



REVISED AGENDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF PORT ORANGE

Meeting Date: Wednesday, July 8, 2015

Time: 9:00 AM

Type of Meeting: Regular

Location: Council Chambers
City Hall, 1000 City Center Circle

A. CALL TO ORDER

1. Roll Call
2. Attorney Overview of Special Magistrate Code Enforcement Process
3. Consideration of Minutes - June 10, 2015

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

4. CEB Case No.: 15-137

Respondent: Banta Scott Trust

Address of Violation: 5249 Sydney Street, Port Orange, FL 32127

Code Officer: Deborah Faircloth

First Notified:

Compliance: No

Cited for violation(s) - 2015 International Property Maintenance Code, Chapter 1, Section 108, 108.1.1 Unsafe Structures, 108.1.3 Structure unfit for human occupancy, 108.1.5 Dangerous structure or premises (2)(3)(6)(7)(8)(10), as adopted by the City of Port Orange Code of Ordinances.

Chapter 14, Article II, Section 14-26 of the City of Port Orange Code of Ordinances.

Chapter 42, Article II, Section 42-26(d)(f)(h) of the City of Port Orange Code of Ordinances.

5. CEB Case No.: 15-222

Respondent: RRRAC LLC

Address of Violation: 5080 Ridgewood Avenue, Port Orange, FL 32129

Code Officer: Deborah Faircloth

First Notified: 03/24/2015

Compliance: No

Cited for violation(s) - 2009 International Property Maintenance Code as adopted by the City of Port Orange Code of Ordinances, Chapter 14, Article II.

Chapter 3, Sections 305.3, 304.7, 304.14

Chapter 5, Sections 502.1, 506.2, 507.1

Chapter 6, Sections 602.3, 604.3

Chapter 7, Sections 702.3, 704.1, 704.2

City of Port Orange Land Development Code, Chapter 12, Section 6(f)(1), Section 2(b)(3)(a), Section 3(c)

City of Port Orange Code of Ordinances, Chapter 42, Article II, Section 42-26 (c)(f)

2010 Florida Building Code as adopted by the City of Port Orange Land Development Code, Chapter 8, Section 1

2012 NFPA 101 – Adopted by City of Port Orange Land Development Code, Chapter 8, Section 2

2011 NFPA 10 and 2012 NFPA 101 – Adopted by City of Port Orange Land Development Code, Chapter 8, Section 2

305.3 The ceiling is falling and there is visible water damage in room #5

304.7 The roof is leaking, collapsing and visibly deteriorated allowing water to enter the building. Fascia and soffit is rotted and needs to be replaced. Roof needs repaired/replaced.

304.14 Window screens are required. Replace all damaged or missing screens.

502.1 Toilets and sinks must be in good working order. Repair.

506.2 Repair sewage line break on back side of motel along Orange Avenue.

507.1 Repair trench on back side of property where ground has eroded from run-off along Orange Avenue. Remove PVC piping along fence that appears to be unused.

602.3, Heat supply during the period from October 15th to March 15th Amendment to IPMC adopted by City of Port Orange Code of Ordinances. Repair all heating units in

each tenant space (baseboard, window, etc.).

604.3 All electrical receptacle covers (interior and exterior) shall be installed or replaced if damaged.

702.3 Access/egress must be provided to each door. Back door in room #5 is locked and tenant does not have a key.

704.1 Fire extinguishers must be charged or replaced and maintained in an operable condition according to the International Fire Code.

704.2 All tenant spaces (each rented unit) must have working smoke detectors.

2010 Florida Building Code, Chapter 3, R303.8 Required heating. Every dwelling unit shall be provided with heating facilities. Space heaters do not fulfill this requirement.

2010 FBC Chapter 4, 402.1.2.1 Electric space heating. Space heaters are prohibited.

2012 NFPA 101 – battery operated smoke alarms required in each unit. A log detailing the weekly testing of each room alarm shall be logged and available to the fire inspector upon request.

