

**TOWN OF OCEAN RIDGE, FLORIDA
SPECIAL MAGISTRATE CODE ENFORCEMENT
HEARING TUESDAY, JANUARY 9, 2024
10:00 A.M.
TOWN HALL COMMISSION CHAMBERS**

***** AGENDA *****

A. ADOPTION OF THE NOVEMBER 7, 2023 MINUTES

- B. CASE NO. 2023-013 TURTLE BEACH OF OCEAN RIDGE CONDO ASSN.
5101 N OCEAN BLVD, OCEAN RIDGE, FL 33435
RE: PALM BEACH SHORE ACRES BLKS A, B &
Z TH PT OF LTS 14 & 15 BLK A LYG E OF & ADJ
TO OLD OCEAN BLVD & PALM BEACH SHORE
ACRES BLKS A, B & Z TH PT OF LT 16 LYG E OF
OLD OCEAN BLVD (LESS S 5 FT) BLK A
NATURE OF VIOLATION
SEC 70-6 Beach Signs**

C. ADJOURNMENT

Please be advised that if a person decides to appeal any decisions with respect to any matter considered at this meeting, such person will need to ensure that a verbatim record includes the testimony and evidence upon which the appeal is based. The Town neither provides nor prepares such record.

The Town of Ocean Ridge is holding all meetings in-person, with an additional option of listening to the audio live. Any person wishing to listen to the audio live can access the feed on the date and time of the meeting by dialing [+1 \(571\) 317-3122](tel:+15713173122) and using [910-698-933](tel:910698933) as the access code. You may also attend from your computer, tablet or smartphone by using the following link: <https://meet.goto.com/OceanRidge/code-enforcement-meetings-2022>

Persons that are unable to attend the meeting in person may submit public comments to be read into the record by emailing the Town Clerk a minimum of one business day prior to the meeting at Kavery@oceanridgeflorida.com or calling Town Hall during business hours before the meeting date and time and providing your comment to the Town Clerk.

Persons who need an accommodation in order to attend or participate in this meeting should contact the Town Clerk at 561-732-2635 at least 5 days prior to the meeting in order to request such assistance.

COMMUNITY STANDARDS SPECIAL MAGISTRATE TOWN OF OCEAN RIDGE

PAGE 1 OF 2

CE CASE NO.: CE 2023-013

AFFIDAVIT AND NOTICE OF VIOLATION

STATE OF FLORIDA
COUNTY OF PALM BEACH

THE UNDERSIGNED CERTIFIES AND SWEARS that he(she) has just and reasonable grounds to believe and does believe that on 12/13/2023, at 0900 hours, the Respondent(s),
Turtle Beach of Ocean Ridge Condo Assn Inc owner(s) of the property
located at 5101 N. Ocean Blvd., Ocean Ridge, FL 33435, did violate
Section(s) 70-9 of the Town's
Code of Ordinances by:

Both signs at the north and south end of the property are not at the toe of the dune and they are double sided, facing both east and west. Sub Section 1 of the ordinance states "Signs are not allowed to be erected or placed on the beach seaward of the toe of the frontal dune, mean high-water line, erosion control line, or toe of a seawall, whichever is more landward." Sub Section 7 states "The face of the signs shall either face to the east or to the west."

This violation notice is base upon: ☒ personal observation/investigation, ☐ or upon a witness
Affidavit (check one or both); Witness Affidavit, if any, must be attached hereto. The legal description of the property where the violation occurred is PALM BEACH SHORE ACRES BLKS A, B & Z TH PT OF LT 16 LYG E OF OLD OCEAN BLVD (LESS 6 5 FT) BLK A and PALM BEACH SHORE ACRES BLKS A, B & Z TH PT OF LTS 14 & 15 BLK A LYG E OF & ADJ TO OLD OCEAN BLVD
Pursuant to Town Code Section(s) 70-9,
and Chapter 162, Florida Statutes, the violation(s) must be corrected within 10 calendar days from the receipt of this notice, failing which this matter shall be heard by a Community Standards Special Magistrate at Town Hall, 6450 N Ocean Blvd., Ocean Ridge, FL 33435, Telephone 561-732-2635, at 10:00 A.M. on 01/02/2024.

If unsure as to how to correct the violation, contact the undersigned Code Enforcement Officer Immediately.

