PORT ORANGE CODE ENFORCEMENT
SPECIAL MAGISTRATE MINUTES
COUNCIL CHAMBERS
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
NOVEMBER 13, 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 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 October 23, 2019 meeting minutes as presented.

Oaths

Code Compliance Inspectors 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.:** 19-840
   Respondent: Paul A. & Walter C. Zaborny
   Address of Violation: 1118 Viking Drive, Port Orange, FL 32129
   Code Officer: Amanda Bonin
   First Notified: 6/6/2019

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 42-26 (Cleanliness of property generally-duty of owner), (h) Abutting property owner maintenance of parkages.

Amanda Bonin, 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.

4. **CEB Case No.:** 18-1500
   Respondent: Industrial Corporation Inc.
   c/o Leonard Zedeck
   Address of Violation: 3812 (aka) 3826 Clyde Morris Blvd., Port Orange, FL 32129
   Code Officer: Amanda Bonin
   First Notified: 9/13/2018

Compliance: Yes

Cited for violation(s) - City of Port Orange Land Development Code, Chapter 14 Buildings and Building Regulations, Article VII Commercial Property Maintenance Standards, Section 14-314. - Landscaping and buffers - Maintenance criteria (a) (1) (2) (3) & (5).
Section 14-315. - Same - Replacement criteria (a) (b) & (c).
Section 14-317. - Parking, sidewalk and driveway areas (a) (1) (2) & (3).

City of Port Orange Land Development Code, Chapter 11 Utilities, Section 7 Solid Waste Collection Service; (b) (3) (3) Enclosure.

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

5. **CEB Case No.:** 18-1569
   Respondent: Lowe's Home Centers, LLC
   C/O Corporation Service Company RA
   Address of Violation: 1751 Dunlawton Avenue, Port Orange, FL 32129
   Code Officer: Amanda Bonin
   First Notified: 9/21/2018

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.
Sec. 14-315.- Same - Replacement criteria.
Sec. 14-317.- Parking, sidewalk and driveway areas.
Sec. 14-318.- Other property improvements; maintenance criteria.

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. Bonin requested a continuation of the case to the December 11, 2019 hearing. Special Magistrate Fuller granted the continuation request.

6. **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.

Ms. Bonin requested a continuation of the case to the February 12, 2020 hearing. Special Magistrate Fuller granted the continuation request.

7. **CEB Case No.:** 18-1686
   Respondent: Anthony M. Malena
   Address of Violation: 1394 Surrey Park Drive, Port Orange, FL 32128
   Code Officer: Amanda Bonin
   First Notified: 10/2/2018

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), (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.

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

Chapter 3, Section 304 Exterior Structure of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances, 304.6 Exterior Walls.

Ms. Bonin requested a continuation of the case to the December 11, 2019 hearing. Special Magistrate Fuller granted the continuation request.

8. **CEB Case No.:** 19-943
Respondent: Port Orange Petro LLC
c/o Nilesh Shah
Address of Violation: 6223 S Williamson Blvd., Port Orange, FL 32128
Code Officer: Amanda Bonin
First Notified: 6/14/2019

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 14-314. - Landscaping and buffers - Maintenance criteria. (a) Approved landscape plan **(1)** trees **(2)** Shrubs **(3)** Lawns **(5)** other planting areas **(d) (1) (2) (3) (4) (5) (6) & (7)** Section 14-315. - Same - Replacement Criteria **(a)** landscape planting **(b)** buffer planting **(c)** natural areas
Section 14-317. - Parking, sidewalk and driveway areas. **(a)** Maintenance criteria **(1) (2) & (3)** (b) City of Port Orange Land Development Code, Chapter 11 Utilities, Section 7 Solid Waste Collection Service; **(b) (3) (3)** Enclosure.

Ms. Bonin 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 November 1, 2019 by pressure washing and painting the building, columns at the gas pumps, the dumpster enclosure and retaining wall, repairing the broken picket to the dumpster enclosure, replacing/installing all dead, dying, and missing plants, trees, and shrubs as required on the landscape plan, re-sealing and re-striping the parking lot (excluding the concrete section(s)), ensuring all parking lot lighting is in proper working order, repairing the irrigation and ensuring 100 percent coverage of all vegetation, pruning all low hanging/protruding trees as to not interfere with vehicular traffic, weeding and mulching all landscape beds and hedgerows, and removing all trash and debris from site.