2011 NFPA 10 and 2012NFPA 101 – Replace missing/out of date fire extinguishers.

Port Orange Code of Ordinances, Chapter 42, Article II, Section 42-26 (c)(f) All high weeds and grass along with any undergrowth must be maintained according to code and property shall be kept free of all garbage, waste, trash, etc. (return grocery carts to store).

Chapter 12, Section 6(f)(1).

Chapter 12, Section 2(b)(3)(a).

Chapter 12, Section 3(c).

6. CEB Case No.: 15-644

Respondent: T & D Rental Investment Group, LLC

Address of Violation: 97 Stone Gate Lane, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 05/22/2015

Compliance: Yes

Cited for violation(s) - Chapter 42 (Nuisances), Article II (Garbage, junk, and undergrowth), Section 42-26 (Cleanliness of property general-duty of owner), (f) (Garbage, waste, trash, etc.,

prohibited) of the City of Port Orange Code of Ordinances.

7. CEB Case No.: 15-790

Respondent: Kenneth P. Galvis

Address of Violation: 146 West Gate Drive, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 05/15/2015

Compliance: Yes

Cited for violation(s) - Chapter 70 Traffic, Article II, Section 70-47 (b) (2) of the City of Port Orange Code of Ordinances.

8. CEB Case No.: 15-594

Respondent: Candace Beach

Address of Violation: 47 Golden Gate Circle, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 05/22/2015

Compliance: Yes

Cited for violation(s) - Chapter 42 (Nuisances), Section 42-32 (Storage of vehicles, furniture, etc.) of the City of Port Orange Code of Ordinances.

Section 105.1 of the 2010 Florida Building Code.

9. CEB Case No.: 15-467

Respondent: Theresa A. Evans

Address of Violation: 1300 Harms Way, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 05/22/2015

Compliance: Yes

Cited for violation(s) - Chapter 42 (Nuisances), Article II (Garbage, junk, and undergrowth), Section 42-26 (Cleanliness of property general-duty of owner), (d) (Maintenance of improved residential lots) & (f) (Garbage, waste, trash, etc., prohibited) of the City of Port Orange Code of Ordinances.

10. CEB Case No.: 15-741

Respondent: Sandra E. Quinlan Estate
Donald J. Trzuskowski

Address of Violation: 145 West Gate Drive, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 05/15/2015

Compliance: Yes

Cited for violation(s) -

Chapter 70 Traffic, Article II, Section 70-47 (b) (2) of the City of Port Orange Code of Ordinances.

11. CEB Case No.: 15-691

Respondent: Robert J. Kiecksee

Address of Violation: 1108 Little Garden Circle, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 05/22/2015

Compliance: Yes

Cited for violation(s) - Chapter 42 (Nuisances), Article II (Garbage, junk, and undergrowth), Section 42-26 (Cleanliness of property general-duty of owner), (f) (Garbage, waste, trash, etc., prohibited) of the City of Port Orange Code of Ordinances.

Chapter 42 (Nuisances), Section 42-32 (Storage of vehicles, furniture, etc.) of the City of Port Orange Code of Ordinances.

Chapter 70 (Traffic), Article II, Section 70-36 (K), (1)(2)(3) of the City of Port Orange Code of Ordinances.

12. CEB Case No.: 14-2221

Respondent:

MELVY D. DOWLING (DECEASED);
UNKNOWN SPOUSE OF MELVY D.
DOWLING IF LIVING, DAVID AARON DOWLING,
HEATHER ANN MOORE, ANY AND ALL
UNKNOWN PARTIES CLAIMING BY, THROUGH,
UNDER AND AGAINST THE ABOVE NAMED
DEFENDANT(S) WHO ARE NOT KNOWN TO BE
DEAD OR ALIVE, WHETHER SAID UNKNOWN
PARTIES MAY CLAIM AN INTEREST AS
SPOUSE, HEIRS, DEVISEES, GRANTEES, OR
OTHER CLAIMANTS:

Address of Violation: 403 Herbert Street, Port Orange, FL 32127

Code Officer: Amanda Bonin

First Notified: 05/26/2015

Compliance: No

Cited for violation(s) -

Chapter 42 (Nuisances) of the City of Port Orange Code of Ordinances, Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of Property Generally-Duty of Owner), (c) Maintenance of Commercial and Industrial Zoned Lots.