YOU ARE HEREBY ORDERED to appear and answer the above charges. Your failure to appear may result in the Special Magistrate proceeding in your absence.

AFFIDAVIT AND NOTICE OF VIOLATION

PAGE 2 OF 2

CE CASE NO.: CE 2023-013

To avoid a hearing in this case, it is your obligation to notify the undersigned Community Standards Officer of compliance on or before 12/23/2023 at the Town of Ocean Ridge 561-732-2635.

If you are found in violation of the Town Code, the Special Magistrate has the legal authority to levy fines of up to \$250.00 a day against you and your property for every day that any violation continues beyond the date set in an order of the Special Magistrate for compliance, or, in the case of a repeat violation, a fine of up to \$500.00 a day upon a finding that repeat violation has been committed. If a violation is found to be irreparable or irreversible in nature, a fine of up to \$5,000 may be imposed by the Special Magistrate as per F.S.162.09 (2)(a).

Should you desire, you have the right to obtain an attorney, at your own expense, to represent you before the Special Magistrate. You will have the opportunity to present witnesses as well as question witnesses against you prior to the Special Magistrate making a determination. You should be prepared, at the hearing, to present evidence concerning the amount of time you will need to correct the alleged violation should you be found in violation of the Town Code. If you wish to have witnesses subpoenaed or if you have other questions, you may contact the Town Clerk's Office at 561-732-2635.

Any interested party seeking to appeal any decision of the Special Magistrate with respect to any matter considered at the hearing will need a record of the proceedings, and will need to ensure that a verbatim record of the proceedings is made, including the testimony and evidence presented.

If you need a special accommodation in order to attend the hearing, you must advise the Town Clerk's Office at 561-732-2635 at least thirty-six (36) hours prior to the hearing.

Printed: Aaron Choban

Signed: [Signature]
Community Standards Officer

The foregoing Affidavit and Notice of Violation was sworn to (or affirmed) and subscribed before me by means of physical presence this 13 day of December, 2023 by Aaron Choban, who is personally known to me to be a Community Standards Officer of the Town of Ocean Ridge, Florida, and who did take an oath.

Witness my hand and seal the day and year first written above.

(SEAL)



[Signature]
NOTARY PUBLIC, State of Florida
My Commission Expires: _____

Chapter 70 – SIGNS
ARTICLE I. – IN GENERAL.
Sec. 70-9. Beach signs.

(c) *Beach signs:* Notwithstanding any other provision of this Chapter 70, it shall be unlawful for any person to place, construct, or maintain a sign on the beach unless it conforms to the following criteria:

(1) Signs are not allowed to be erected or placed on the beach seaward of the toe of the frontal dune, mean high-water line, erosion control line, or toe of a seawall, whichever is more landward. "Frontal dune" for purposes of this section means the first natural or manmade mound or bluff of sand which is located landward of the beach, and which has sufficient vegetation, height, continuity, and/or configuration to offer protective value.

(2) Signs shall not contain any lights, reflection, or illumination and shall conform in all manner to all laws applicable to the protection of sea turtles.

(3) Signs shall be limited in size to 18 inches by 18 inches.

(4) Signs shall be placed at least 200 feet apart, or one (1) sign at each corner of the property's boundaries if a property line is less than 200 feet.

(5) Signs, and any associated supporting structure, column, upright pole, or brace, shall be white and shall be wood or PVC. The sign face may be vinyl covered aluminum.

(6) The text on the signs shall be professionally printed and the top of the signs shall not exceed six (6) feet from grade when posted.

(7) The face of the signs shall either face to the east or to the west.

(8) One (1) sign may be attached to or hung by rope or chain across the beach-side access (At or near the toe of the dune) of a privately owned dune crossover if the sign is otherwise, compliant with the requirements of subsections (2), (3), and (6) above.

(d) All persons desiring to erect a beach sign(s) shall apply for a building permit. Sufficient Information shall be provided to the Town identifying where the proposed sign(s) will be erected including, but not limited to, a survey. If a permit is required from any other regulatory agency, the Town shall require proof of such regulatory agency permit(s) prior to issuing a building permit to erect a beach sign. The cost of the permit shall be set by Town Commission resolution.