Ms. Bonin recommended the property owners be found in violation of the above referenced codes with the violations to be corrected on or before December 16, 2019 by pressure washing and painting the building, columns at the gas pumps, the dumpster enclosure and retaining wall, repairing the broken picket to the dumpster enclosure, replacing/installing all dead, dying, and missing plants, trees, and shrubs as required on the landscape plan, re-sealing and re-striping the parking lot (excluding the concrete section(s)), ensuring all parking lot lighting is in proper working order, repairing the irrigation and ensuring 100 percent coverage of all vegetation, pruning all low hanging/protruding trees as to not interfere with vehicular traffic, weeding and mulching all landscape beds and hedgerows, and removing all trash and debris from site. 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. Bonin requested any future violations under this ordinance be considered repeat. The cost sheet in the amount of $58.20 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Baarat Thaker, Property Manager, was sworn in by Special Magistrate Fuller and testified to the work that has been done on the property so far. The parking lot lighting has been taken care of and the well was worked on, and then a car ran into it resulting in a need to redo the work. Mr. Thaker submitted proposals/quotes from a few vendors to Special Magistrate Fuller for inspection for the remaining work to be done. He requested a 3-month extension to get everything done.

Ms. Bonin suggested a compromise to continue the case to the January 22, 2020 hearing and reevaluate the progress at that point.

Special Magistrate Fuller granted the recommended compromise to continue the case to the January 22, 2020 hearing.

9. **CEB Case No.:** 19-1240
   Respondent: Edward T. Garvin, Roy H. Garvin, & Phyllis T. Garvin
   Address of Violation: 1389 N. Dexter Drive, Port Orange, FL 32129
   Code Officer: Amanda Bonin
   First Notified: 8/13/2019

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 42-32 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) 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. Bonin 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 October 20, 2019 by mowing all high weeds and grass to include the rights of way, weed eating, and blowing of yard debris. Grass clippings are to be blown back onto the property, off the street and sidewalk. All undergrowth onsite needs to be cut back and removed to expose the driveway and provide parking in the

driveway and access to it. Additionally, all items being stored outside must be removed from the exterior of the property or placed in an enclosed building.

Gary Geist, Tenant, spoke about the work he has done to clean up the property.

Ms. Bonin recommended the property owners be found in violation of the above referenced codes with the violations to be corrected on or before December 2, 2019 by mowing all high weeds and grass to include the rights of way, weed eating, and blowing of yard debris. Grass clippings are to be blown back onto the property, off the street and sidewalk. All undergrowth onsite needs to be cut back and removed to expose the driveway and provide parking in the driveway and access to it. Additionally, all items being stored outside must be removed from the exterior of the property or placed 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 $150.00 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. Bonin requested any future violations under this ordinance be considered repeat. The cost sheet in the amount of $72.80 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 December 2, 2019 to mow all high weeds and grass to include the rights of way, weed eating, and blowing of yard debris, grass clippings are to be blown back onto the property and off the street and sidewalk. All undergrowth onsite needs to be cut back and removed to expose the driveway and provide parking in the driveway and access to it. Additionally, all items being stored outside must be removed from the exterior of the property or placed in an enclosed building or a daily fine in the amount of $150.00 per day shall be imposed. Costs in the amount of $72.80 were awarded to the City.

10. **CEB Case No.:** 19-1376
Respondent: Maegan R. Rohrbach
Address of Violation: 610 Newton Road, Port Orange, FL 32127
Code Officer: Scott Allman
First Notified: 9/16/2019

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.

Scott Allman, 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.

11. **CEB Case No.:** 19-686
Respondent: Lisa K. Schimp
Address of Violation: 488 Wiltshire Blvd., Port Orange, FL 32127
Code Officer: Scott Allman
First Notified: 5/8/2019

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.

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.