Chapter 42 (Nuisances) of the City of Port Orange Code of Ordinances, Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of Property Generally-Duty of Owner), (f) Garbage, Waste, Trash, Etc.

13. CEB Case No.: 15-792

Respondent: Gloria J. Murch

One West Bank N.A.

Address of Violation: 1217 Jeffrey Drive, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 05/26/2015

Compliance: Yes

Cited for violation(s) -

Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of Property Generally-Duty of Owner), (d) & (f) of the City of Port Orange Code of Ordinances.

14. CEB Case No.: 15-800

Respondent: Ryan C. Williams &

Amber R Mason JTRS

Address of Violation: 1064 York Way, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 05/28/2015

Compliance: Yes

Cited for violation(s) -

Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of Property Generally-Duty of Owner), (d) Maintenance of improved residential lots and (f) Garbage, waste, trash, etc., prohibited of the City of Port Orange Code of Ordinances.

Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-32 Storage of vehicles, furniture, etc. of the City of Port Orange Code of Ordinances.

15. CEB Case No.: 15-371

Respondent: Milan Khanna

Address of Violation: 3813 Birch Mountain Road, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 05/26/2015

Compliance: Yes

Cited for violation(s) - Chapter 42 Nuisances, Section 42-32 Storage of vehicles, furniture, etc. of the City of Port Orange Code of Ordinances.

16. CEB Case No.: 14-946

Respondent: NNP, LLC

C/o Nirali Patel

Address of Violation: 5245 Nova Road, Port Orange, FL 32127

Code Officer: Amanda Bonin

First Notified: 05/26/2015

Compliance: No

Cited for violation(s) -

Chapter 14, Article VII, Commercial Property Maintenance Standards of the City of Port Orange Code of Ordinances Section 314 (a) (1) (2), (d)(2) (5) (7), Section 14-315 (a), (b)(3)Section 317 (a) (1) (2) (3) (4), & Section 318 (c) (12), (d) of the City of Port Orange Code of Ordinances.

17. CEB Case No.: 14-1036

Respondent: NNP, LLC

C/o Nirali Patel

Address of Violation: 5279 Nova Road, Port Orange, FL 32127

Code Officer: Amanda Bonin

First Notified: 05/26/2015

Compliance: No

Cited for violation(s) -

Chapter 14, Article VII, Commercial Property Maintenance Standards of the City of Port Orange Code of

Ordinances Section 314 (a) (1) (2), (d)(2) (5) (7), Section 14-315 (a), (b)(3)Section 317 (a) (1) (2) (3) (4), & Section 318 (c) (12), (d) of the City of Port Orange Code of Ordinances.

C. ORDER IMPOSING FINE/LIEN

18. CEB Case No.: 15-678

Respondent: Troy Loprimo & Susan Plebanek

Address of Violation: 5357 Christiancy Avenue, Port Orange, FL 32127

Code Officer: Deborah Faircloth

First Notified: 05/04/2015

Compliance: No

Cited for violation(s) - Chapter 18 (Businesses), Article II (Local business tax), Section 18-33 (Duration, expiration of business tax receipt; delinquent business tax payment, penalties; doing business without business tax receipt, penalty), (b) of the City of Port Orange Code of Ordinances.

Chapter 42 (Nuisances), Article II (Garbage, junk, and undergrowth), Section 42-32 (Storage of vehicles, furniture, etc.) of the City of Port Orange Code of Ordinances.

Chapter 70 (Traffic), Article II (Stopping, standing, or parking), Section 70-36 (Stopping, standing, or parking), (a)(1)(k) of the City of Port Orange Code of Ordinances.

Chapter 70 (Traffic), Article II (Stopping, standing, or parking), Section 70-49 (Restrictions on disabled or abandoned vehicles), (c) of the City of Port Orange Code of Ordinances.

2015 International Property Maintenance Code, Chapter 3, Section 304, 304.13 (Window, skylight and door frames) as adapted by the City of Port Orange Code of Ordinances, Chapter 14, Article II, Section 14-26.