(e) Upon the adoption of this Ordinance, all existing beach signs which do not conform to the requirements of this Ordinance shall be removed within thirty (30) days.

(f) Any sign or sign structure constructed or installed under the provisions of this article shall be

Property Detail

Location Address SAILFISH LN
 Municipality OCEAN RIDGE
 Parcel Control Number 46-43-45-34-05-001-0151
 Subdivision PALM BEACH SHORE ACRES BLKS A,B & Z
 Official Records Book Page
 Sale Date
 Legal Description PALM BEACH SHORE ACRES BLKS A, B & Z TH PT OF LTS 14 & 15 BLK A LYG E OF & ADJ TO OLD OCEAN BLVD

Owner Information

Owners
 TURTLE BEACH OF OCEAN RIDGE
 CONDO ASSN INC

Mailing address
 5101 N OCEAN BLVD
 BOYNTON BEACH FL 33435 8711

Sales Information

Sales Date	Price	OR Book/Page	Sale Type	Owner
AUG-1986	\$2,180,000	04974 / 00314	DEED OF TRUST	
JAN-1984	\$100	04146 / 00067	CERT OF TITLE	
AUG-1983	\$2,500,000	04019 / 00109	WARRANTY DEED	

Exemption Information

No Exemption information available

Property Information

Number of Units 0
 *Total Square Feet 0
 Acres 0.3283
 Use Code 0900 - RESIDENTIAL COMMON AREA/ELEMENT
 Zoning RMM - MEDIUM DENSITY MULTI-FAMILY (46-OCEAN RIDGE)

Appraisals

Tax Year	2023	2022	2021
Improvement Value	\$0	\$0	\$0
Land Value	\$0	\$0	\$0
Total Market Value	\$0	\$0	\$0

*All values are as of January 1st each year***Assessed and Taxable Values**

Tax Year	2023	2022	2021
Assessed Value	\$0	\$0	\$0
Exemption Amount	\$0	\$0	\$0
Taxable Value	\$0	\$0	\$0

Taxes

Tax Year	2023	2022	2021
Ad Valorem	\$0	\$0	\$0
Non Ad Valorem	\$0	\$0	\$0
Total tax	\$0	\$0	\$0

Property Detail

Location Address TROPICAL DR
 Municipality OCEAN RIDGE
 Parcel Control Number 46-43-45-34-05-001-0221
 Subdivision PALM BEACH SHORE ACRES BLKS A,B & Z
 Official Records Book Page
 Sale Date
 Legal Description PALM BEACH SHORE ACRES BLKS A, B & Z TH PT OF LT 16 LYG E OF OLD OCEAN BLVD (LESS S 5 FT) BLK A

Owner Information

Owners
 TURTLE BEACH OF OCEAN RIDGE
 CONDO ASSN INC

Mailing address
 5101 N OCEAN BLVD
 BOYNTON BEACH FL 33435 8711

Sales Information

Sales Date	Price	OR Book/Page	Sale Type	Owner
AUG-1986	\$2,180,000	04974 / 00314	DEED OF TRUST	
FEB-1984	\$2,880,000	04158 / 00307	TAX DEED	

Exemption Information

No Exemption information available

Property Information

Number of Units 0
 *Total Square Feet 0
 Acres 0.1558
 Use Code 0900 - RESIDENTIAL COMMON AREA/ELEMENT
 Zoning RMM - MEDIUM DENSITY MULTI-FAMILY (46-OCEAN RIDGE)

Appraisals

Tax Year	2023	2022	2021
Improvement Value	\$0	\$0	\$0
Land Value	\$0	\$0	\$0
Total Market Value	\$0	\$0	\$0

*All values are as of January 1st each year***Assessed and Taxable Values**

Tax Year	2023	2022	2021
Assessed Value	\$0	\$0	\$0
Exemption Amount	\$0	\$0	\$0
Taxable Value	\$0	\$0	\$0

Taxes

Tax Year	2023	2022	2021
Ad Valorem	\$0	\$0	\$0
Non Ad Valorem	\$0	\$0	\$0
Total tax	\$0	\$0	\$0

