PORT ORANGE CODE ENFORCEMENT
SPECIAL MAGISTRATE MINUTES
COUNCIL CHAMBERS
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
AUGUST 28, 2019

THE SPECIAL MAGISTRATE HEARING of the City of Port Orange was called to order by Special Magistrate Fuller at 9:00 a.m.

PRESENT:	David Fuller, Special Magistrate
ALSO PRESENT:	Amanda Bonin, Code Compliance Inspector Dennis Boehmer, Code Compliance Inspector Scott Allman, Code Compliance Inspector Dena Joseph, Code Compliance Inspector Debbie Pearson, Code Enforcement Manager Shelby Field, Assistant City Clerk

Attorney Overview of Special Magistrate Code Enforcement Process

Special Magistrate Fuller gave an overview of the code enforcement process as there were members of the public present.

Consideration of Minutes

Special Magistrate Fuller approved the August 14, 2019 meeting minutes as presented.

Oaths

Code Compliance Inspectors Dennis Boehmer, Amanda Bonin, Scott Allman, Dena Joseph and Deborah Pearson Code Compliance Manager were sworn in by Special Magistrate Fuller.

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 19-1059
   Respondent: Springwood Square Joint Ventures
   Address of Violation: Springwood Square, Port Orange, FL 32129
   Code Officer: Dennis Boehmer
   First Notified: 7/17/2019

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) of the 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), (h) abutting property maintenance of parkages of the 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), (f) Garbage, waste, trash, etc., prohibited of the City of Port Orange Code of Ordinances.

Dennis Boehmer, Code Compliance Inspector, was sworn in by Special Magistrate Fuller and testified as to the condition of the property, as well as the notice provided to the property owner. Photos were submitted into evidence and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected immediately, as it is a repeat violation, by mowing all high weeds, grass and underbrush, weed eating, edging, and blowing of grass clippings back onto property, removing any down tree limbs, and cleaning up and removing all garbage, trash, and debris from the property.

Mr. Boehmer recommended the property owners be found in repeat violation of the above referenced code with the violations to be corrected immediately by mowing all high weeds, grass and underbrush, weed eating, edging, and blowing of grass clippings back onto the property, removing any down tree limbs, and cleaning up and removing all garbage, trash, and debris from the property. In the event the property is not brought into compliance on or before the compliance date, and/or not maintained in a state of compliance, the city shall have the option to abate the violation. Accused should be further ordered to contact the Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the order. Mr. Boehmer requested any future violations under this ordinance be considered repeat. The cost sheet in the amount of $48.90 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Special Magistrate Fuller granted the recommendation as presented and deemed the property a health and safety violation. The property owner is to immediately mow, weed eat, edge and blow grass clippings back onto the property, remove fallen tree limbs, and remove all trash and debris or the city shall have the option to abate the violation. Costs in the amount of $48.90 were awarded to the City

4. **CEB Case No.:** 19-1075
   Respondent: Eva K Ivie
   Address of Violation: 27 Golden Gate Circle, Port Orange, FL 32129
   Code Officer: Dennis Boehmer
   First Notified: 7/22/2019

Compliance: No

Cited for violation(s) - Chapter 5 (Plumbing Facilities and Fixture Requirements), Section 505 (Water System), [P] 505.1 (General), of the 2018 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

Mr. Boehmer testified as to the condition of the property, as well as the notice provided to the property owner. Photos were submitted into evidence and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected by August 3, 2019 by contacting Port Orange Utilities and having their water turned back on.

Mr. Boehmer recommended the property owners be found in violation of the above referenced code with the violations to be corrected on or before September 7, 2019 by contacting Port Orange Utilities and having their water turned back on. In the event the property is not brought into compliance on or before the compliance date, and/or not maintained in a state of compliance, a one-time fine in the amount of $1,000.00 shall be assessed. Accused should be further ordered to contact the Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the order. Mr. Boehmer requested any future violations under this ordinance be considered repeat. The cost sheet in the amount of $34.30 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Special Magistrate Fuller granted the recommendation as presented and deemed the property a health and safety violation. The property owner has until September 7, 2019 to contact Port Orange Utilities and have their water turned back on or a one-time fine in the amount of $1,000.00 shall be imposed. Costs in the amount of $34.30 were awarded to the City.

5. **CEB Case No.:** 19-0525
   Respondent: Donna B. Hood
   Address of Violation: 525 Lafayette St., Port Orange, FL 32127
   Code Officer: Dena Joseph
   First Notified: 4/9/2019

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) of the 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), (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.

Dena Joseph, Code Compliance Inspector, was sworn in by Special Magistrate Fuller and requested a dismissal of the case as it is in compliance. Special Magistrate Fuller granted the dismissal request.

