

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

THE SPECIAL MAGISTRATE HEARING of the City of Port Orange was called to order by Special Magistrate Fuller at 9:02 a.m.

PRESENT: David Fuller, Special Magistrate

ALSO PRESENT: Scott Allman, Code Compliance Inspector
Amanda Bonin, Code Compliance Inspector
Dennis Boehmer, Code Compliance Inspector
Daniel Bungart, 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 provided an overview of the code enforcement process as there were members of the public present.

Consideration of Minutes

Special Magistrate Fuller approved the November 11, 2020 meeting minutes as presented.

Oaths

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

Code Compliance Inspectors asked to hear the agenda out of order as there were members of the public present. Special Magistrate Fuller granted the request.

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 20-1344
Respondent: Scott Theodore Zyrowski
Address of Violation: 191 Gibson Way, Port Orange, FL 32129
Code Officer: Dennis Boehmer
First Notified: 8/20/2020

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), (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.

Dennis Boehmer, 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.:** 20-1634

Respondent: Jessica Lynn Lincicome

Address of Violation: 9 Raintree Drive, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 10/15/2020

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.

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.

5. **CEB Case No.:** 20-1663

Respondent: Michael J. Parker & Carolyn R. Champine

Address of Violation: 6129 Half Moon Drive, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 10/20/2020

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 requested a continuation of the case to the January 13, 2021 Hearing. Special Magistrate Fuller granted the continuation request.

6. **CEB Case No.:** 20-1740

Respondent: Marnee Maree Weakly

Address of Violation: 1210 Mellisa Drive, Port Orange, FL 32129

Code Officer: Daniel Bungart

First Notified: 10/30/2020

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. Bungart 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 7, 2020 by trimming all high weeds and grass and blowing/sweeping all debris back onto property.

The property is now in compliance; however, Mr. Bungart recommended the property owners be found in violation of the above referenced codes as the property was not in compliance with the Notice of Hearing. Ms. Joseph requested any future violations under this ordinance be considered repeat. The cost sheet in the amount of \$36.40 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Special Magistrate Fuller granted the recommendation as presented. Costs in the amount of \$36.40 were awarded to the City.

7. CEB Case No.: 20-1412

Respondent: Joseph M. Cerce, Summer Cerce and James R. Kenning

Address of Violation: 5814 Williams Road, Port Orange, FL 32127

Code Officer: Daniel Bungart

First Notified: 8/31/2020

Compliance: No

Cited for violation(s) - City of Port Orange Code of Ordinances, Chapter 10 (Animals), Section 10-20 (Urban chickens), (d) Urban chicken permit regulations (1)-(12).

Daniel Bungart, 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 by December 9, 2020 by applying for and receiving a permit for the urban chicken program and completing all requirements for the permit.

Max Garcia, City Planner, was sworn in by Special Magistrate Fuller and testified to the requirements to own chickens in the urban chicken program as adopted in Ordinance 2018-32. In 2014 an Ordinance was passed that rezoned the subject property from agriculture to rural residential.

Joseph Cerce, Property Owner, was sworn in by Special Magistrate Fuller and testified that he received no information about the requirements to come into compliance. He stated he has been able to remove 2 chickens from the property but would like to keep the rest. Mr. Cerce doesn't believe they have been properly educated to the requirements of the urban chicken program. He feels he is being harassed by Code Enforcement. Mr. Cerce believes it would be difficult to complete all requirements for the permit by the requested compliance date.

Deborah Pearson, Code Compliance Manager, stated a privacy fence is required in the urban chicken program and is currently not present on this property.

*Mr. Bungart recommended the property owners be found in violation of the above referenced codes with the violations to be corrected by December 19, 2020 by completing all requirements for an urban chicken permit, paying for, and picking up the approved permit **or** removing all chickens and chicken coop 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, a daily fine in the amount of \$100.00 per day shall be imposed for each day the property remains in noncompliance. 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. Bungart requested any future violations under this ordinance be considered repeat. The cost sheet in the amount of \$73.40 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.*

Special Magistrate Fuller granted the recommendation with amendments. The property owner has until December 19, 2020 to apply for all permits required for an urban chicken program or the property shall be found in violation of the above referenced code. Costs in the amount of \$73.40 were awarded to the City.

