

SPECIAL MAGISTRATE MINUTES
COUNCIL CHAMBERS
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
AUGUST 25, 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
Amanda Bonin, Code Compliance Inspector
Scott Allman, Code Compliance Inspector
Daniel Bungart, 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 July 28, 2021 meeting minutes as presented.

Oaths

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

The agenda was heard out of order as there were members of the public present.

A. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 21-1032
Respondent: Shoppes at Southwinds II LLC
Address of Violation: 3751 Clyde Morris Blvd., Port Orange, FL 32129
Code Officer: Amanda Bonin
First Notified: 6/4/2021

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.

City of Port Orange Code of Ordinances, Chapter 14, Article 7, Section 14-314 (a) Approved

Landscape plans (2) Shrubs (5) Mulched areas shall be maintained so as to provide solid coverage and reasonable weed control.

City of Port Orange Land Development Code, Chapter 16 (Miscellaneous Regulations), Section 3 (Fences and Walls), Modified (b) (4) Design and Maintenance, (b)(c) General Provisions.

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 August 5, 2021 by trimming and removing all high weeds and grass, removing all debris, pressure washing and painting the rear wall, and installing all required vegetation as indicated on the site plan and all landscaped areas must be mulched.

Ms. Bonin recommended the property owners be found in violation of the above referenced codes with the violations to be corrected by September 25, 2021 by trimming and removing all high weeds and grass, removing all debris, pressure washing and painting the rear wall, and installing all required vegetation as indicated on the site plan and all landscaped areas must be mulched. 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 \$200.00 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. Bonin 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 September 25, 2021 to trim and remove all high weeds and grass, remove all debris, pressure wash and paint the rear wall, and install all required vegetation as indicated on the site plan and all landscaped areas must be mulched or a daily fine in the amount of \$200.00 per day shall be imposed. Costs in the amount of \$36.47 were awarded to the City.

4. CEB Case No.: 21-0717

Respondent: Adam Baxter

Address of Violation: 1211 Vagabond Drive, Port Orange, FL 32127

Code Officer: Dennis Boehmer

First Notified: 4/19/2021

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.

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

5. **CEB Case No.:** 21-442

Respondent: Scott Theodore Zyrowski

Address of Violation: 191 Gibson Way, Port Orange, FL 32127

Code Officer: Dennis Boehmer

First Notified: 3/15/2021

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), (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 16 (Miscellaneous Regulations), Section 3 (Fences and Walls), (b) General Provisions, (4) Design and Maintenance of the City of Port Orange Land Development Code (b) (d)

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

6. **CEB Case No.:** 20-1811

Respondent: Mohamed A. Sharaf

Address of Violation: 726 Central Park Blvd., Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 11/13/2020

Compliance: No

Cited for violation(s) - City of Port Orange Land Development Code, Chapter 13 (Landscaping and Buffers), Section 5.5 (Landscaping for single - and two-family residences), (a) Materials (1) Trees, (d) Replacements required.

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 August 2, 2021 by installing five shade trees in the front yard per approved tree removal permit 20-857.

Mohamad Sharaf, property owner, was sworn in by Special Magistrate Fuller and testified that he and his family were out of the country until recently and he was under the impression he could receive an extension on planting the necessary trees. He spoke to the building department recently and learned the extension is up. Mr. Sharaf stated he never intended not to install the trees but is not sure he can complete it by the compliance date.

Mr. Allman recommended the property owners be found in violation of the above referenced codes with the violations to be corrected by September 27, 2021 by installing five shade trees in the front yard per approved tree removal permit 20-857. 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. Mr. Allman 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 September 27, 2021 to install five shade trees in the front yard per approved tree removal permit 20-857 or a daily fine in the amount of \$50.00 per day shall be imposed. Costs in the amount of \$36.47 were awarded to the City.

7. CEB Case No.: 21-1234

Respondent: Brad Franklin Woodrick

Address of Violation: 7 Brandy Hills Drive, Port Orange, FL 32129

Code Officer: Daniel Bungart

First Notified: 7/2/2021

Compliance: Yes

Cited for violation(s) - Chapter 70 (Traffic), Article II (Stopping, Standing, and Parking), Section 70-48 (Parking recreational vehicles and equipment on residential premises), (d), (1) (2) (3) of the City of Port Orange Code of Ordinances.

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

8. CEB Case No.: 21-1131

Respondent: Stephen Stewart

Address of Violation: 717 Dove Avenue, Port Orange, FL 32129

Code Officer: Daniel Bungart

First Notified: 6/15/2021

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.

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 July 12, 2021 by ensuring all vehicles on the property are registered and in good, running condition, covered by an approved car cover, or removed from the property.

Port Orange Police Officer Guillerm was sworn in by Special Magistrate Fuller and testified that the temporary, homemade license plate is not registered to the vehicle.