6. **CEB Case No.:** 19-0992
   Respondent: Trust Services TR
   Address of Violation: 418 Baywood Circle, Port Orange, FL 32127
   Code Officer: Dena Joseph
   First Notified: 7/3/2019

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) of the 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), (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.

City of Port Orange Land Development Code, Chapter 16 (Miscellaneous Regulations), Section 3 (Fences and Walls), (b) General Provisions, (4) Design and Maintenance, (b) All fences shall be maintained in their original upright condition & (d) Missing boards, pickets, or posts shall be replaced in a timely manner with material of the same type and quality.

Ms. Joseph requested a dismissal of the case as it is in compliance. Special Magistrate Fuller granted the dismissal request.

7. **CEB Case No.:** 19-0909
   Respondent: Pete R. Panziani
   Address of Violation: 5475 Rogers Avenue, Port Orange, FL 32127
   Code Officer: Dena Joseph
   First Notified: 6/17/2019

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) of the 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), (h) abutting property maintenance of parkages of the 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), (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.

Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.7 (Roofs and Drainage), of the 2018 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

Ms. Joseph testified as to the condition of the property, as well as the notice provided to the property owner. Photos were submitted into evidence and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected by July 15, 2019, by mowing the entire property to include edging, weed eating, and blowing debris off the roadway and back onto the

property, cleaning up and removing all garbage, trash, and debris from property (aluminum, Styrofoam, etc.), removing all outside storage around home and placing in an enclosed building, and removing or securing any loose aluminum from the roof of the home.

Ms. Joseph recommended the property owners be found in violation of the above referenced code with the violations to be corrected on or before September 8, 2019 by mowing, weed eating, edging, and blowing grass clippings back onto the property, removing trash and debris, and removing outside stored items and placing them in an enclosed building. In the event the property is not brought into compliance on or before the compliance date, and/or not maintained in a state of compliance, a daily fine in the amount of $100.00 per day shall be assessed for each day the property is in violation beyond the compliance date. Accused should be further ordered to contact the Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the order. Ms. Joseph requested any future violations under this ordinance be considered repeat. The cost sheet in the amount of $41.60 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Special Magistrate Fuller granted the recommendation as presented. The property owner has until September 8, 2019 to mow, weed eat, edge, and blow the grass clippings back onto the property, remove trash and debris, and remove outside stored items and place them in an enclosed building or a daily fine in the amount of $100.00 per day shall be imposed. Costs in the amount of $41.60 were awarded to the City.

8. **CEB Case No.:** 19-0224
   Respondent: Sara Lynne Bailey
   Address of Violation: 5445 Wood Street, Port Orange, FL 32127
   Code Officer: Dena Joseph
   First Notified: 2/13/2019

Compliance: No

Cited for violation(s) - 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, and parking), Section 70-36 (Stopping, standing or parking prohibited in specified places), (a) (1) (k) (1), (2) & (3) of the City of Port Orange Code of Ordinances.

Ms. Joseph testified as to the condition of the property, as well as the notice provided to the property owner. Photos were submitted into evidence and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected by July 28, 2019 by removing all outside storage in the carport area to include, but not limited to, (coolers, furniture, bins, boxes, etc.) and placing them in an enclosed building, and parking all vehicles in the driveway or on a driveway extension.

Ms. Joseph recommended the property owners be found in violation of the above referenced code with the violations to be corrected on or before September 8, 2019 by storing all outside items in an enclosed building. In the event the property is not brought into compliance on or before the compliance date, and/or not maintained in a state of compliance, a daily fine in the

amount of $50.00 per day shall be assessed for each day the property is in violation beyond the compliance date. Accused should be further ordered to contact the Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the order. Ms. Joseph requested any future violations under this ordinance be considered repeat. The cost sheet in the amount of $34.30 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Special Magistrate Fuller granted the recommendation as presented. The property owner has until September 8, 2019 to store all outside items in an enclosed building or a daily fine in the amount of $50.00 per day shall be imposed. Costs in the amount of $34.30 were awarded to the City.

9. **CEB Case No.:** 19-1085
   Respondent: Stacey L. Algieri
   Address of Violation: 5245 Sydney Street, Port Orange, FL 32127
   Code Officer: Dena Joseph
   First Notified: 7/23/2019

Compliance: No

Cited for violation(s) - Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.13 (Window, Skylight, and Door Frames), of the 2018 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

Ms. Joseph testified as to the condition of the property, as well as the notice provided to the property owner. Photos were submitted into evidence and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected by August 4, 2019 by ensuring all doors and windows on the home are in good repair and weather tight. All broken or inoperable doors and windows were to be replaced or boarded up so as to prevent vagrants, animals, rodents, etc. from getting into the home.

