PORT ORANGE CODE ENFORCEMENT
SPECIAL MAGISTRATE MINUTES
COUNCIL CHAMBERS
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
MARCH 10, 2021

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 Suzette Cameron, Code Compliance Inspector Deborah Pearson, Code Compliance Manager 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 February 24, 2021 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.:** 19-0132
   Respondent: Janette C. Harding White
   Address of Violation: 5472 Isabelle Avenue, Port Orange, FL 32127
   Code Officer: Dena Joseph
   First Notified: 1/23/2019

Compliance: Yes

Cited for violation(s) - 2017 Florida Building Code, 6th Edition, Section 105 (Permits), 105.1 (Permits Required), as adopted by Chapter 8, Article 1, of the City of Port Orange Land Development Code.

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

4. **CEB Case No.:** 20-1535
   Respondent: Doreen Polito Goodwin
   Ross Polito
   Address of Violation: 5479 Taylor Avenue, Port Orange, FL 32127
   Code Officer: Dena Joseph
   First Notified: 9/25/2020

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

5. **CEB Case No.:** 21-0043
   Respondent: Richard Lee Turner
   Address of Violation: 5566 Lancewood Drive, Port Orange, FL 32127
   Code Officer: Dena Joseph
   First Notified: 1/11/2021

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.

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 3 (General Requirements), Section 302 (Exterior Property Areas), 302.7 (Accessory Structures), of the 2018 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

Chapter 70 (Traffic), Article II (Stopping, standing, and parking), Section 70-36 (Stopping, standing or parking prohibited in specified places), (a) (1) (k) (1), (2) & (3) of the City of Port Orange Code of Ordinances.

Ms. Joseph testified as to the condition of the property, as well as the notice provided to the property owner. Photos were submitted into evidence and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected by February 7, 2021 by cleaning up and removing all garbage, trash, and debris from the property; replacing or properly installing the doors on the shed; Storing all outside stored items inside an enclosed building or removing them from the property; redoing the driveway extension to include removing all weeds and grass, installing/re-installing mulch or rock and effectively contained within a border of railroad ties so as to appear as a parking space; and all vehicles must be properly licensed, removed, stored in an enclosed building or covered with approved car covers in good condition. Vehicles must appear operable at all times (i.e., no flat tires, engines exposed, etc.).

Ms. Joseph recommended the property owners be found in violation of the above referenced codes with the violations to be corrected by March 21, 2021 by removing any remaining trash and debris, by storing all outside items in an enclosed building, and by repairing or replacing the doors on the shed structure. 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. 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 $43.94 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 March 21, 2021 to remove any remaining trash and debris, store all outside items in an enclosed building and repair or replace the doors on the shed structure or a daily fine in the amount of $100.00 per day shall be imposed. Costs in the amount of $43.94 were awarded to the City.

6. **CEB Case No.:** 21-0127
   Respondent: Dana Deella Anderson
   Address of Violation: 3248 S. Peninsula Drive, Port Orange, FL 32127
   Code Officer: Dena Joseph
   First Notified: 1/29/2021

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 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.

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 removing all trash and debris, mowing the property to include weed eating and blowing of grass clippings back onto the property and storing all outside items in an enclosed building.

The property is now in compliance; however, Ms. Joseph recommended the property owners be found in repeat violation of the above referenced codes as the property was not in compliance with the Notice of Hearing. She requested a daily fine in the amount of $500.00 per day beginning January 29, 2021 and running through and including February 4, 2021 for a total of 7 days 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 $97.41 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Dana Deella Anderson, Property Owner, was sworn in by Special Magistrate Fuller and testified she wasn't aware she was in violation and was in the process of donating the outside stored items.

Special Magistrate Fuller granted the recommendation with an amendment. A one-time fine in the amount of $500.00 shall be imposed. Costs in the amount of $97.41 were awarded to the City.

Due to the repeat nature of the case, Ms. Joseph requested an Order Setting Fine/Lien as the property was not in compliance immediately as ordered above by the Special Magistrate. She requested a one-time fine in the amount of $500.00 as requested in the Finding of Fact, Conclusion of Law & Order. A cost sheet for mailing and recording costs in the amount of $89.94 was tendered and submitted into evidence without objection.

Special Magistrate Fuller found the property in non-compliance and awarded a fine of $500.00 and mailing and recording costs to date of $97.41. A lien is imposed on the property in the amount of $597.41.