Ocean Ridge Police Department



CAD Event Report

EVENT NUMBER: 230025729 **CASE NUMBER:** 2023-0167 **OPEN DATE:** 2023/09/15 12:43 **CLOSED DATE:** 2023/12/13 11:51

DISPATCHER: 510 SIMPSON, JESSICA **LOCATION:** 6450 N OCEAN BLVD **ZONE:** E

ADDRESS: 6450 N OCEAN BLVD **CITY:** OCEAN RIDGE **STATE:** FL **ZIP CODE:** 33435

REFERENCE: **LOCATION DETAILS:**

SIGNAL: BCHK **DESCRIPTION:** BEACH PATROL **PRIORITY:** **HOW CALL RECIEVED:** RADIO

RECIEVED: 2023/09/15 12:43 **DISPATCHED:** 2023/09/15 12:43 **ON SCENE:** 2023/09/15 12:43 **CLEARED SCENE:** 2023/09/15 13:57 **PRIMARY UNIT:** 541

NARRATIVE

<u>DATE:</u>	<u>TIME:</u>	<u>DISPATCHER:</u>	<u>NARRATIVE:</u>
2023/09/15	12:43	510	ATV 2206
2023/11/10	09:46	536	540: ON FOLLOW UP- REF COMPL ADV TURTLE BEACH
2023/11/10	09:46	536	IS STILL IN VIOLATION FOR BEACH SIGNS- AS THEY HAVE
2023/11/10	09:46	536	REPLACED THE OLD SIGN WITH ANOTHER SIGN
2023/11/10	09:47	536	THAT IS STILL IN VIOLATION XREF CAD # 23-31333
2023/11/10	12:23	588	541 & 559 ON FOLLOWUP
2023/11/23	14:52	510	541 OUT AT 6849 NOB ON FOLLOW UP
2023/11/23	15:04	510	541 OUT AT 6000 BLK OLD OCEAN BLVD
2023/11/23	15:14	510	541 OUT AT 5000 OLD OCEAN BLVD

VEHICLE INFORMATION

TAG NUMBER: **TAG STATE:** **TAG TYPE:** **VEHICLE:** **YEAR:** **MODEL:** **COLOR:**

UNITS

UNIT: 541 **DISPATCHED:** 2023/09/15 12:43 **ENROUTE:** 2023/09/15 12:43 **ARRIVED:** 2023/09/15 12:43 **CLEARED:** 2023/09/15 13:57

START TRANSPORT: **END TRANSPORT:** **STATION:**

UNIT: 559 **DISPATCHED:** 2023/09/15 12:47 **ENROUTE:** 2023/09/15 12:47 **ARRIVED:** 2023/09/15 12:47 **CLEARED:** 2023/09/15 13:57

START TRANSPORT: **END TRANSPORT:** **STATION:**

UNIT: 540 **DISPATCHED:** 2023/11/10 09:46 **ENROUTE:** 2023/11/10 09:46 **ARRIVED:** 2023/11/10 09:46 **CLEARED:** 2023/11/10 09:51

START TRANSPORT: **END TRANSPORT:** **STATION:**

UNIT: 541 **DISPATCHED:** 2023/11/10 12:22 **ENROUTE:** 2023/11/10 12:23 **ARRIVED:** 2023/11/10 12:23 **CLEARED:** 2023/11/10 14:34

START TRANSPORT: **END TRANSPORT:** **STATION:**

Ocean Ridge Police Department



CAD Event Report

<u>UNIT:</u>	<u>DISPATCHED:</u>	<u>ENROUTE:</u>	<u>ARRIVED:</u>	<u>CLEARED:</u>
559	2023/11/10 12:22	2023/11/10 12:23	2023/11/10 12:23	2023/11/10 12:35
<u>START TRANSPORT:</u>		<u>END TRANSPORT:</u>		<u>STATION:</u>

<u>UNIT:</u>	<u>DISPATCHED:</u>	<u>ENROUTE:</u>	<u>ARRIVED:</u>	<u>CLEARED:</u>
541	2023/11/23 14:52	2023/11/23 14:52	2023/11/23 14:52	2023/11/23 15:21
<u>START TRANSPORT:</u>		<u>END TRANSPORT:</u>		<u>STATION:</u>

