

PORT ORANGE CODE ENFORCEMENT
SPECIAL MAGISTRATE MINUTES
COUNCIL CHAMBERS
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
MAY 26, 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
Dennis Boehmer, Code Compliance Inspector
Scott Allman, Code Compliance Inspector
Deborah Pearson, Code Compliance 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 May 12, 2021 meeting minutes as presented.

Oaths

Code Compliance Inspectors Suzette Cameron, Dennis Boehmer, 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.:** 21-0624
Respondent: Zachary R. Staley
Address of Violation: 1515 Rusty Circle, Port Orange, FL 32129
Code Officer: Suzette Cameron
First Notified: 4/6/2021

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.

Suzette Cameron, 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, as it is a repeat violation, by mowing and trimming the high weeds and grass on the property and right of way.

Mrs. Cameron recommended the property owners be found in violation of the above referenced codes with the violations to be corrected immediately by mowing and trimming the high weeds and grass on the property and right of way. 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 beginning April 15, 2021 (the date the violation was first noticed) 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. Mrs. Cameron 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 is to immediately mow and trim the high weeds and grass on the property and right of way. A daily fine in the amount of \$100.00 per day beginning April 15, 2021 and running until the property is brought into compliance shall be imposed. Costs in the amount of \$43.94 were awarded to the City.

4. **CEB Case No.:** 21-619

Respondent: Sally Powell Estate

Address of Violation: 1205 Sparton Avenue, Port Orange, FL 32127

Code Officer: Dennis Boehmer

First Notified: 4/5/2021

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 42-26, (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 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 April 19, 2021 by mowing the property of all high weeds and grass, removing all trash and debris throughout the property and remove all outside stored items off the carport, the wood leaning on the side of the home and the items on the front deck.

Mr. Boehmer recommended the property owners be found in violation of the above referenced codes with the violations to be corrected by June 6, 2021 by removing all junk, trash and debris still left on the carport. 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. Mr. Boehmer 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 and deemed the property a health and safety violation. The property owner has until June 6, 2021 to remove all junk, trash and debris still left on the carport or a one-time fine in the amount of \$1,000.00 shall be imposed. Costs in the amount of \$43.94 were awarded to the City.

5. CEB Case No.: 16-1127

Respondent: Donald Ray Clark

Address of Violation: 1015 Samms Avenue, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 7/8/2016

Compliance: No

2018 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.

Dena Joseph, Code Compliance Inspector, was sworn in by Special Magistrate Fuller and requested a continuation of the case to the June 23, 2021 hearing. Special Magistrate Fuller granted the continuation request.

6. CEB Case No.: 21-727

Respondent: Edward A. & Joann E. Bougher

Address of Violation: 873 Nixon Lane, Port Orange, FL 32129

Code Officer: Scott Allman

First Notified: 4/16/2021

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.

7. CEB Case No.: 20-1578

Respondent: Darrell & Sharon Blake

Address of Violation: 1157 Millbrook Avenue, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 10/4/2020

Compliance: No

2018 International Property Maintenance Code, Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment), 108.1.1 (Unsafe Structures), 108.1.3 (Structure unfit for human occupancy), and 108.1.5 (1-11) (Dangerous structure or premises), as adopted by the City of Port Orange Code of Ordinances, Chapter 14, Article II, Section 14-26.

Scott Allman, 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 April 11, 2021 by obtaining a demolition permit, by demolishing the burned down structure and by removing all debris.

Mr. Allman recommended the property owners be found in violation of the above referenced codes with the violations to be corrected by June 27, 2021 by obtaining a demolition permit, by demolishing the burned down structure and by removing all debris. 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, the city shall have the option to abate the violation. 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 \$133.58 was tendered into evidence and accepted by Special Magistrate Fuller with no objections. The publication costs to date are \$1,737.32.

Special Magistrate Fuller granted the recommendation with an amendment. The property owner has until June 27, 2021 to obtain a demolition permit, demolish the burned down structure and remove all debris or the city shall have the option to abate the violation. Costs in the amount of \$133.58 were awarded to the City. The publication costs to date are \$1,737.32.

8. CEB Case No.: 20-1954

Respondent: Catherine M. Thomas Life Estate

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

Code Officer: Dena Joseph

First Notified: 12/17/2020

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.

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 May 16, 2021 by demolishing the mobile home in its entirety, a permit was to be obtained through the City of Port Orange Building Department. The property needed 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.

Johnny M. Green, Port Orange Building Official, was sworn in by Special Magistrate Fuller and testified to what he witnessed at the property. He stated that the damage observed to the roof will lead to interior issues such as mold, deterioration and floor problems. Mr. Green does not believe the structure is habitable at this time.