Mr. Bungart recommended the property owners be found in violation of the above referenced codes with the violations to be corrected by September 1, 2021 by ensuring all vehicles on the property are registered and in good, running condition, covered by an approved car cover, or removed 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. 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 \$43.94 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Special Magistrate Fuller requested the Code containing the legal definition of unregistered vehicles being abandoned before making his recommendation. Mr. Bungart provided the requested Code definition. Special Magistrate Fuller granted the recommendation as presented. The property owner has until September 1, 2021 to ensure all vehicles on the property are registered and in good, running condition, covered by an approved car cover, or removed from the property 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.

9. **CEB Case No.:** 21-1243

Respondent: James V. Costanzo

Address of Violation: 121 Aloha Terrace, Port Orange, FL 32129

Code Officer: Daniel Bungart

First Notified: 7/7/2021

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.

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 immediately, as it is a repeat violation, by trimming all high weeds and grass and blowing all debris back onto the property.

Mr. Bungart recommended the property owners be found in violation of the above referenced codes with the violations to be corrected immediately by trimming all high weeds and grass and blowing all debris back onto the property. In the event the property is not brought into compliance on or before the compliance date, and/or not maintained in a state of compliance, a daily fine in the amount of \$200.00 per day shall be imposed beginning July 7, 2021 (the day property was found to be in repeat violation) and continuing until the property is brought into compliance. Accused should be further ordered to contact the Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the order. Mr. Allman requested any future violations under this ordinance be considered repeat. The cost sheet in the amount of \$43.94 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 trim all high weeds and grass and blow all debris back onto the property. A daily fine in the amount of \$200.00 per day shall be imposed beginning on July 7, 2021 (the day property was found to be in repeat violation) and will continue until the property comes into compliance. Costs in the amount of \$43.94 were awarded to the City.

10. CEB Case No.: 21-1194

Respondent: Samuel C. Sebergandio Jr. Estate

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

Code Officer: Dena Joseph

First Notified: 6/30/2021

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 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 including weed eating all high weeds on site and blowing all yard debris back onto the property.

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 one-time fine in the amount of \$2,000.00. 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. 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.

11. CEB Case No.: 21-0117

Respondent: Mark H. Schofield

Address of Violation: 5058 Riverside Drive, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 1/25/2021

Compliance: No

Cited for violation(s) - Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.1 (General), 304.1.1 (Unsafe Conditions), (4) & (8) 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), 304.6 (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), 304.13 (Window, skylight, and door frames), 304.13.2 (Openable Windows) of the 2021 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 70-48 Parking of recreational vehicles and equipment on residential premises (c), (1), (2), (3), (4) and (5) and (h) of the City of Port Orange Code of Ordinances.

Ms. Joseph requested a continuation of the case to the September 22, 2021 Hearing. Special Magistrate Fuller granted the continuation request.

12. CEB Case No.: 21-1061

Respondent: James E. Redmond

Address of Violation: 5400 Turton Lane, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 6/4/2021

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), (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 3 (General Requirements), Section 301 (General), 301.3 (Vacant structures and land) 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 302 (Exterior property areas), 302.7 (Accessory Structures) 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), 304.15 (Doors) of the 2021 International Property Maintenance Code 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 July 18, 2021 by mowing the entire property to include weed eating and blowing of yard debris back onto the property, removing all vines on the exterior of the home and in the gutters, removing all trash and debris on site, boarding up or securing all broken or inoperable windows and doors and any other areas on the structure that must be secured to inhibit the entry of vagrants, trespassers, squatters, vermin, insects, snakes, etc. and by removing the shed/pool equipment enclosure that is collapsing.

Ms. Joseph recommended the property owners be found in violation of the above referenced codes with the violations to be corrected by August 22, 2021 by mowing the entire property to include weed eating and blowing of yard debris back onto the property, removing all vines on the exterior of the home and in the gutters, removing all trash and debris on site, boarding up or securing all broken or inoperable windows and doors and any other areas on the structure that must be secured to inhibit the entry of vagrants, trespassers, squatters, vermin, insects, snakes, etc. and by removing the shed/pool equipment enclosure that is collapsing. In the event the property is not brought into compliance on or before the compliance date, and/or not maintained in a state of compliance, a daily fine in the amount of \$250.00 per day shall be 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 has until August 22, 2021 to mow the entire property to include weed eating and blowing of yard debris back onto the property, remove all vines on the exterior of the home and in the gutters, remove all trash and debris on site, board up or secure all broken or inoperable windows and doors and any other areas on the structure that must be secured to inhibit the entry of vagrants, trespassers, squatters, vermin, insects, snakes, etc. and remove the shed/pool equipment enclosure that is collapsing or a daily fine in the amount of \$250.00 per day shall be imposed. Costs in the amount of \$43.94 were awarded to the City.

13. CEB Case No.: 21-0134

Respondent: Brennen J. Clancy

Address of Violation: 734 Cindy Circle, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 1/29/2021

Compliance: No

Cited for violation(s) - 2020 Florida Building Code, 7th 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 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 July 31, 2021 by obtaining a permit for the roof work that was done at this location and by paying all associated fees for the permit.