8. CEB Case No.: 20-1638

Respondent: Ouri Attias TR

Address of Violation: 6710 Duckhorn Ct., Port Orange, FL 32128

Code Officer: Daniel Bungart

First Notified: 10/16/2020

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), Sec. 42-28 (Littering streets, sidewalks, vacant lots or waters of city) of the City of Port Orange Code of Ordinances.

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

Ouri Attias, Property Owner, was sworn in by Special Magistrate Fuller and testified that he believes Code Enforcement targets him each time he complains about a neighbor. He stated his neighbor has the same violation he was cited for, but no action is taken against them.

9. CEB Case No.: 20-590

Respondent: Acousti Interior Contractors Inc

Address of Violation: 5346 Ridgewood Avenue, Port Orange, FL 32127

Code Officer: Amanda Bonin

First Notified: 3/31/2020

Compliance: No

Cited for violation(s) - City of Port Orange Land Development Code, Chapter 9, Article II
- Tree Preservation, Section 10: - Permit requirements for tree removal (a)

City of Port Orange Land Development Code, Chapter 9, Article II - Tree Preservation, Section 16.5: - Historic tree protection requirements (a) (b) (1), (2), (3), (4), (5), & (6)

City of Port Orange Land Development Code, Chapter 9, Article II - Tree Preservation, Section 22.6: - Penalties (a) (b)

Amanda Bonin, 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 by November 29, 2020 by applying for and obtaining a tree removal permit.

Tim Smith, Property Owner, was sworn in by Special Magistrate Fuller and testified that he was under the impression the company he hired to remove the tree had applied for a permit but that was not the case. He has applied for a permit now, he is just waiting on the City to process it.

Ms. Bonin recommended the property owners be found in violation of the above referenced codes with the violations to be corrected by December 23, 2020 by applying and paying for a tree removal permit. 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 imposed for each day the property remains in noncompliance. 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 \$51.20 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Special Magistrate Fuller granted the recommendation with an amendment. The property owner has until December 23, 2020 to apply and pay for a tree removal permit or the property shall be found in violation of the above referenced codes. Costs in the amount of \$51.20 were awarded to the City.

10. **CEB Case No.:** 20-1060

Respondent: SBI, LLC

Address of Violation: 90 Dunlawton Avenue, Port Orange, FL 32127

Code Officer: Amanda Bonin

First Notified: 7/1/2020

Compliance: No

Cited for violation(s) - 2017 Florida Building Code, 6th Edition, Section 105 (Permits), Section 105.1 (Required) as adopted per Chapter 8, Article I of the City of Port Orange Code of Ordinances: Failure to Obtain a Building Permit.

Ms. Bonin requested a continuation of the case to the January 13, 2021 Hearing. Special Magistrate Fuller granted the continuation request.

11. **CEB Case No.:** 20-596

Respondent: Acousti Interior Contractors INC

Address of Violation: 5346 Ridgewood Avenue, Port Orange, FL 32127

Code Officer: Amanda Bonin

First Notified: 4/1/2020

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, Section 14-314 Landscaping and Buffers - Maintenance Criteria (a) (1) (2) & (d), (2), (4), (5), (6), & (7)

City of Port Orange Code of Ordinances Chapter 14 Buildings and Building Regulations, Article VII Commercial Property Maintenance Standards, Section 14-315 Same-Replacement Criteria (a), (b) (1) (2) (3)

City of Port Orange Code of Ordinances Chapter 14 Buildings and Building Regulations, Article VII Commercial Property Maintenance Standards, Section 14-318 Other property improvements; maintenance criteria (d)

City of Port Orange Land Development Code, Chapter 16 (Miscellaneous Regulations), Section 1 (Accessory Uses and Structures), (e) Outside Storage. Outside storage of new and used equipment and materials shall be regulated as follows (3) (b) (c) (d)

2019 International Property Maintenance Code, Chapter 1, Section 108, 108.1, 108.1.5 (3), as adopted by the City of Port Orange Code of Ordinances, Chapter 14, Article II, Section 14-26

2019 International Property Maintenance Code Chapter 3 (Exterior Property Areas), Section 304 (Exterior Structure), 304.6 (Exterior Walls) as adopted per Chapter 14, Article II Section 14-26 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 November 29, 2020 by removing all outside storage, removing all stored vehicles from the rear property, removing all recreational vehicles, repair with a permit or demolish the dilapidated greenhouse(s) and miscellaneous building in the rear property, and complete all landscaping requirements as indicated on the site plan.