Ms. Joseph recommended the property owners be found in violation of the above referenced codes with the violations to be corrected by June 27, 2021 by obtaining a permit through the City of Port Orange Building Department and demolishing the mobile home in its entirety. The property needs 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 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 \$163.46 was tendered into evidence and accepted by Special Magistrate Fuller with no objections. The publication costs to date are \$1,737.32.

Edward Thomas, one of the property owner's, was sworn in by Special Magistrate Fuller and testified that he was unaware of the issues with the property. He believed his sister was supposed to be taking care of it. Mr. Thomas does not have the money to fix all the issues but

believes he could come up with the demolition costs, however he isn't sure if he has the authority to make any corrections to the property.

Special Magistrate Fuller granted the recommendation as presented and deemed the property a health and safety violation. The property owner has until June 27, 2021 to obtain a permit through the City of Port Orange Building Department and demolish the mobile home in its entirety. The property needs 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 daily fine in the amount of \$100.00 per day shall be imposed. Costs in the amount of \$163.46 were awarded to the City. The publication costs to date are \$1,737.32.

9. CEB Case No.: 21-0649

Respondent: Catherine M. Thomas Life Estate

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

Code Officer: Dena Joseph

First Notified: 4/7/2021

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.

Ms. Joseph testified as to the condition of the property, as well as the notice provided to the property owner. Photos were submitted into evidence and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected immediately, as it is a repeat violation, by mowing the entire property to include weed eating and blowing yard debris 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 to include weed eating and blowing yard 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 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 \$163.46 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 weed eating and blowing yard debris back onto the property. A one-time fine in the amount of \$1,000.00 shall be imposed. Costs in the amount of \$163.46 were awarded to the City.

Special Magistrate Fuller asked for clarification on why some of the properties have publication costs. Deborah Pearson, Code Compliance Manager, explained that some of the properties

have publication costs due to the property owners being deceased, the number of respondents listed and lack of response.

10. CEB Case No.: 21-0711

Respondent: Peter J. Renko

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

Code Officer: Dena Joseph

First Notified: 4/7/2021

Compliance: No

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.

Ms. Joseph 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 April 28, 2021 by covering the vehicle with a standard vehicle cover in good condition or removing the vehicle from the property.

Ms. Joseph recommended the property owners be found in violation of the above referenced codes with the violations to be corrected by June 6, 2021 by covering the vehicle with a standard vehicle cover in good condition or removing the vehicle 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 one-time fine in the amount of \$500.00 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 \$36.47 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 June 6, 2021 to cover the vehicle with a standard vehicle cover in good condition or remove vehicle from the property or a one-time fine in the amount of \$500.00 shall be imposed. Costs in the amount of \$36.47 were awarded to the City.

11. CEB Case No.: 21-0655

Respondent: Peter J. Renko

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

Code Officer: Dena Joseph

First Notified: 4/7/2021

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.

Ms. Joseph as to the condition of the property, as well as the notice provided to the property owner. Photos were submitted into evidence and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected immediately, as it is a repeat violation, by mowing the entire property to include weed eating and blowing of yard debris back onto property and by storing all outside items in an enclosed building.

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 weed eating and blowing of yard debris back onto property and by storing all outside items in an enclosed building. In the event the property is not brought into compliance on or before the compliance date, and/or not maintained in a state of compliance, a one-time fine in the amount of \$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 \$36.47 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 weed eating and blowing of yard debris back onto property and store all outside items in an enclosed building. A one-time fine in the amount of \$1,000.00 shall be imposed. Costs in the amount of \$36.47 were awarded to the City.

12. CEB Case No.: 19-1538

Respondent: Carl Joseph Zimmermann III

Jean Marie Zimmermann

Address of Violation: 413 Lafayette Street, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 10/21/2019

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), (a) (1) (k) (1), (2) & (3) of the City of Port Orange Code of Ordinances.

Chapter 3, Section 304 (Exterior Structure), 304.6 (Exterior Walls), of the 2021 International Property Maintenance Code, as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.2 (Protective Treatment), of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II, Section 14-26 of the City of Port Orange Code of Ordinances.

Ms. Joseph 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 May 20, 2021 by mowing the property to include weed eating and blowing yard debris back onto the property, removing the outside stored items including but not limited to bricks, miscellaneous items on front porch, and the large shipping container which is be utilized as an area for storing personal items, properly parking vehicle in designated driveway area or placing on an installed driveway extension made of mulch or rock and set apart with railroad timbers so as to appear as a parking space, and eliminating all peeling, flaking, or chipped paint from the exterior of the home and repainting.