PERSON INFORMATION

DISPOSITION

<u>UNIT #:</u>	<u>DISPO. CODE:</u>	<u>DESCRIPTION:</u>	<u>NARRATIVE:</u>
541	INSERV	DispositionDesc	
540	OPEN	DispositionDesc	THIS IS AN ACTIVE CASE. REC A COMP OF BEACH SIGNS. I HAVE TAKEN PHOTOS AND EMAILED THEM TO SGT ERMERI.
559	OPEN	DispositionDesc	AN INSPECTION OF THE BEACH SIGNS AT EITHER END OF TROPICAL DRIVE WAS CONDUCTED. DURING THE INSPECTION IT WAS FOUND THAT THE PROPERTY TO SOUTH OF TROPICAL DRIVE OWNED BY ELICIA B EVANS WAS IN COMPLIANCE WITH THE TOWN ORDINANCE. THE TURTLE BEACH SIGNS WERE NOT IN COMPLIANCE, THERE WERE TOO MANY. I WILL BE REACHING OUT TO THE HOA PRESIDENT TO INFORM HIM OF OUR FINDINGS.
541	OPEN	DispositionDesc	6897 N. OCEAN BLVD IS IN COMPLIANCE. 5006 OLD OCEAN BLVD (PARCEL) IS IN COMPLIANCE. 6000 OLD OCEAN BLVD NOT IN COMPLIANCE. TURTLE BEACH CONDO ASSOCIATION NOT IN COMPLIANCE. OPEN
559	CODE	DispositionDesc	559 REQ CASE # IN REF TO CASE ENFORCEMENT CASE



TOWN OF OCEAN RIDGE

6450 North Ocean Boulevard, Ocean Ridge, Florida 33435
(561) 732-2635 Main ♦ (561) 737-8359 Fax

Community Standards Special Magistrate Receipt of Affidavit

Code Enforcement Special Magistrate Affidavit and Notice of Violation Community Standards Case Number CE 2023-013, along with a copy of Town Code Section(s): 70-9 Beach Signs, were hand delivered to: Turtle Beach of Ocean Ridge Condo Ass of 5101 N. Ocean Blvd., Ocean Ridge, Florida 33435, on Dec. 13, 2023, by the undersigned Ocean Ridge Community Standards Officer Aaron Choban at 18:00 hours.

A handwritten signature in black ink, appearing to be "A. Choban", written over a horizontal line.

Signature of Community Standards Officer

A handwritten signature in black ink, appearing to be "John A.", written over a horizontal line.

Signature of Recipient

OFFENSE-INCIDENT REPORT

OCEAN RIDGE DEPARTMENT OF PUBLIC SAFETY

CASE INFORMATION - ORIGINAL

DESCRIPTION				JUVENILE?	GANG RELATED?	USE OF FORCE
INFORMATION				NO	NO	NO
EXACT TIME?	INCIDENT DATE/FROM	INCIDENT TIME/FROM	INCIDENT DATE TO	INCIDENT TIME TO	DAY OF WEEK	
NO	12/13/2023	09:00	12/13/2023	10:00		
SUPPLEMENT DATE	FROM DATE	TIME	TO DATE	TIME		
STATUS		CLEARED EXCEPTIONALLY			DATE CLEARED EXCEPTIONALLY	
ACTIVE						

OFFENSE INFORMATION

1	OFFENSE KNOWN	OFFENSE FDLE CODE				
	CHARGE TYPE	CHARGE SEVERITY			ORDINANCE #	STATE STATUTE
	ORDINANCE	LOCAL			70-9	
	STATUTE DESCRIPTION				COUNTS	INCREASED PENALTY
BEACH SIGNS						
TYPE OF CRIMINAL ACTIVITY(up to 3)				TYPE OF WEAPON FORCE (UP TO 3)		
				NONE		
SUSPECTED OF USING				ATTEMPTED		
N/A				COMPLETED		
HATE CRIME	BIAS MOTIVATION FOR HATE CRIME			CARGO THEFT	CHILD PRESENT	VEHICLE
FALSE				FALSE	NONE PRESENT	NO


LOCATION OF OFFENSE

LOCATION TYPE		AT BUSINESS?		COMPANY NAME			
LAKE/WATERWAY		YES		TURTLE BEACH OF OCEAN RIDGE CONDO ASSN INC			
STREET #	PRE DIRECTION	STREET NAME			POST DIRECTION	STREET CATEGORY CODE	APT/UNIT #
5101	NORTH	OCEAN				BOULEVARD	
CITY		STATE	ZIP	AT LATITUDE	AND LONGITUDE	PASSAGE POINT METHOD	OFFENSE STRUCTURES ENTERED QUANTITY
OCEAN RIDGE		FL	33435				0
ZONE							
2							