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

12. **CEB Case No.:** 19-1399
Respondent: Tammy D. Gray
Address of Violation: 4650 Spruce Creek Rd., Port Orange, FL 32127
Code Officer: Scott Allman
First Notified: 9/23/2019

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.

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

13. **CEB Case No.:** 19-0511
Respondent: Mildred E. Davison Life Estate
Address of Violation: 5828 Spruce Creek Woods Drive, Port Orange, FL 32127

Code Officer: Scott Allman
First Notified: 4/3/2019

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.

Mr. Allman testified as to the condition of the property, as well as the notice provided to the property owner. He clarified there was a slight clerical error in the Notice and the respondents name is "Davison" not "Davidson." Photos were submitted into evidence and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected by November 4, 2019 by mowing and trimming the entire property and blowing all debris back onto the property.

Mr. Allman recommended the property owners be found in violation of the above referenced codes with the violations to be corrected on or before November 25, 2019 by mowing and trimming the entire property and blowing all debris back onto 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, a daily fine in the amount of $500.00 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. Mr. Allman 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 and deemed the property a health and safety violation. The property owner has until November 25, 2019 to mow and trim the entire property and blow all debris back onto the property or a daily fine in the amount of $500.00 per day shall be imposed. Costs in the amount of $43.60 were awarded to the City.

14. **CEB Case No.:** 19-1086
Respondent: Mark E. Davison
Address of Violation: 310 Grant Street, Port Orange, FL 32127
Code Officer: Dena Joseph
First Notified: 7/23/2019

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.

Dena Joseph, 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 by mowing the entire property to include weed eating, removing any fallen limbs and yard debris, and blowing grass clippings back onto the property.

Ms. Joseph recommended the property owners be found in violation of the above referenced codes with the violations to be corrected on or before November 20, 2019 by mowing the entire property to include weed eating, removing any fallen limbs and yard debris, and blowing grass clippings back onto 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, 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. Ms. Joseph requested any future violations under this ordinance be considered repeat. The cost sheet in the amount of $50.90 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 has until November 20, 2019 to mow the entire property to include weed eating, removing any fallen limbs and yard debris, and blowing grass clippings back onto the property or a one-time fine in the amount of $1,000.00 shall be imposed. Costs in the amount of $50.90 were awarded to the City.

15. **CEB Case No.:** 19-1087
Respondent: Mark E. & Cecelia K. Davison
Address of Violation: 312 Grant Street, Port Orange, FL 32127
Code Officer: Dena Joseph
First Notified: 7/23/2019

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.

Dena Joseph, 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 by mowing the entire property to include weed eating, removing any fallen limbs and yard debris, and blowing grass clippings back onto the property.

Ms. Joseph recommended the property owners be found in violation of the above referenced codes with the violations to be corrected on or before November 20, 2019 by mowing the entire property to include weed eating, removing any fallen limbs and yard debris, and blowing grass clippings back onto 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, 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. Ms. Joseph requested any future violations under this ordinance be considered repeat. The cost sheet in the amount of $72.80 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 November 20, 2019 to mow the entire property to include weed eating, removing any fallen limbs and yard debris, and blowing grass clippings back onto the property or a one-time fine in the amount of $1,000.00 shall be imposed. Costs in the amount of $72.80 were awarded to the City.

Special Magistrate Fuller requested a 10-minute recess at 10:23am.

16. **CEB Case No.:** 16-2024
Respondent: Milan Khanna
Address of Violation: 3813 Birch Mountain Road, Port Orange, FL 32129
Code Officer: Dena Joseph
First Notified: 12/28/2016

Compliance: No

Cited for violation(s) - 2018 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 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 permit.

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 October 20, 2019 by obtaining a valid permit through the City of Port Orange Building Department for the installation of windows, pouring of concrete floor, and electric that was installed in the patio area that was enclosed at this location. A permit application was submitted, and a permit is in progress (19-5287) but the application has been returned to the contractor for revisions and additional information that is required.