Ms. Joseph recommended the property owners be found in violation of the above referenced code with the violations to be corrected on or before September 5, 2019 by replacing or boarding up all broken or inoperable doors and windows on site so as to prevent trespassers, snakes, rodents, etc. from getting into the home. In the event the property is not brought into compliance on or before the compliance date, and/or not maintained in a state of compliance, a daily fine in the amount of $250.00 per day shall be assessed for each day the property is in violation beyond the compliance date. Accused should be further ordered to contact the Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the order. Ms. Joseph requested any future violations under this ordinance be considered repeat. The cost sheet in the amount of $41.60 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Special Magistrate Fuller granted the recommendation as presented and deemed the property a health and safety violation. The property owner has until September 5, 2019 to replace or board up all broken or inoperable doors and windows on site so as to prevent trespassers, snakes,

rodents, etc. from getting into the home or a daily fine in the amount of $250.00 per day shall be imposed. Costs in the amount of $41.60 were awarded to the City.

10. **CEB Case No.:** 19-0302
Respondent: Stacey L. Algieri
Address of Violation: 5245 Sydney Street, Port Orange, FL 32127
Code Officer: Dena Joseph
First Notified: 2/27/2019

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) of the 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), (h) abutting property maintenance of parkages of the 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), (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.

Ms. Joseph testified as to the condition of the property, as well as the notice provided to the property owner. Photos were submitted into evidence and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected immediately, as it is a repeat violation, by mowing the entire property to include edging, weed eating, and blowing debris off roadway and back onto the property, removing any trash and debris on site and storing any items outside, that are not considered to be junk, in an enclosed building.

Ms. Joseph recommended the property owners be found in repeat violation of the above referenced codes with the violations to be corrected on or before September 5, 2019 by mowing the entire property to include edging, weed eating, and blowing debris off roadway and back onto the property, removing any trash and debris on site and storing any items outside, that are not considered to be junk, in an enclosed building. In the event the property is not brought into compliance on or before the compliance date, and/or not maintained in a state of compliance, a daily fine in the amount of $1,000.00 per day shall be assessed for each day the property is in violation beyond the compliance date. Accused should be further ordered to contact the Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the order. Ms. Joseph requested any future violations under this ordinance be considered repeat. The cost sheet in the amount of $41.60 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Special Magistrate Fuller granted the recommendation as presented and deemed the property a health and safety violation. The property owner has until September 5, 2019 to mow the entire

property to include edging, weed eating, and blowing debris off roadway and back onto the property, remove any trash and debris on site and store any items outside, that are not considered to be junk, in an enclosed building or a daily fine in the amount of $1,000.00 per day shall be imposed. Costs in the amount of $41.60 were awarded to the City.

11. **CEB Case No.:** 18-215
Respondent: Jeffrey Michael Salerno
Address of Violation: 1101 Donnell Drive, Port Orange, FL 32129
Code Officer: Amanda Bonin
First Notified: 2/14/2018

Compliance: Yes

Cited for violation(s) - City of Port Orange Land Development Code, Chapter 9 (Environmental Protection) Article II (Tree Preservation), Section 10 (Permit requirements for tree removal): (a) it is hereby unlawful for any person to city down, move, remove or destroy through damaging or to authorize the same, of any tree or natural vegetation referenced in this article without obtaining a tree removal permit in accordance with provisions of this article.

Ms. Joseph requested a dismissal of the case as it is in compliance. Special Magistrate Fuller granted the dismissal request.

12. **CEB Case No.:** 17-1516
Respondent: Martin E Lowman & Kristy M Jones
Address of Violation: 3821 Birch Mountain Road, Port Orange, FL 32129
Code Officer: Amanda Bonin
First Notified: 10/3/2017

Compliance: Yes

Cited for violation(s) - City of Port Orange Land Development Code, Chapter 9 (Environmental Protection) Article II (Tree Preservation), Section 10 (Permit requirements for tree removal): (a) it is hereby unlawful for any person to city down, move, remove or destroy through damaging or to authorize the same, of any tree or natural vegetation referenced in this article without obtaining a tree removal permit in accordance with provisions of this article.

Ms. Joseph requested a dismissal of the case as it is in compliance. Special Magistrate Fuller granted the dismissal request.

13. **CEB Case No.:** 19-1122
Respondent: Stephen W. Stewart, Trustee
Walter F. Stewart, Trustee
Address of Violation: 4660 Hidden Lake Drive, Port Orange, FL 32129
Code Officer: Amanda Bonin
First Notified: 7/22/2019

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) of the City of Port Orange Code of Ordinances.