A re-inspection was conducted on May 20, 2021 resulting in the yard being mowed in its entirety and vehicles properly parked in driveway.

Carl Zimmermann, Property Owner, was sworn in by Special Magistrate Fuller and testified that he is in the process of complying with the violations. He recently painted the majority of the home and hopes to have the remainder done by Monday May 31, 2021. His brother is in the process of scheduling to get the shipping container removed but if he is unable to, he will need to dismantle it himself. Mr. Zimmermann asked for more time to remove the shipping container.

Ms. Joseph recommended the property owners be found in violation of the following referenced codes; 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: No owner of property within the city shall permit the storage of vehicles or parts of vehicles, furniture, appliances or other personal property upon the premises, except in an enclosed building AND Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.2 (Protective Treatment), of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances with the violations to be corrected by June 10, 2021 by removing the shipping container on site and repainting the exterior walls of the home. 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 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 with an amendment. The property owner has until June 30, 2021 to remove the shipping container on site and repaint the exterior walls of the home or a daily fine in the amount of \$50.00 per day shall be imposed. Costs in the amount of \$43.94 were awarded to the City.

13. CEB Case No.: 21-0615

Respondent: Samuel C. Sebergandio Jr. Est

Address of Violation: 5453 Pineland Avenue, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 4/5/2021

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.

Ms. Joseph 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 immediately, as it is a repeat violation, by mowing the entire property to include weed eating and blowing of debris 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 to include weed eating and blowing of 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 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 \$43.94 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 weed eating and blowing of debris back onto the property. A one-time fine in the amount of \$2,000.00 shall be imposed. Costs in the amount of \$43.94 were awarded to the City.

14. CEB Case No.: 21-0590

Respondent: Jason Arnold

Derek Arnold

Address of Violation: 706 Marshall Circle, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 3/31/2021

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 5 (Plumbing Facilities and Fixture Requirements), 501 (General), 501.2 (Responsibility) of the 2021 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), 505 (Water System), 505.1 (General) of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

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.

Ms. Joseph 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 May 2, 2021 by cleaning up and removing all garbage, trash, and debris from the property, properly storing all outside storage in an enclosed building, providing and maintaining plumbing facilities and plumbing fixtures and not permitting another person to occupy any structure or premises that does not comply with the requirements, properly connecting all water fixtures to a public water system or to an approved private water system, and removing the fence in its entirety or replacing/repairing all missing posts, pickets, panels, etc. If replacing the fenced areas, a permit will need to be obtained through the City of Port Orange Building Department and all fees paid.

Jason Arnold, Property Owner, was sworn in by Special Magistrate Fuller and testified that he has been dealing with squatters since March, the police wont remove them from the property, and every time he tries to throw stuff away they keep putting it back. He is moving forward with trespassing orders and attempting to remove the squatters from the property.

Jean Masterson, Neighbor, was sworn in by Special Magistrate Fuller and testified that the people residing in the residence have been hauling stuff in every day and he can hear them yelling at each other from his property at night. Mr. Masterson called the police once, but they were unable to help.

Randy Embree, Neighbor, was sworn in by Special Magistrate Fuller and testified to the noise he hears in the middle of the night as well as observing them bringing trash and debris onto the

property. He observed that no one seems to be able to do anything police, code enforcement and even the property owner.

Ms. Joseph recommended the property owners be found in violation of the above referenced codes with the violations to be corrected by June 6, 2021 by removing all outside stored items and properly storing in an enclosed building, removing all trash and debris, either removing or replacing/repairing the fence on site to include missing pickets, posts, etc. If the fence is to be replaced, a permit will need to be obtained through the City of Port Orange and all fees paid. In addition, the property owners cannot permit others to reside in the structure without water. To correct the violations, the water must be reconnected to the city's water system. 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 \$58.88 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Special Magistrate Fuller granted the recommendation with an amendment and deemed the property a health and safety violation. The property owner has until June 6, 2021 to remove all outside stored items and properly store them in an enclosed building, remove all trash and debris, either remove or replace/repair the fence on site to include missing pickets, posts, etc. If the fence is to be replaced, a permit will need to be obtained through the City of Port Orange and all fees paid. In addition, the property owners cannot permit others to reside in the structure without water. To correct the violations, the water must be reconnected to the city's water system. Costs in the amount of \$58.88 were awarded to the City.

C. ORDER IMPOSING FINE/LIEN

There were none.

D. ADJOURNMENT – 11:30 a.m.

A handwritten signature in blue ink, appearing to read 'C. Fuller', is written over a horizontal line.

Special Magistrate Fuller