Ms. Bonin recommended the property owners be found in violation of the above referenced codes with the violations to be corrected by January 4, 2021 by removing all outside storage,

removing all stored vehicles from the rear property, removing all recreational vehicles, repair with a permit or demolish the dilapidated greenhouse(s) and miscellaneous building in the rear property, and complete all landscaping requirements as indicated on the site plan. Should the podocarpus shrubs die or have insufficient growth by June 30, 2021 the City will require all shrubs be replaced with bamboo. 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 imposed for each day the property remains in noncompliance. 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 \$51.20 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Mr. Smith asked for an extension on the compliance date to the requirement to remove the structures.

Special Magistrate Fuller granted the recommendation with an amendment. The property owner has until March 1, 2021 to remove all outside storage, remove all stored vehicles from the rear property, remove all recreational vehicles, repair with a permit or demolish the dilapidated greenhouse(s) and miscellaneous building in the rear property, and complete all landscaping requirements as indicated on the site plan or a daily fine in the amount of \$100.00 per day shall be imposed for each day the property remains in noncompliance. Should the podocarpus shrubs die or have insufficient growth by June 30, 2021 the City will require all shrubs be replaced with bamboo. Costs in the amount of \$51.20 were awarded to the City.

12. **CEB Case No.:** 20-1391
 Respondent: Kathryn Giard
 Address of Violation: 5403 Taylor Avenue, Port Orange, FL 32127
 Code Officer: Dena Joseph
 First Notified: 8/27/2020

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.

13. **CEB Case No.:** 20-1697
 Respondent: Marguerite Sanders & Dean I. Maxwell
 Address of Violation: 720 Palm Circle Drive, Port Orange, FL 32127
 Code Officer: Dena Joseph
 First Notified: 10/23/2020

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.

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

14. **CEB Case No.:** 20-1437

Respondent: Carsten & Sandra Junker

Address of Violation: 5439 Taylor Road, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 9/2/2020

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 3 (General Requirements), Section 302 (Exterior Property Areas), 303.2 (Sidewalks and Driveways), of the 2018 International Property Maintenance Code as adopted per Chapter 14, Article II 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.

15. **CEB Case No.:** 20-1649

Respondent: Catherine M. Thomas

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

Code Officer: Dena Joseph

First Notified: 10/16/2020

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.

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 rights of way, weed eating, and blowing debris off roadway and back onto property.

Ms. Joseph recommended the property owners be found in violation of the above referenced codes with the violations to be corrected immediately by mowing the entire property to include rights of way, edging, weed eating, and blowing grass clippings off roadway, sidewalks, and driveways, and back onto 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 \$ 2,000.00 shall be imposed. 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 \$43.80 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 is to immediately mow the entire property to include rights of way, edging, weed eating, and blowing grass clippings off roadway, sidewalks, and driveways, and back onto property or a one-time fine in the amount of \$2,000.00 shall be imposed. Costs in the amount of \$43.80 were awarded to the City.

16. **CEB Case No.:** 20-1658
 Respondent: Betty Jane Buelow
 Address of Violation: 5437 Isabelle Ave., Port Orange, FL 32127
 Code Officer: Dena Joseph
 First Notified: 10/19/2020

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.

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 this is a repeat violation,

by mowing the entire property and parkage area to include weed eating and blowing all 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 immediately by mowing the entire property and parkage area to include weed eating and blowing all 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 imposed. 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 \$43.80 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 is to immediately mow the entire property and parkage area to include weed eating and blowing all 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 \$43.80 were awarded to the City.

17. **CEB Case No.:** 20-1660

Respondent: Samuel C. Sebergandio, Jr. EST

Address of Violation: 5453 Pineland Ave., Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 10/19/2020

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.