PERSON - OTHER

1	JUVENILE?	TYPE OF WITNESS	RELATIONSHIP TO SUBJECT		REPORTED BY?	
	NO		N/A		NO	
	IS BUSINESS OR GOV'T?	BUSINESS/GOVERNMENT NAME			OCCUPATION	
	NO				ATTORNEY	
FIRST NAME		MIDDLE NAME		LAST NAME		SUFFIX
MARK		DAVID		FEINSTEIN		
ALIAS / MAIDEN				ALT NAME DESC.		
STREET #		STREET NAME			STREET CATEGORY CODE	APT/UNIT #
5109		N OCEAN			BOULEVARD	A
CITY		STATE	ZIP CODE	ADDRESS SOURCE		
OCEAN RIDGE		FL	33435	DAVID		
PERSON RESIDENCE CODE			PHONE #		E-MAIL	
RESIDENT			(561) 445-4075		MDF@FSPALAW.COM	

OFFENSE-INCIDENT REPORT
OCEAN RIDGE DEPARTMENT OF
PUBLIC SAFETY

GENDER M	DATE OF BIRTH 10/2/1959	AGE 64	AGE RANGE MIN	AGE RANGE MAX	AGE MEASURE CODE	AGE INDICATOR	
RACE W	ETHNICITY NOT HISPANIC	ETHNICITY UNKNOWN	HEIGHT 5'10"	HEIGHT RANGE MIN	HEIGHT RANGE MAX	HEIGHT UNKNOWN	HEIGHT EST
WEIGHT 180 LBS	WEIGHT RANGE MIN	WEIGHT RANGE MAX	WEIGHT UNKNOWN	WEIGHT INDICATOR	EYE COLOR BRO	HAIR COLOR GRY	
BUILD AVERAGE		COMPLEXION LGT		PHYSICAL FEATURE			
SCARS/MARKS/TATOOS (LOCATION / DESCRIBE)				FACIAL HAIR NONE	TEETH STRAIGHT	SPEECH/VOICE NORMAL	
CLOTHING (Describe) Redacted pursuant to FL Stat. 119.0712(2) & 119.071(4)(a)(1)							
DRIVER LICENSE # [REDACTED]		DL STATE FL	DL CLASS E	PLACE OF BIRTH FL	COUNTRY OF CITIZENSHIP US - UNITED STATES		
SOC. SEC. # [REDACTED]	INS # N/A	FBI # N/A	FCIC/NCIC # N/A	BOOKING # N/A	SPN # N/A	DOC # N/A	OTHER ID # N/A
OFFICER INFORMATION							
1	FIRST NAME AARON		LAST NAME CHOBAN		BADGE # 559		RANK SERGEANT
	SIGNATURE METHOD ELECTRONIC		OFFICER SIGNATURE 			SIGNATURE DATE 12/14/2023	SIGNATURE TIME 13:07
ADMINISTRATIVE							
ROUTED TO		REFERRED TO	ASSIGNED TO	ASSIGNED BY	JAIL #	OBTS #	
SWORN AND SUBSCRIBED BEFORE ME, THE UNDERSIGNED AUTHORITY THIS ____ DAY OF _____, 20____.							
SIGNATURE OF PERSON ADMINISTERING OATH							
NAME (PRINTED)				TITLE			

NARRATIVE

On September 5th, 2023 at 1800 hours a Town of Ocean Ridge Commission Meeting was held at 6450 N. Ocean Blvd. Ocean Ridge FL 33435 in the commission chambers. During this meeting there was an agenda item which reviewed approval on the Second Reading of Ordinance 2023-03, an Ordinance of the Town of Ocean Ridge, Florida, amending its Code of Ordinances at Chapter 70, Signs, Article I, In General, by Creating a New Section 70-9, Entitled "Beach Signs". This ordinance establishes "Reasonable Time, Place and Manner Regulations for Signs on Beach Property".