Mike Green, Port Orange Building Inspector, was sworn in by Special Magistrate Fuller and testified to the roofing system that was in place in 2004 and stated if the property owner has made any changes to the system they must apply for a permit. He has not inspected the property himself.

Brennen Clancy, property owner, was sworn in by Special Magistrate Fuller and testified to purchasing the property about a year ago and at that time it passed inspection. Upon moving in he noticed the roof was failing and due to lack of funds he installed a temporary fix.

Ms. Joseph recommended the property owners be found in violation of the above referenced codes with the violations to be corrected by September 24, 2021 by obtaining a permit for the roof work that was done at this location and by paying all associated fees for the 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 \$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 as presented. The property owner has until September 24, 2021 to obtain a permit for the roof work that was done at this location and pay all associated fees for the permit 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.

14. CEB Case No.: 21-1103

Respondent: Norma Parham

Address of Violation: 729 Cindy Circle, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 6/10/2021

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.

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

B. ORDER IMPOSING FINE/LIEN

15. CEB Case No.: 21-898

Respondent: OR - EL 18 LLC

Business Filings Incorporated

Address of Violation: 3741 Clyde Morris Blvd., Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 6/2/2021

Compliance: No

Cited for violation(s) - Chapter 14, Article VII, Commercial Property Maintenance Standards of the City of Port Orange Code of Ordinances Section 14-318. - Other property Improvements; maintenance criteria (d) trash, litter and debris.

Chapter 14, Article VII, Commercial Property Maintenance Standards of the City of Port Orange Code of Ordinances Section 14-314. - Landscaping and buffers - Maintenance criteria (a) Approved landscape plans (1) Trees.

Chapter 42, (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of property generally - duty of owner), (c) (Maintenance of commercial and industrial zoned lots) of the City of Port Orange Code of Ordinances.

Ms. Bonin requested an Order Setting Fine/Lien as the property was not in compliance August 1, 2021 as ordered in the previous hearing on July 14, 2021 by the Special Magistrate. She requested a daily fine in the amount of \$500.00 per day beginning August 2, 2021 and running until the property is brought into compliance as ordered in the Finding of Fact, Conclusion of Law & Order. A cost sheet for mailing and recording costs in the amount of \$119.82 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 \$500.00 per day beginning August 2, 2021 and running until the property is brought into compliance and mailing and recording costs to date of \$119.82.

16. CEB Case No.: 21-529

Respondent: Rogelio & Olga Roig

Address of Violation: 211 Oak Street, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 3/24/2021

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.

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

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

17. CEB Case No.: 21-0979

Respondent: Stacey L. Algieri

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

Code Officer: Dena Joseph

First Notified: 5/21/2021

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 requested an Order Setting Fine/Lien as the property was not in compliance immediately as ordered in the previous hearing on July 14, 2021 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 \$259.00. A cost sheet for mailing and recording costs in the amount of \$97.41 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 \$259.00 and mailing and recording costs to date of \$97.41. A lien in the amount of \$2,356.41 shall be imposed.

18. 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 requested a continuation of the case to the November 10, 2021 hearing. Special Magistrate Fuller granted the continuation request.

19. CEB Case No.: 20-253

Respondent: Dean I. Maxwell & Marguerite Sanders

Address of Violation: 5589 Ridgewood Avenue, Port Orange, FL 32127

Code Officer: Amanda Bonin

First Notified: 11/10/2020

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), (f) Garbage, waste, trash, etc. prohibited of the City of Port Orange Code of Ordinances.

City of Port Orange Code of Ordinances, Chapter 14, Article 7, Section 14-314 (a)(2)(5): (a) approved landscape plans (2) Shrubs (5) mulched areas shall be maintained so as to provide solid coverage and reasonable weed control.

City of Port Orange Land Development Code Chapter 16, Miscellaneous Regulations Section 3:
- Fences and walls. Modified (b) (4) (b) (d) General provisions.

2019 International Property Maintenance Code, Chapter 3, Section 304, 304.6, as adopted by the City of Port Orange Code of Ordinances, Chapter 14, Article II, Section 14-26: Exterior Walls.

Ms. Bonin requested an Order Setting Fine/Lien as the property was not in compliance by July 26, 2021 as ordered in the previous hearing on June 23, 2021 by the Special Magistrate. She requested a daily fine in the amount of \$150.00 per day beginning July 27, 2021 and running until the property is brought into compliance as ordered in the Finding of Fact, Conclusion of Law & Order. A cost sheet for mailing and recording costs in the amount of \$119.82 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 \$150.00 per day beginning July 27, 2021 and running until the property is brought into compliance and mailing and recording costs to date of \$119.82.

20. 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: Yes

Cited for violation(s) - 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.

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

D. ADJOURNMENT – 10:45 a.m.



Special Magistrate Fuller