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 this is a repeat violation, by mowing the entire property and parkage area to include weed eating and blowing of grass clippings back onto property.

Ms. Joseph recommended the property owners be found in violation of the above referenced codes with the violations to be corrected immediately by mowing the entire property and parkage area to include weed eating and blowing of grass clippings back onto 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 \$ 2,000.00 shall be imposed. 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 \$43.80 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 is to immediately mow the entire property and parkage area to include weed eating and blowing of grass clippings back onto property or a one-time fine in the amount of \$2,000.00 shall be imposed. Costs in the amount of \$43.80 were awarded to the City.

18. **CEB Case No.:** 20-1568

Respondent: Lori Mathews (aka Lori Hurley)

Address of Violation: 5302 Landis Avenue, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 9/25/2020

Compliance: No

Cited for violation(s) - Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment), 108.1 (General), 108.1.1 (Unsafe Structures), 108.1.3 (Structure Unfit for Human Occupancy), 108.1.5 (Dangerous Structure or Premises), (1), (2), (3), (4), (5), (6), (7), (8), (10), (11), 108.6 (Abatement Methods), Section 109 (Emergency Measures), 109.1 (Imminent Danger) of the 2018 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

Chapter 42 (Nuisances), Article V (Unsafe Conditions), Division 3 (Abatement of Unsafe Structures), 42-108 (Unsafe Conditions - Nuisance), (a) 1,2,3,4,5,6 & (b) of the City of Port Orange Code of Ordinances.

Chapter 5 (Plumbing Facilities and Fixture Requirements), Section 502 (required Facilities), 502.1 (Dwelling Units) of the International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

Chapter 5 (Plumbing Facilities and Fixture Requirements), Section 505 (Water Systems), 505.1 (General) of the International Property Maintenance Code as adopted per Chapter 14, Article II 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 by December 6, 2020 by demolishing the structure in its entirety as the mobile home was destroyed by a fire and is now considered an unsafe, uninhabitable, and dangerous structure. A permit will need to be obtained through the City of Port Orange Building Department. The property will need to be filled, graded and seeded with grass seed or sodded within five days of the date of completion of the demolition and comply with the established vegetation standards of the city.

Lori Hurley, Property Owner, was sworn in by Special Magistrate Fuller and asked for an extension as she is under bilateral contract to sell the property and the buyer has agreed to remove the structure.

Ms. Joseph recommended the property owners be found in violation of the above referenced codes with the violations to be corrected by January 10, 2021 by demolishing the structure in its entirety as the mobile home was destroyed by a fire and is now considered an unsafe, uninhabitable, and dangerous structure. A permit will need to be obtained through the City of Port Orange Building Department. The property will need to be filled, graded and seeded with grass seed or sodded within five days of the date of completion of the demolition and comply with the established vegetation standards of the city. 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 fine of \$ 100.00 per day shall be imposed 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. Ms. Joseph requested any future violations under this ordinance be considered repeat. The cost sheet in the amount of \$36.40 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 January 10, 2021 to demolish the structure in its entirety as the mobile home was destroyed by a fire and is now considered an unsafe, uninhabitable, and dangerous structure. A permit will need to be obtained through the City of Port Orange Building Department. The property will need to be filled, graded and seeded with grass seed or sodded within five days of the date of completion of the demolition and comply with the established vegetation standards of the city or a fine of \$ 100.00 per day shall be imposed for each day the violation continues past the compliance date. Costs in the amount of \$36.40 were awarded to the City.

