PORT ORANGE CODE ENFORCEMENT
SPECIAL MAGISTRATE MINUTES
COUNCIL CHAMBERS
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
SEPTEMBER 9, 2020

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

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| PRESENT: | David Fuller, Special Magistrate |
| ALSO PRESENT: | Scott Allman, Code Compliance Inspector<br>Shelby Field, Assistant City Clerk |

Attorney Overview of Special Magistrate Code Enforcement Process

Special Magistrate Fuller dispensed with an overview of the code enforcement process as there were no members of the public present.

Consideration of Minutes

Special Magistrate Fuller approved the August 26, 2020 meeting minutes as presented.

Oaths

Code Compliance Inspector Scott Allman was sworn in by Special Magistrate Fuller.

**B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)**

3. **CEB Case No.:** 20-0828
   **Respondent:** James W. Sim Trust
   **Address of Violation:** 840 Upland Drive, Port Orange, FL 32127
   **Code Officer:** Scott Allman
   **First Notified:** 5/6/2020

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 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 56 (Solid Waste), Article II (Collection and Disposal Service), Section 56-34 (Location of Containers) 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.

*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.*

4. **CEB Case No.:** 20-1222
   **Respondent:** Stephen J. Hart
   **Address of Violation:** 39 Elda Lane, Port Orange, FL 32127
   **Code Officer:** Scott Allman
   **First Notified:** 7/28/2020

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. Photos were submitted into evidence and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected by August 21, 2020 by mowing the entire property, trimming all high weeds and by 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 by September 18, 2020 by mowing the entire property, trimming all high weeds and by 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 $50.00 per day shall be assessed for each day the violation continues past 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 September 18, 2020 to mow the entire property, trim all high weeds and by blowing all debris back onto the property or a daily fine in the amount of $50.00 per day shall be imposed for each day the property remains in noncompliance. Costs in the amount of $43.60 were awarded to the City.*

**C. ORDER IMPOSING FINE/LIEN** – there were none.

**D. ADJOURNMENT** – 9:10 a.m.

Special Magistrate Fuller