Ms. Joseph requested a dismissal of the case as it is in compliance. Special Magistrate Fuller granted the dismissal request.

14. **CEB Case No.:** 17-1553
Respondent: Vicki Hanna
Address of Violation: 3498 Clyde Morris Blvd., Port Orange, FL 32129
Code Officer: Amanda Bonin
First Notified: 10/9/2017

Compliance: Yes

Cited for violation(s) - 2017 Florida Building Code, 6th Edition, Section 105 (Permits), Section 105.1 (Required) as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Failure to obtain a building permit.

Ms. Joseph requested a dismissal of the case as it is in compliance. Special Magistrate Fuller granted the dismissal request.

15. **CEB Case No.:** 19-249
Respondent: Susan C Prisaznick
Address of Violation: 3736 Sunrise Oaks Drive, Port Orange, FL 32129
Code Officer: Amanda Bonin
First Notified: 2/18/2019

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) of the City of Port Orange Code of Ordinances.

Chapter 3, Section 303 Swimming Pools, Spas, and Hot Tubs of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances; 303.1 Swimming Pools and 303.2 Enclosures.

City of Port Orange Land Development Code, Chapter 10 Clearing, Grading, and Stormwater Management, Article 1 Clearing and Grading, Section 1 Purpose and Intent.

City of Port Orange Land Development Code, Chapter 10 Clearing, Grading, and Stormwater Management, Article 1 Clearing and Grading, Section 2 Permits Required for change of Grade.

Amanda Bonin, Code Compliance Inspector, testified as to the condition of the property, as well as the notice provided to the property owner. Photos were submitted into evidence and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected by August 25, 2019 by installing a fence around the property, cleaning the green pool and maintaining it in a clean and sanitary condition, or cover it with an approved pool cover, mowing and removing all undergrowth in the rear of the property, and obtaining a permit for any change of grade on site.

Susan Prisaznick, property owner, was sworn in by Special Magistrate Fuller and spoke regarding the work that has been done and what she is waiting on. She cannot afford the $100 a day fine and is working on what she can with what she has.

Ms. Bonin recommended the property owners be found in violation of the above referenced code with the violations to be corrected by applying for a grade and fill permit by September 12, 2019, obtain the grade and fill permit by September 27, 2019 and apply for a fence permit, cover pool with approved pool cover by September 28, 2019, complete the grade and fill work by November 11, 2019, and install the fence by November 27, 2019. No daily fine was recommended. Accused should be further ordered to contact the Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the order. Ms. Bonin requested any future violations under this ordinance be considered repeat. The cost sheet in the amount of $34.30 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Special Magistrate Fuller granted the recommendation as presented. The property owner is to apply for a grade and fill permit by September 12, 2019, obtain the grade and fill permit by September 27, 2019 and apply for a fence permit, cover pool with approved pool cover by September 28, 2019, complete the grade and fill work by November 11, 2019, and install the fence by November 27, 2019. The case will come back to the December 11, 2019 hearing to verify compliance. Costs in the amount of $34.30 were awarded to the City.

16. **CEB Case No.:** 19-0669
Respondent: Julie Ann Luttrell & Patricia H. Atwood
Address of Violation: 5419 Landis Avenue, Port Orange, FL 32127
Code Officer: Scott Allman
First Notified: 5/6/2019

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) 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.

Ms. Joseph requested a dismissal of this case as it is in compliance. Special Magistrate Fuller granted the dismissal request.

17. **CEB Case No.:** 19-0670
Respondent: Richard Lee Turner
Address of Violation: 5566 Lancewood Drive, Port Orange, FL 32127
Code Officer: Scott Allman
First Notified: 5/6/2019

Compliance: Yes

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

Ms. Joseph requested a dismissal of the case as it is in compliance. Special Magistrate Fuller granted the dismissal request.

18. **CEB Case No.:** 19-1053
Respondent: Sharon Blake
Address of Violation: 1112 Bayview Lane, Port Orange, FL 32127
Code Officer: Scott Allman
First Notified: 7/15/2019

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) of the City of Port Orange Code of Ordinances.

Scott Allman, Code Compliance Inspector, was sworn in by Special Magistrate Fuller and testified as to the condition of the property, as well as the notice provided to the property owner. Photos were submitted into evidence and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected immediately, as it is a repeat violation, by mowing the entire property and trimming all high weeds.