According to the minutes from the meeting "Mayor Pugh read the Ordinance by title into the record." Vice Mayor Coz moved to adopt the ordinance and the motion was seconded by Commissioner Besler. The motion carried 3-0 and the ordinance was effective immediately upon adoption. The ordinance reads as follows:

Chapter 70 SIGNS
ARTICLE I. IN GENERAL.
Sec. 70-9. Beach signs.

(c) Beach signs: Notwithstanding any other provision of this Chapter 70, it shall be unlawful for any person to place, construct, or maintain a sign on the beach unless it conforms to the following criteria:

(1) Signs are not allowed to be erected or placed on the beach seaward of the toe of the frontal dune, mean high-water line, erosion control line, or toe of a seawall, whichever is more landward. "Frontal dune" for purposes of this section means the first natural or manmade mound or bluff of sand which is located landward of the beach, and which has sufficient vegetation, height, continuity, and/or configuration to offer protective value.

(2) Signs shall not contain any lights, reflection, or illumination and shall conform in all manner to all laws applicable to the protection of sea turtles.

(3) Signs shall be limited in size to 18 inches by 18 inches.

(4) Signs shall be placed at least 200 feet apart, or one (1) sign at each corner of the property's boundaries if a property line is less than 200 feet.

(5) Signs, and any associated supporting structure, column, upright pole, or brace, shall be white and shall be wood or PVC. The sign face may be vinyl covered aluminum.

(6) The text on the signs shall be professionally printed and the top of the signs shall not exceed six (6) feet from grade when posted.

(7) The face of the signs shall either face to the east or to the west.

(8) One (1) sign may be attached to or hung by rope or chain across the beach-side access (At or near the toe of the dune) of a privately owned dune crossover if the sign is otherwise, compliant with the requirements of subsections (2), (3), and (6) above.

(d) All persons desiring to erect a beach sign(s) shall apply for a building permit. Sufficient Information shall be provided to the Town identifying where the proposed sign(s) will be erected including, but not limited to, a survey. If a permit is required from any other regulatory

agency, the Town shall require proof of such regulatory agency permit(s) prior to issuing a building permit to erect a beach sign. The cost of the permit shall be set by Town Commission resolution.

(e) Upon the adoption of this Ordinance, all existing beach signs which do not conform to the requirements of this Ordinance shall be removed within thirty (30) days.

(f) Any sign or sign structure constructed or installed under the provisions of this article shall be maintained in a safe, functional and sound structural condition at all times. General maintenance of such sign or sign structure shall include the replacement of nonfunctioning, broken, or defective parts, painting, cleaning, and upkeep of the premises immediately surrounding the sign, sign structure, and any other action required for the maintenance of such sign or sign structure. All signs and supporting structures shall be kept painted or treated in some manner to prevent rust, decay, or deterioration.

On 09/15/2023 I, Sgt. Aaron Choban along with Sgt. Richard Ermeri took out a department owned all terrain vehicle and rode along the beach, observing all beach signs to document any signs which may be in violation of the newly adopted ordinance. During the ride I observed several signs in violation of this ordinance which were on the private beach property of The Turtle Beach Community which has a mailing address of 5101N. Ocean Blvd. Ocean Ridge FL 33435. These signs extended across two property lines according to Palm Beach County Property Appraisers web site, however both properties share the same owner. The original violations at this time were related to there being too many signs on the property and that at least two signs were facing the wrong way (north or south).

On 09/22/2023 a letter was shipped certified mail with a copy of the new ordinance and a generic letter stating the new ordinance has been adopted and to please come into compliance within 30 days of receipt of the letter. According to the tracking number for that letter (USPS 7020316000080624603) this letter is still in transit as of December 15th 2023.

Regardless, communication began with Mark Feinstein, the Home Owners Association President for "TURTLE BEACH OF OCEAN RIDGE CONDO ASSN INC", mostly via phone. Over the next few months attempts were made by the Turtle Beach to come into compliance with the current ordinance. However, ultimately I determined on 12/13/2023 that the beach signs owned by Turtle Beach of Ocean Ridge Condo Assn Inc were in violation of the following subsections of the newly adopted ordinance:

(1) Signs are not allowed to be erected or placed on the beach seaward of the toe of the frontal dune, mean high-water line, erosion control line, or toe of a seawall, whichever is more landward. "Frontal dune" for purposes of this section means the first natural or manmade mound or bluff of sand which is located landward of the beach, and which has sufficient vegetation, height, continuity, and/or configuration to offer protective value.