C. ORDER IMPOSING FINE/LIEN

19. **CEB Case No.:** 18-1053
 Respondent: Horace R Jr Weaver & Patricia Engler Weaver
 Address of Violation: 1396 Coconut Palm Circle, Port Orange, FL 32128
 Code Officer: Amanda Bonin
 First Notified: 7/6/2018

Compliance: Yes

Cited for violation(s) - City of Port Orange Land Development Code, Chapter 9 Environmental Protection, Article II Tree Preservation, Section 19 Tree Replacement or Mitigation (a) (b) (c) (d) (e) (f);

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

20. **CEB Case No.:** 18-1054
 Respondent: Priscilla Thomson

Address of Violation: 1398 Coconut Palm Circle, Port Orange, FL 32128

Code Officer: Amanda Bonin

First Notified: 7/6/2018

Compliance: Yes

Cited for violation(s) - City of Port Orange Land Development Code, Chapter 9 Environmental Protection, Article II Tree Preservation, Section 19 Tree Replacement or Mitigation (a) (b) (c) (d) (e) (f);

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

21. **CEB Case No.:** 20-1331

Respondent: Anthony & Darlene Annatone

Address of Violation: 211 Herb Court, Port Orange, FL 32129

Code Officer: Dennis Boehmer

First Notified: 8/18/2020

Compliance: No

Cited for violation(s) - City of Port Orange Land Development Code, Chapter 16 (Miscellaneous Regulations), Section 1 (Accessory Uses and Structures), (e) Outside Storage (1) (a) (b).

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 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.

Mr. Boehmer requested a continuation of the case to the January 13, 2021 Hearing. Special Magistrate Fuller granted the continuation request.

22. **CEB Case No.:** 20-1469

Respondent: Gwendolyn M. Johnson

Address of Violation: 12 Black Jack Circle, Port Orange, FL 32128

Code Officer: Daniel Bungart

First Notified: 9/14/2020

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. Bungart requested an Order Setting Fine/Lien as the property was not in compliance November 8, 2020 as ordered in the previous hearing on October 28, 2020 by the Special Magistrate. The City retained vendor Mark Solomon Properties, who abated the violation(s) at the cost of \$112.00. A cost sheet for mailing and recording costs in the amount of \$97.20 was tendered and submitted into evidence without objection.

Special Magistrate Fuller found the property in non-compliance and awarded abatement costs of \$112.00 and mailing and recording costs to date of \$97.20. A lien is imposed on the property in the amount of \$209.20.

23. **CEB Case No.:** 20-1581
 Respondent: Justin Kirby
 Address of Violation: 6026 Wesley Park Drive, Port Orange, FL 32128
 Code Officer: Daniel Bungart
 First Notified: 10/6/2020

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.

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

24. **CEB Case No.:** 20-1335
 Respondent: The Bank of New York Mellon
 Address of Violation: 441 Wales Ave., Port Orange FL 32127
 Code Officer: Scott Allman
 First Notified: 8/18/2020

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.

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.

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

25. **CEB Case No.:** 20-1492
 Respondent: James S. Thomas
 Address of Violation: 5569 Mossy Oak Lane, Port Orange, FL 32127
 Code Officer: Scott Allman
 First Notified: 9/16/2020

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 requested an Order Setting Fine/Lien as the property was not in compliance November 6, 2020 as ordered in the previous hearing on October 28, 2020 by the Special Magistrate. He requested a daily fine in the amount of \$50.00 per day as ordered in the Finding of Fact, Conclusion of Law & Order beginning November 7, 2020 and running through and including November 13, 2020 for a total of 7 days. The City retained vendor Mark Solomon Properties, who abated the violation(s) at the cost of \$218.00. A cost sheet for mailing and recording costs in the amount of \$119.40 was tendered and submitted into evidence without objection.

Special Magistrate Fuller found the property in non-compliance and awarded a daily fine in the amount of \$50.00 per day beginning November 7, 2020 and running through and including November 13, 2020 for a total of \$350.00, abatement costs of \$218.00 and mailing and recording costs to date of \$119.40. A lien is imposed on the property in the amount of \$687.40.

James Thomas, listed property owner, was sworn in by Special Magistrate Fuller after determination was made and testified that he no longer owns the property and doesn't believe it would be fair for a lien to impact his credit on a property he no longer owns. Special Magistrate Fuller did not change the Order.

26. **CEB Case No.:** 20-1242
 Respondent: Walter Raymond Dorfner
 Address of Violation: 203 Fox Place, Port Orange, FL 32127
 Code Officer: Dena Joseph
 First Notified: 8/4/2020

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.

