

**TOWN OF INTERLACHEN CODES ENFORCEMENT
SPECIAL MAGISTRATE HEARING MINUTES
TUESDAY, JULY 7, 2026 - 9:00 A.M.**

CALL TO ORDER:

Magistrate Ronald Brown called the hearing to order at 9:08 am.

MAGISTRATE BRIEFING:

Magistrate Brown introduced himself and stated that he is a state certified attorney appointed by the Town of Interlachen to preside over today's proceedings. This is not a formal court of law, and these proceedings are created by State Statutes and Town code. We're not required to follow the formal rules of evidence or the formal rules of civil procedures you might find at the courthouse. We are governed by State Statutes and Town Codes which provides procedures for these hearings. The Town will present evidence of violations of one or more Town codes. The respondents will have an opportunity to ask questions, present evidence and provide testimony. He will determine as to whether or not a violation exists. If a violation exists, fines may be assessed. Under state law any appeal of his decision must go to circuit court. All evidence must be substantial and competent and must be sworn.

SWEARING IN:

Magistrate Brown swore in Codes Enforcement Officer Tracy Paterson and Town Clerk, Joni Payne.

CODES CASE #25-1114 – 104 East Boyleston Street.

Codes Enforcement Officer Tracy Paterson stated that the property owner of record is Michael O'Neill.

Magistrate Brown swore in Michael O'Neill.

Codes Enforcement Officer Presentation of Evidence:

Ms. Paterson stated that the property was first observed on November 18, 2025.

Ms. Paterson provided the following notice requirements: 1) The Notice of Violation was sent by Certified Mail on April 20, 2026 and was refused by the owner. 2) A Revised Notice of Violation was sent a week later by certified mail and was returned as "undeliverable." 3) The Notice of Hearing was sent by certified mail on June 1, 2026. All notices were sent to the address on record, which is 104 East Boyleston Street.

Ms. Paterson stated that all photos were taken by her and were not AI generated. She provided pictures of all the postings at the property and on the town bulletin board.

Ms. Paterson stated that Mr. O'Neill is in violation of Section 5.1, subsection 7, which states; "Farm animals (including chickens/roosters) are not allowed within town limits unless grandfathered in or given a special exemption; violation also if use disturbs neighbors."

Ms. Paterson stated that she had received two complaints from neighbors relating to rooster noise. Such complainants' names and addresses are part of the record.

Photos 7 & 8 were taken by Ms. Payne, from the right of way in front of the O'Neill's yard, which showed three chickens and one rooster. She stated that they had not been grandfathered in.

Ms. Paterson presented photos 9 & 10, which showed the rooster.

Respondents' Testimony:

Mr. O'Neill confirmed that he had received notices by certified mail and did not deny that there were three chickens on the property.

Mr. O'Neill stated the rooster is an emotional support animal (ESA) for Amber Morgan, who suffers from severe disabilities (*autism, cerebral palsy & anxiety*)

Magistrate Brown swore in Ursula O'Neill.

Mrs. O'Neill presented letters from Dr. Rebecca McClord (UF Health), that Amber was seen on November 20, 2025 and stated that the roosters provides emotional support and help relieve her anxiety.

The other letter was from Dr. Joelle Innocent (CP}), dated June 22, 2026, and attested to Amber's condition and the need for the support anima. Registration information for the rooster was provided.

Mrs. O'Neill stated that if the rooster was removed it would cause great emotional distress, loss of sleep and appetite for Amber.

Additional Defenses Raised:

Grandfathered Use Claim: Ursula O'Neill testifies the property came with a chicken coop and that the prior owners (and those before them) kept chickens; asserts she was told (by real estate agent) the property was grandfathered for chickens, but town representatives confirm there is no record of such grandfathering.

Selective Enforcement & Retaliation Allegations: The O'Neill's believe the complaints stem from personal retaliation by two neighbors following earlier disputes, not genuine nuisance, and claim police have had to intervene in neighbor interactions in the past.

Allegations of Discriminatory Enforcement: The O'Neill's claim code enforcement acts only on complaints, which leads to "singling out" and "bias."

Comparisons to Other Properties: Noted that neighbors also keep chickens/roosters without consequence.

Procedural and Legal Arguments

The O'Neill's raise procedural "due process" concerns and wished to confront accusers in person. They questioned the absence of complainants at the hearing.

Magistrate Brown explained due process and all legal procedures and notices were followed. He reiterated that the special magistrate's authority is limited to determining if facts (i.e., chickens present} support a finding of code violation, not to rule on constitutionality or intent/motivation.

Legal Status of Chickens and Emotional Support Animals

The property is not eligible for a special exception or grandfathering by current records.

There was discussion regarding whether an emotional support animal (ESA) constitutes an exception under Fair Housing Act or ADA. The Town Attorney stated that more research is required.

Town's Rebuttal and Additional Findings

- Town code (*Section 5.1.7*) does not allow farm animals (*including chickens*) in town limits except by special exception; however the property is zoned CPO, which **does not** permit special exceptions for chickens or livestock.
- Grandfathering in and ESA status is not addressed in code.

Magistrate's Findings and Rulings

Due process was satisfied-proper notice, opportunity to respond, record keeping.

Facts Established

- At least three chickens present on the property (one rooster, two hens); established by respondent admissions and photographic evidence.
- No special exception or grandfathering exists for this property or use.
- No evidence presented that chickens are excluded from the town's definition of livestock/farm animals.

Disposition of Emotional Support Animal Argument

- Rooster "Smokey" is recognized by doctors as an ESA for Amber Morgan.
- Magistrate expresses sympathy but finds no clear evidence that Fair Housing Act or other law compels an exception to the town code in these circumstances.
- Only the rooster has ESA designation; the hens do not.

Order and Compliance Terms

- **Removal Order:** All chickens (roosters and hens) must be removed by end of business day, August 6, 2026.
- **Fines:** \$25 per day for each day of non-compliance, beginning August 7, 2026.

Appeal Process

Magistrate Brown advised the O'Neill's that the appeal period is 30 days from issuance of order and must be filed in circuit court. He urged them to consult legal counsel if they wish to pursue the appeal process or attempt to work with the town attorney if they believe Fair Housing law applies.

He stated that they may submit further evidence of legal authority for an ESA exemption before the compliance deadline.

ADJOURNMENT:

The hearing adjourned at 10:23am.