(7) The face of the signs shall either face to the east or to the west.

This determination was made after an inspection of the signs that I conducted on 12/13/2023. During my inspection I found that the signs at the north and south end of the beach property owned by Turtle Beach of Ocean Ridge Condo Assn Inc were several feet seaward of the toe of the frontal due, and the sign posts had two signs, one facing east and one facing west. Pictures of the signs in violation were taken on my department issued phone.

For this reason a on 12/13/2023 a Community Standard Magistrate Packet was filled out and

OFFENSE-INCIDENT REPORT
OCEAN RIDGE DEPARTMENT OF
PUBLIC SAFETY

the following steps were taken to execute the packet. The original affidavit and notice of violation with copy of ordinance and a Palm Beach County Property Appraiser printout was given to town clerk for the case file. One copy of the signed and notarized notice of violation with copy of the ordinance was provided to the town clerk to be posted in town hall. One copy of the signed and notarized affidavit and notice of violation with a copy of the ordinance was delivered to Mark Feinstein.

On 12/13/2023 at around 1800 hours I met with Mark Feinsein in person (BWC was on during this time) and one copy of the signed and notarized affidavit and notice of violation with a copy of the ordinance was provided to him. In addition, a Community Standards Special Magistrate Receipt of Affidavit was signed by both Mr. Feinstein and myself. This receipt of affidavit was also provided to the town clerk along with pictures of the violating signs which I had taken earlier in the day. A compliance date was given for 12/23/2023, if compliance is met by this date the magistrate hearing will be canceled. If compliance is not met by this date the hearing will go on as scheduled. A magistrate hearing date of 01/02/2024 at 1000 hours was given.

These documents along with the pictures were attached to tracs as well. This incident report was opened to document this violation along reporting the results of the magistrate hearing or possible compliance by the violators.

NO
TRESPASSING
PRIVATE
BEACH
BEYOND
THIS POINT



**NO
TRESPASSING
PRIVATE
BEACH
BEYOND
THIS POINT**





NO
TRESPASSING
PRIVATE
BEACH
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**NO
TRESPASSING
PRIVATE
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BEYOND
THIS POINT**

**CODE ENFORCEMENT HEARING
COST RECOVERY CALCULATION WORKSHEET
TOWN OF OCEAN RIDGE**

CASE NUMBER: 2023-013
HEARING DATE: January 2, 2024
ADDRESS: 5101 N Ocean
DATE PAID:
METHOD OF PAYMENT:

ITEM	UNIT AMOUNT	# OF UNITS	TOTAL
CODE ENF. HEARING FEE	\$ 100.00	1	\$ 100.00
CODE ENFORCEMENT CLERK	\$ 34.00	1	\$ 34.00
CODE ENFORCEMENT OFFICER	\$ 30.00	1	\$ 30.00
BUILDING OFFICIAL	\$ 36.00	0	\$ -
ZONING OFFICIAL	\$ 45.00	0	\$ -
CERTIFIED MAILING	\$ 8.53	1	\$ 8.53
PHOTOGRAPHS	\$ -	0	\$ -
TOTAL AMOUNT DUE			\$ 172.53



Receipt

Print Date: Dec 26, 2023

RETURN TO

OCEAN RIDGE POLICE DEPARTMENT
6450 N OCEAN BLVD
OCEAN RIDGE, FL 33435

SHIP TO

TURTLE BEACH OF OCEAN RIDGE CONDO
ASSN. INC.
5101 N OCEAN BLVD OFC
OCEAN RIDGE, FL 33435 US

REFERENCE

Ship Date: Sep 22, 2023
Ship from ZIP: 33435
Weight: 0 lbs. 1 oz.
User: oceanridge
Cost Code: Police Department
Refund Type: Mail-in
Reference #:
Printed on: Shipping label
Tracking #: 00040206203509906753

SERVICE

First Class ® Envelope
Tracking
Insurance (N/A)
Certified Mail Cost
Return Receipt Cost

UNIT PRICE

\$0.63
\$0.00

\$4.35
\$3.55

Subtotal \$8.53
Label Quantity 1
Total Cost \$8.53