19. CEB Case No.: 15-039

Respondent: Andreas M. Schill

Address of Violation: 5831 Wales Avenue, Port Orange, FL 32127

Code Officer: Deborah Faircloth

First Notified:

Compliance: Yes

Cited for violation(s) - City of Port Orange Code of Ordinances, Chapter 42, Article II,

Section 42-26 (d)(f)(h).

City of Port Orange Code of Ordinances, Chapter 42, Article II, Section 42-32 2015.

International Property Maintenance Code, Chapter 3, 302.7 Accessory Structures, as adopted by the City of Port Orange Code of Ordinances, Chapter 14, Article II, Section 14-26.

20. **CEB Case No.:** 15-276

Respondent: Jeffery E. Rivers ETAL

Address of Violation: 98 Stone Gate Lane, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified:

Compliance: No

Cited for violation(s) - City of Port Orange Code of Ordinances Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of Property Generally-Duty of Owner), (d) Maintenance of improved residential lots and (f) Garbage, waste, trash, etc., prohibited.

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

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

21. **CEB Case No.:** 15-513

Respondent: Valerie Potter

Address of Violation: 176 Iron Gate Lane, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified:

Compliance: No

Cited for violation(s) - Chapter 1, Section 108 Unsafe Structures and Equipment, 108.1.1 Unsafe Structures of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code.

Chapter 1, Section 108 Unsafe Structures and Equipment, 108.1.3 Structure unfit for human occupancy of the 2015 International Property Maintenance Code as adopted

per Chapter 14, Article II of the City of Port Orange Land Development Code.

Chapter 1, Section 108 Unsafe Structures and Equipment, 108.1.5 Dangerous Structure or premises of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code.

Chapter 3, Section 301 General, 301.3 Vacant Structures and Land of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code.

Chapter 3, Section 302 Exterior property areas, 302.8 Motor Vehicles of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code.

Chapter 3, Section 304 Exterior Structure, 304.13 Windows Skylight and door frames of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code.

Chapter 3, Section 304 Exterior Structure, 304.15 Doors of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code.

Chapter 42 (Nuisances), Article II (Garbage, junk, and undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), (d) (Maintenance of improved residential lots) & (f) (Garbage, waste, trash, etc., prohibited) of the City of Port Orange Code of Ordinances.

Chapter 70 (Traffic), Article II (Stopping, Standing Parking), Section 70-49 (Restrictions on disabled or abandoned vehicles), (c) Restrictions, 1 (a) & (b), and (2).

22. CEB Case No.: 15-270

Respondent: Milton Jesus Corchado

Address of Violation: 5278 Plantation Home Way, Port Orange, FL 32128

Code Officer: Amanda Bonin

First Notified: 04/18/2015

Compliance: Yes

Cited for violation(s) - Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of Property Generally-Duty of Owner), (d) Maintenance of improved residential lots and (f) Garbage, waste, trash, etc., prohibited of the City of Port Orange Code of Ordinances.

23. CEB Case No.: 15-464

Respondent: Michael Viala

Address of Violation: 49 Elda Lane, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 04/22/2015

Compliance: No

Cited for violation(s) - Chapter 42, Article II, Section 42-26 (d), of the City of Port Orange Code of Ordinances.

24. **CEB Case No.:** 15-476

Respondent: Patricia Manos

Address of Violation: 226 Pinerock Place, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 04/23/2015

Compliance: No

Cited for violation(s) - Chapter 42, (Nuisances), Article II (Garbage, junk, and undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), §§ (d) (Maintenance of improved residential lots) & §§ (f) (Garbage, waste, trash, etc., prohibited) of the City of Port Orange Code of Ordinances.

Chapter 42, (Storage of vehicles, furniture, etc.), Article II Section 42-32 of the City of Port Orange Code of Ordinances.

Chapter 70, (Traffic), Article II (Stopping, standing, parking), Section 70-49 (Restrictions on disabled or abandoned vehicles), of the City of Port Orange Code of Ordinances.

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.