adopted on November 7, 2017.

ATTEST:



Tracey L. Stevens, Town Clerk