7. **CEB Case No.:** 21-0140
   Respondent: Dana Deella Anderson
   Address of Violation: 3248 S. Peninsula Drive, Port Orange, FL 32127
   Code Officer: Dena Joseph
   First Notified: 1/29/2021

Compliance: No

Cited for violation(s) - 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: 304.2 Protective Treatment.

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.

2018 International Property Maintenance Code Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.13 (Window, Skylight, and Door Frames), 304.13.1 (Glazing), 304.13.2 (Openable Windows) 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 March 7, 2021 by repairing or replacing all damaged soffit, eliminate all peeling, flaking and chipped paint and repaint surfaces and every broken or faulty window, shall be repaired/replaced in a manner such that all are in sound condition, good repair, and weather tight.

Ms. Joseph recommended the property owners be found in violation of the above referenced codes with the violations to be corrected by March 21, 2021 by repairing or replacing all damaged soffit, eliminate all peeling, flaking and chipped paint and repaint surfaces and every broken or faulty window, shall be repaired/replaced in a manner such that all are in sound condition, good repair, and weather tight. 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. Joseph requested any future violations under this ordinance be considered repeat. The cost sheet in the amount of $43.94 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Ms. Anderson asked if she would need a permit to put a storm shudder over the window. Deborah Pearson, Code Compliance Manager, responded yes, she would need a permit.

Special Magistrate Fuller granted the recommendation as presented. The property owner has until March 21, 2021 to repair or replace all damaged soffit, eliminate all peeling, flaking and chipped paint and repaint surfaces and every broken or faulty window, shall be repaired/replaced in a manner such that all are in sound condition, good repair, and weather tight or a daily fine in the amount of $100.00 per day shall be imposed for each day the property remains in noncompliance. Costs in the amount of $43.94 were awarded to the City.

8. **CEB Case No.:** 21-0173
   Respondent: Allan R. Thompson
   Address of Violation: 5827 Ridgewood Avenue, Port Orange, FL 32127
   Code Officer: Dena Joseph
   First Notified: 2/4/2021

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.

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 removing all trash and debris and storing all outside items in an enclosed building.

Scott Allman, Code Compliance Inspector, was sworn in by Special Magistrate Fuller and testified that the pictures presented are true and accurate depictions of what he witnessed.

The property is now in compliance; however, Ms. Joseph recommended the property owners be found in repeat violation of the above referenced codes as the property was not in compliance with the Notice of Hearing. She requested a daily fine in the amount of $500.00 per day beginning February 4, 2021 and running through and including February 17, 2021 for a total of 14 days be assessed. Ms. Joseph requested any future violations under this ordinance be considered repeat. The cost sheet in the amount of $89.94 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Allan Thompson, Property Owner, was sworn in by Special Magistrate Fuller and testified his roommates are the cause of the issues. He stated he cannot afford the fine requested.

Timothy Monahan, roommate, stated he was having a garage sale during the dates the pictures were taken and there is a permit on file reflecting that.

Special Magistrate Fuller granted the recommendation with an amendment. A daily fine in the amount of $200.00 per day beginning February 4, 2021 and running through and including February 17, 2021 for a total of 14 days shall be imposed. Costs in the amount of $89.94 were awarded to the City.

Due to the repeat nature of the case, Ms. Joseph requested an Order Setting Fine/Lien as the property was not in compliance immediately as ordered above by the Special Magistrate. She requested a daily fine in the amount of $200.00 per day beginning February 4, 2021 and running through and including February 17, 2021 for a total of 14 days as requested in the Finding of Fact, Conclusion of Law & Order. A cost sheet for mailing and recording costs in the amount of $89.94 was tendered and submitted into evidence without objection.

Special Magistrate Fuller found the property in non-compliance and awarded daily fines totaling $2,800.00 and mailing and recording costs to date of $89.94. A lien is imposed on the property in the amount of $2,889.94.

C. ORDER IMPOSING FINE/LIEN

9. **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: Yes

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

10. **CEB Case No.:** 20-1844
    Respondent: June Freniere Estate
    Address of Violation: 5204 Taylor Avenue, Port Orange, FL 32127
    Code Officer: Dena Joseph
    First Notified: 11/19/2020

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.

D. ADJOURNMENT – 10:10 a.m.

Special Magistrate Fuller