



AGENDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF PORT ORANGE

Meeting Date: Wednesday, April 12, 2017

Time: 9:00 AM

Type of Meeting: Regular

Location: Council Chambers
City Hall, 1000 City Center Circle

A. CALL TO ORDER

1. Attorney Overview of Special Magistrate Code Enforcement Process
2. Consideration of Minutes of 11/21/16 and 3/22/17

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. CEB Case No.: 16-2010

Respondent: Irena Miller Crouch

Address of Violation: 232 N. Brighton Drive, Port Orange, FL 32127

Code Officer: Amanda Bonin

First Notified: 03/09/2017

Compliance: No

Cited for violation(s) - Chapter 42 Nuisances Section 42-26 (d) Maintenance of improved residential lots.

Chapter 3, Section 309 Pest Elimination of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances 309.1 Infestation.

4. CEB Case No.: 16-1870

Respondent: Sharon D. Chaney and Donna J. Stanley

Address of Violation: 748 Herbert Street, Port Orange, FL 32129

Code Officer: Dena Joseph

First Notified: 03/02/2017

Compliance: No

Cited for violation(s) - Chapter 58 (Streets, Sidewalks, and Other Public Places), Article II (Construction in Rights of Way), Section 58-32 (Exemptions), (1) of the City of Port Orange Code of Ordinances:

The following activities shall be exempt from the requirement to obtain a permit under this article:

(1) Installation of mailboxes, except mailboxes constructed of masonry or similar material or by methods more elaborate than a single post.

5. CEB Case No.: 17-0242

Respondent: John H. Clark & Barbara J. Clark

Address of Violation: 301 Lafayette Street, Port Orange, FL 32129

Code Officer: Dena Joseph

First Notified: 02/24/2017

Compliance: Yes

Cited for violation(s) - 1. Chapter 70 (Traffic), Article II (Stopping, Standing and Parking), Section 70-47 (Parking of Commercial vehicles on residential premises), (a), (b) (1), (2) & (3) and (c) (1) of the City of Port Orange Code of Ordinances:

(a) For the purpose of this section, "commercial vehicle" means any vehicle designed, intended, or used for transportation of people or goods as part of a business, except for rental vehicles designed for temporary personal use.

(b) No commercial vehicle shall be parked on residential premises except for the following:

(1) A vehicle making deliveries to or servicing a dwelling unit.

(2) One vehicle, one-ton capacity or less, per dwelling unit which is used by a resident of the dwelling unit as part of a full-time job and which leaves the premises on weekdays.

(3) Any vehicle stored within a completely enclosed garage. When a vehicle is stored pursuant to this paragraph the vehicle engine or associated equipment engine shall not be operated between the hours 9:00 p.m. and 7:00 a.m.

(c) No commercial vehicles shall be parked on the right-of-way adjoining residential premises.

(1) A vehicle servicing or making deliveries to a dwelling unit may stop on the roadway temporarily for the purpose of servicing a dwelling unit or while actually engaged in loading and unloading of merchandise or passengers.

2. Chapter 16 (Miscellaneous Regulations), Section 1 (Accessory Uses & Structures), (e) Outside Storage (1) Residential Uses (a) and (b) of the City of Port Orange Land Development Code:

(a) Outside storage of materials and equipment shall be restricted to the rear yard area and screened by an opaque fence or hedge so that such materials are not visible from any public right-of-way or adjoining lot and

(b) Materials and equipment such as appliances, unlicensed or inoperable motor vehicles, motor vehicle parts, and equipment and materials used as part of a business conducted off-site shall not be stored outside.

6. **CEB Case No.:** 17-0219

Respondent: Nath Florida Franchise Group

Burger King 3926

Address of Violation: 3811 Nova Road, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 02/27/2017

Compliance: Yes

Cited for violation(s) - Chapter 15 (Signs), Section 3 (General Provisions), (d) Construction and Maintenance Standards, (1) Code Compliance, (2) Copy, (3) Structure, (4) Damage and (5) Safety of the City of Port Orange Land Development Code:

(1) All signs shall be constructed and maintained in accordance with the provisions and requirements of the building code, electrical code, and all other applicable codes, ordinances or requirements.

(2) Damaged faces or structural members shall be replaced in a timely manner.

(3) Electrical systems, fasteners, and the sign and structure as a whole shall be maintained at all times in a safe condition.

C. ORDER IMPOSING FINE/LIEN

7. **CEB Case No.:** 16-1483

Respondent: Circle K Stores, Inc.

Address of Violation: 4040 Nova Road
Port Orange, FL 32127

Code Officer: Deborah Faircloth

First Notified: 02/15/2017

Compliance: Yes

Cited for violation(s) - City of Port Orange Code of Ordinances, Chapter 14, Article VII Commercial Property Maintenance Standards, Section 14-313 Inspections, enforcement, appeals (b), Section 14-314 Landscaping and buffers - Maintenance

criteria, Section 14.315 Replacement criteria, Section 14-317 Parking, sidewalk and driveway areas (2), Section 14-318 Other property improvements; maintenance criteria (b) Signs (d) Trash, litter and debris.

8. CEB Case No.: 17-139

Respondent: Eva Ivie

Address of Violation: 27 Golden Gate Circle
Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 02/02/2017

Compliance: No

Cited for violation(s) - City of Port Orange Code of Ordinances Chapter 42, Article 2, Section 42-26. Cleanliness of property generally - Duty of owner. (f)

City of Port Orange Code of Ordinances Chapter 42, Article 2, Section 42-32. Storage of vehicles, furniture, etc.

D. PUBLIC COMMENTS

E. ADJOURNMENT

ANY PERSON WHO DECIDES TO APPEAL ANY DECISION MADE BY THE **CODE ENFORCEMENT SPECIAL MAGISTRATE** WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE HE OR SHE MAY NEED TO ENSURE AT HIS OR HER OWN EXPENSE FOR THE TAKING AND PREPARATION OF A VERBATIM RECORD OF ALL TESTIMONY AND EVIDENCE OF THE PROCEEDINGS UPON WHICH THE APPEAL IS TO BE BASED. NOTE: IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ANY ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT THE CITY CLERK FOR THE CITY OF PORT ORANGE, 1000 CITY CENTER CIRCLE, PORT ORANGE, FLORIDA 32129, TELEPHONE NUMBER 386-506-5563, WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING DATE; IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 1-800-955-8771.