Ms. Joseph recommended the property owners be found in violation of the above referenced codes with the violations to be corrected on or before December 15, 2019 by obtaining a valid permit through the City of Port Orange Building Department for the installation of windows, pouring of concrete floor, and electric that was installed in the patio area that was enclosed at this location. 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 $36.30 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 December 15, 2019 to obtain a valid permit through the City of Port Orange Building Department for the installation of windows, pouring of concrete floor, and electric that was installed in the patio area that was enclosed at this location or a daily fine in the amount of $250.00 per day shall be imposed. Costs in the amount of $36.30 were awarded to the City.

17. **CEB Case No.:** 17-0332
Respondent: Milan Khanna
Address of Violation: 3813 Birch Mountain Road, Port Orange, FL 32129
Code Officer: Dena Joseph
First Notified: 3/13/2017

Compliance: No

Cited for violation(s) - 2018 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 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 permit.

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 October 20, 2019 by obtaining a valid permit through the City of Port Orange Building Department for the addition of a concrete walkway, the bridge that was built over the swale in the back of the property, and for the installation of electric along the walkway and on the exterior of the home for the lights that were added.

Ms. Joseph recommended the property owners be found in violation of the above referenced codes with the violations to be corrected on or before December 15, 2019 by obtaining a valid permit through the City of Port Orange Building Department for the addition of a concrete walkway, the bridge that was built over the swale in the back of the property, and for the installation of electric along the walkway and on the exterior of the home for the lights that were added. 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 $36.30 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 December 15, 2019 to obtain a valid permit through the City of Port Orange Building Department for the addition of a concrete walkway, the bridge that was built over the swale in the back of the property, and for the installation of electric along the walkway and on the exterior of the home for the lights that were added or a daily fine in the amount of $250.00 per day shall be imposed. Costs in the amount of $36.30 were awarded to the City.

C. ORDER IMPOSING FINE/LIEN

18. **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: 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 (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 dismissal of the case as it is in compliance. Special Magistrate Fuller granted the dismissal request.

19. **CEB Case No.:** 19-1157
Respondent: Audrey M. Howard
Address of Violation: 1128 Bayview Lane, Port Orange, FL 32127
Code Officer: Scott Allman
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.

20. **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: Yes

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.

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

21. **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 February 12, 2020 hearing. Special Magistrate Fuller granted the continuation request.

22. **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 requested an Order Setting Fine/Lien as the property was not in compliance October 6, 2019 as ordered in the previous hearing on September 25, 2019 by the Special Magistrate. She requested a daily fine in the amount of $100.00 as ordered in the Finding of Fact, Conclusion of Law & Order to begin on October 7, 2019 and running through and including October 27, 2019 for a total of 20 days. A cost sheet for mailing and recording costs in the amount of $96.90 was tendered and submitted into evidence without objection.

Special Magistrate Fuller found the property in non-compliance and awarded $100.00 in daily fines beginning on October 7, 2019 and running through and including October 27, 2019 and mailing and recording costs to date of $96.90. A lien is imposed on the property in the amount of $2,096.90.

23. **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: 9/12/2019

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 a continuation to the December 11, 2019 hearing. Special Magistrate Fuller granted the continuation request.

24. **CEB Case No.:** 19-732
Respondent: Edwina V. Schaffer
First National Bank of America
Address of Violation: 5348 Landis Avenue, Port Orange FL 32127
Code Officer: Dena Joseph
First Notified: 5/16/2019

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 (2017) 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 42, (Nuisances), Article V - Unsafe Conditions, Division II Nuisance Trees, Section 42-103 Declaration of a nuisance, 42-104 Nuisance abatement requirements, & 42-105 Enforcement - Failure of owner to abate nuisance; assessments of costs, creation of lien.

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 requested an Order Setting Fine/Lien as the property was not in compliance July 14, 2019 as ordered in the previous hearing on June 26, 2019 by the Special Magistrate. She requested a daily fine in the amount of $50.00 as ordered in the Finding of Fact, Conclusion of Law & Order to begin on July 15, 2019 and running through and including July 16, 2019 for a total of 1 day. The City retained vendor Daytona Tree Service who abated the violations at the cost of $650.00. 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 $700.00 in daily fines and abatement costs and mailing and recording costs to date of $114.80. A lien is imposed on the property in the amount of $814.80.

D. ADJOURNMENT – 11:02am

Special Magistrate Fuller