

PORT ORANGE CODE ENFORCEMENT
SPECIAL MAGISTRATE MINUTES
COUNCIL CHAMBERS
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
SEPTEMBER 25, 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: 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 September 11, 2019 meeting minutes as presented.

Oaths

Code Compliance Inspector 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.:** 18-452
Respondent: Charlie Molineaux Jr.
Address of Violation: 722 Dove Avenue, Port Orange, FL 32127
Code Officer: Amanda Bonin
First Notified: 4/2/2018

Compliance: No

Cited for violation(s) - Sixth Edition (2017) Florida Building Code, Section 105 (Permits), 105.1 (Permits Required), as adopted by Chapter 14, Article II, of the City of Port Orange Code of Ordinances: Failure to obtain a building Permit: Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any required impact-resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permits.

Dena Joseph, Code Compliance Inspector, was sworn in by Special Magistrate Fuller and requested a continuation of the case to the November 13, 2019 hearing. Special Magistrate Fuller granted the continuance request.

4. CEB Case No.: 19-0280

Respondent: Loretto U. Bobo

Address of Violation: 608 Roselle Street, Port Orange, FL 32127

Code Officer: Dennis Boehmer

First Notified: 2/22/2019

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) and (h) abutting property owner 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.

2018 International Property Maintenance Code, Chapter 3, Section 304 Exterior Structure, as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: 304.1 General and 304.6 Exterior Walls.

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

2018 International Property Maintenance Code Chapter 3 (General Requirements), Section 304.13 (Window, skylight and door frames) as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

2018 International Property Maintenance Code Chapter 3 (General Requirements), Section 304.15 (Doors) as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

Chapter 6 (Mechanical and Electrical Requirements), Section 604 (Electrical Facilities), 604.3 (Electrical system hazards) 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 requested a continuation of the case to the October 9, 2019 hearing. Special Magistrate Fuller granted the continuance request.

5. **CEB Case No.:** 19-1145

Respondent: Johnny Ray Hamilton

Address of Violation: 401 Herbert Street, Port Orange, FL 32127

Code Officer: Dennis Boehmer

First Notified: 8/5/2019

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), (h) Abutting property owner maintenance of parkages.

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

6. **CEB Case No.:** 19-1074

Respondent: Christopher Chien Mai

Cathleen Luong

Address of Violation: 5683 Riverside Drive, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 7/19/2019

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 owner maintenance of parkages.

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

7. **CEB Case No.:** 19-1076

Respondent: Across the Pond Developments LLC, Property Owner

c/o Mark Venables, Registered Agent

Address of Violation: 5680 Riverside Drive, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 7/19/2019

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 owner maintenance of parkages.

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), 304.13 (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 26, 2019 by mowing the entire property to include weed eating, edging, and blowing grass clippings back onto the property, removing all trash and debris, storing all outside items in an enclosed building, and removing the boards off the front window and replacing the glass if broken.

Ms. Joseph recommended the property owners be found in violation of the above referenced codes with the violations to be corrected on or before October 6, 2019 by mowing the entire property to include weed eating, edging, and blowing grass clippings back onto the property, removing all trash and debris, and storing all outside items in an enclosed building. Ms. Joseph excluded removing the boards off the window due to it being boarded up for hurricane preparation, resulting in it not being a violation. 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 \$43.60 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 October 6, 2019 to mow the entire property to include weed eating, edging, and blowing grass clippings back onto the property, remove all trash and debris, and store all outside items in an enclosed building or a daily fine in the amount of \$100.00 per day shall be imposed. Costs in the amount of \$43.60 were awarded to the City.

8. CEB Case No.: 19-1356

Respondent: Kenneth D. & Ruth P. Veradi

Address of Violation: 5411 Landis Avenue, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 9/12/2019

Compliance: No

Cited for repeat violation(s) - 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 storing all outside items in an enclosed building and removing all trash and debris from the property.

Ms. Joseph recommended the property owners be found in repeat violation of the above referenced code as the property was not in compliance with the Notice of Hearing. A daily fine in the amount of \$250.00 per day shall be assessed from September 12, 2019 through and including September 23, 2019 for a total of 11 days due to continuous and repeat non-compliance. Ms. Joseph requested any future violations under this ordinance be considered repeat. The cost sheet in the amount of \$43.60 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Kenneth Veradi, Property Owner, was sworn in by Special Magistrate Fuller and testified that the yard has been cleaned up. He informed the Magistrate that a friend of his was staying with him and was the source of the junk issues but is gone now. Mr. Veradi stated it won't happen again.