Mr. Allman recommended the property owners be found in repeat violation of the above referenced code with the violations to be corrected on or before September 9, 2019 by mowing the entire property and trimming all high weeds. In the event the property is not brought into compliance on or before the compliance date, and/or not maintained in a state of compliance, the city shall have the option to abate the violation. Accused should be further ordered to contact the Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the order. Mr. Allman requested any future violations under this ordinance be considered repeat. The cost sheet in the amount of $41.60 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Special Magistrate Fuller granted the recommendation as presented and deemed the property a health and safety violation. The property owner has until September 9, 2019 to mow the entire property and trim all high weeds or the city shall have the option to abate the violation. Costs in the amount of $41.60 were awarded to the City.

C. ORDER IMPOSING FINE/LIEN

19. **CEB Case No.:** 19-917
Respondent: Dave Robinson Builder & Dev Co
Address of Violation: Clyde Morris Blvd, Port Orange, FL 32129 Right of Way
Code Officer: Amanda Bonin
First Notified: 6/4/2019

Compliance: No

Cited for violation(s) - City of Port Orange Land Development Code, Chapter 14 Buildings and Building Regulations, Article VII Commercial Property Maintenance Standards, Section 14-317 - Parking, sidewalk and driveway areas (a) (3).

Ms. Bonin requested an Order Setting Fine/Lien as the property was not in compliance immediately as ordered in the previous hearing on July 24, 2019 by the Special Magistrate. The City retained vendor Pavemax who abated the violations at the cost of $1,200.00. A cost sheet for mailing and recording costs in the amount of $114.80 was tendered and submitted into evidence without objection.

Special Magistrate Fuller found the property in non-compliance and awarded $1,200.00 in abatement costs and mailing and recording costs to date of $114.80. A lien is imposed on the property in the amount of $1,314.80.

20. **CEB Case No.:** 19-0763
Respondent: Shoppes At Southwinds II LLC
Address of Violation: 3751 Clyde Morris Blvd., Port Orange, FL 32127
Code Officer: Dennis Boehmer
First Notified: 5/23/2019

Compliance: No

Cited for violation(s) - City of Port Orange Code of Ordinances, Chapter 14 (Buildings and Building Regulations), Article VII (Commercial Property Maintenance Standards), Sec. 14-314 (Landscaping and buffers - Maintenance criteria (a) Approved Landscape plans, (1) trees, (2) Shrubs, (3) Lawns, (d) Required maintenance and anticipated growth and coverage.

Chapter 14 (Buildings and Building Regulations), Article VII (Commercial Property Maintenance Standards), Sec. 14-317 (Parking, sidewalk and driveway areas), (a) Maintenance criteria, (1) Parking lot striping, fire lane and traffic control markings.

Chapter 14 (Buildings and Building Regulations), Article VII (Commercial Property Maintenance Standards), Sec. 14-318 (Other property improvements: maintenance criteria), (c) Walls and

fences (1).

Chapter 42, (Nuisances), Article II, (Garbage, Junk and Undergrowth), Section 42-26, (Cleanliness of Property Generally-duty of owner), (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 42-26, (Cleanliness of Property Generally-duty of owner), (c) Maintenance of commercial and industrial zoned lots.

Lloyd Bernard, property owner, was sworn in by Special Magistrate Fuller and addressed some issues that have popped up and asked for more time.

Mr. Boehmer requested a continuation of the case to the September 25, 2019 hearing. Special Magistrate Fuller granted the continuation request.

21. **CEB Case No.:** 19-0735
Respondent: Eva K Ivie
Address of Violation: 27 Golden Gate Circle, Port Orange, FL 32129
Code Officer: Dennis Boehmer
First Notified: 5/21/2019

Compliance: Yes

Cited for violation(s) - 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.

Ms. Joseph requested a dismissal of the case as it is in compliance. Special Magistrate Fuller granted the dismissal request.

22. **CEB Case No.:** 19-0782
Respondent: Ethel M Morgan
Address of Violation: 709 Sheldon Circle, Port Orange, FL 32127
Code Officer: Dena Joseph
First Notified: 5/20/2019

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) of the City of Port Orange Code of Ordinances.

Ms. Joseph requested an Order Setting Fine/Lien as the property was not in compliance by August 4, 2019 as ordered in the previous hearing on July 24, 2019 by the Special Magistrate. The City retained vendor Mark Solomon Properties who abated the violations at the cost of $100.00. A cost sheet for mailing and recording costs in the amount of $92.90 was tendered and submitted into evidence without objection.

Special Magistrate Fuller found the property in non-compliance and awarded $100.00 in abatement costs and mailing and recording costs to date of $92.90. A lien is imposed on the property in the amount of $192.90.

D. ADJOURNMENT -10:43am

Special Magistrate Fuller