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

27. **CEB Case No.:** 20-1388

Respondent: Dean L. Baptiste

Address of Violation: 5560 Nova Road, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 8/27/2020

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.

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

28. **CEB Case No.:** 20-1424

Respondent: Stacey L. Algieri

Address of Violation: 5245 Sydney Street, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 9/1/2020

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.

Ms. Joseph requested an Order Setting Fine/Lien as the property was not in compliance October 21, 2020 as ordered in the previous hearing on October 14, 2020 by the Special Magistrate. She requested a one-time fine in the amount of \$2,000.00 as ordered in the Finding of Fact, Conclusion of Law & Order. The City retained vendor Mark Solomon Properties, who abated the violation(s) at the cost of \$159.00. A cost sheet for mailing and recording costs in the amount of \$97.20 was tendered and submitted into evidence without objection.

Special Magistrate Fuller found the property in non-compliance and awarded a one-time fine in the amount of \$2,000.00, abatement costs of \$159.00 and mailing and recording costs to date of \$97.20. A lien is imposed on the property for a total amount of \$2,256.20.

29. **CEB Case No.:** 20-1425

Respondent: Stacey L. Algieri

Address of Violation: 5245 Sydney Street, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 9/1/2020

Compliance: No

Cited for violation(s) - Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.13 (Window, Skylight, and Door Frames) of the 2019 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 21, 2020 as ordered in the previous hearing on October 14, 2020 by the Special Magistrate. She requested a one-time fine in the amount of \$2,000.00 as ordered in the Finding of Fact, Conclusion of Law & Order. The City retained vendor Mark Solomon Properties, who abated the violation(s) at the cost of \$109.00. A cost sheet for mailing and recording costs in the amount of \$97.20 was tendered and submitted into evidence without objection.

Special Magistrate Fuller found the property in non-compliance and awarded a one-time fine in the amount of \$2,000.00, abatement costs of \$109.00 and mailing and recording costs to date of \$97.20. A lien is imposed on the property for a total amount of \$2,206.20.

30. **CEB Case No.:** 20-1377

Respondent: Mark E. Davison

Address of Violation: 310 Grant Street, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 8/26/2020

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.

Ms. Joseph requested an Order Setting Fine/Lien as the property was not in compliance immediately as ordered in the previous hearing on October 28, 2020 by the Special Magistrate. She requested a one-time fine in the amount of \$2,000.00 as ordered in the Finding of Fact, Conclusion of Law & Order. The City retained vendor Mark Solomon Properties, who abated the violation(s) at the cost of \$115.00. A cost sheet for mailing and recording costs in the amount of \$97.20 was tendered and submitted into evidence without objection.

Special Magistrate Fuller found the property in non-compliance and awarded a one-time fine in the amount of \$2,000.00, abatement costs of \$115.00 and mailing and recording costs to date of \$97.20. A lien is imposed on the property for a total amount of \$2,212.20.

31. **CEB Case No.:** 20-1379

Respondent: Mark E. & Cecelia K. Davison

Address of Violation: 312 Grant Street, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 8/26/2020

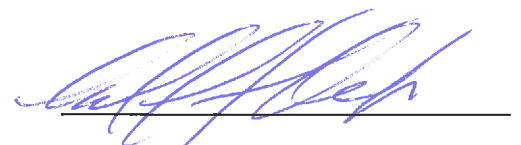
Compliance: No

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.

Ms. Joseph requested an Order Setting Fine/Lien as the property was not in compliance immediately as ordered in the previous hearing on October 28, 2020 by the Special Magistrate. She requested a one-time fine in the amount of \$2,000.00 as ordered in the Finding of Fact, Conclusion of Law & Order. The City retained vendor Mark Solomon Properties, who abated the violation(s) at the cost of \$115.00. A cost sheet for mailing and recording costs in the amount of \$119.40 was tendered and submitted into evidence without objection.

Special Magistrate Fuller found the property in non-compliance and awarded a one-time fine in the amount of \$2,000.00, abatement costs of \$115.00 and mailing and recording costs to date of \$119.40. A lien is imposed on the property for a total amount of \$2,234.40.

D. ADJOURNMENT – 11:45 a.m.


Special Magistrate Fuller