Special Magistrate Fuller granted the recommendation with an amendment. A daily fine in the amount of \$100.00 per day beginning September 12, 2019 and continuing through and including September 23, 2019 for a total of 11 days shall be imposed. Costs in the amount of \$43.60 were awarded to the City.

9. CEB Case No.: 19-1172

Respondent: Peter J. Renko

Address of Violation: 150 Howes Street, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 8/7/2019

Compliance: No

Cited for repeat 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 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 weed eating, edging and blowing of grass clippings back onto the property and storing all outside items 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 October 2, 2019 by mowing the entire property to include weed eating, edging and blowing of grass clippings back onto the property and 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 one-time fine in the amount of \$500.00 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. Ms. Joseph requested any future violations under this ordinance be considered repeat. The cost sheet in the amount of \$36.30 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Peter Renko, property owner, was sworn in by Special Magistrate Fuller and testified that the person that has been cutting his lawn has been having equipment issues and he doesn't have the ability to do it himself. He stated that the items on the side of the house were placed there in preparation for the hurricane.

Special Magistrate Fuller granted the recommendation as presented and deemed the property a health and safety violation. The property owner has until October 2, 2019 to mow the entire property to include weed eating, edging and blowing of grass clippings back onto the property and store all outside items in an enclosed building or a one-time fine in the amount of \$500.00 shall be imposed. Costs in the amount of \$36.30 were awarded to the City.

C. ORDER IMPOSING FINE/LIEN

10. 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.

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

11. CEB Case No.: 18-1487

Respondent: Lonnie L. Freeman

Address of Violation: 5804 Riverside Drive, Port Orange FL 32127

Code Officer: Dena Joseph

First Notified: 9/11/2018

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), (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.

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

City of Port Orange Land Development Code, Chapter 16 (Miscellaneous Regulations), Section 1 (Accessory Uses and Structures), (e) Outside Storage, (1) Residential uses, (c)

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 continuation of the case to the November 13, 2019 hearing. Special Magistrate Fuller granted the continuation request.

12. CEB Case No.: 19-0897

Respondent: Catherine M. Thomas

Address of Violation: 717 Marshall Circle, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 6/20/2019

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.

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 an Order Setting Fine/Lien as the property was not in compliance by August 21, 2019 as ordered in the previous hearing on August 14, 2019 by the Special Magistrate. She requested a one-time fine in the amount of \$1,000.00 as ordered in the Finding of Fact, Conclusion of Law & Order if the violation continued past August 21, 2019. The City retained vendor Yellowstone Landscape who abated the violations at the cost of \$123.84. A cost sheet for mailing and recording costs in the amount of \$94.90 was tendered and submitted into evidence without objection.

Special Magistrate Fuller found the property in non-compliance and awarded \$1,123.84 in daily fines and abatement costs and mailing and recording costs to date of \$94.90. A lien is imposed on the property in the amount of \$1,218.74.

13. CEB Case No.: 19-0756

Respondent: Brian Player

Address of Violation: 5217 Frederick Avenue, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 5/23/2019

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), (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.

Sixth Edition (2018) Florida Building Code, Section 105 (Permits), 105.1 (Permits Required), as adopted by Chapter 8, Article 1, of the City of Port Orange Land Development Code.

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.

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.

Ms. Joseph requested an Order Setting Fine/Lien as the property was not in compliance by August 25, 2019 as ordered in the previous hearing on August 14, 2019 by the Special Magistrate. She requested a daily fine in the amount of \$100.00 per day as ordered in the Finding of Fact, Conclusion of Law & Order to begin on August 26, 2019 and running through and including September 11, 2019 for a total of 17 days. A cost sheet for mailing and recording costs in the amount of \$87.60 was tendered and submitted into evidence without objection.

Special Magistrate Fuller found the property in non-compliance and awarded \$1,700.00 in daily fines and mailing and recording costs to date of \$87.60. A lien is imposed on the property in the amount of \$1,787.60.

14. CEB Case No.: 19-0785

Respondent: Kimberly Ann Long

Address of Violation: 713 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.

Chapter 42, (Nuisances), Article II (Garbage, junk and undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), (h) Abutting property owner maintenance of parkages.

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

D. ADJOURNMENT- 10:12am


Special Magistrate Fuller