REVISED AGENDA

CODE ENFORCEMENT SPECIAL MAGISTRATE

CITY OF PORT ORANGE

Meeting Date: Wednesday, January 13, 2016 **Time:** 9:00 AM

Type of Meeting: Regular **Location:** Council Chambers
City Hall, 1000 City Center Circle

A. CALL TO ORDER

1. Roll Call
2. Attorney Overview of Special Magistrate Code Enforcement Process
3. Approval of Minutes
    - November 11, 2015

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

4. **CEB Case No.:** 15-222
   Respondent: RRRAC LLC
   Address of Violation: 5080 Ridgewood Avenue, Port Orange, FL 32129
   Code Officer: Deborah Faircloth
   First Notified: 03/24/2015

   Compliance: No

   Cited for violation(s) - 2009 International Property Maintenance Code as adopted by the City of Port Orange Code of Ordinances, Chapter 14, Article II.

   Chapter 3, Section 304.7.

5. **CEB Case No.:** 15-1796
   Respondent: Charles & Peggy Collins
   Address of Violation: 5481 Pineland Avenue, Port Orange, FL 32127
   Code Officer: Deborah Faircloth
   First Notified: 11/12/2015

   Compliance: No

   Cited for violation(s) - Chapter 42 Nuisances, Article II Garbage, Junk and Undergrowth, Section 42-32 Cleanliness of property – generally duty of owner (d)(f)(h). Briefly stated, property shall be mowed and maintained and kept free of all garbage, junk, and undergrowth of the City of Port Orange Code of Ordinances.

6. **CEB Case No.:** 15-1780
   Respondent: Stacy L. Algieri
   Address of Violation: 5245 Sydney St. Port Orange, FL 32127
   Code Officer: Deborah Faircloth
   First Notified: 11/12/2015

Compliance: No

Cited for violation(s) - Chapter 42 Nuisances, Article II Garbage, Junk and Undergrowth, Section 42-32 Cleanliness of property – generally duty of owner (d)(f)(h) 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.

7. **CEB Case No.:** 15-1913
   Respondent: Juan F. & Mary L. Galarza
   Address of Violation: 118 Carlton Place, Port Orange, FL 32127
   Code Officer: Deborah Faircloth
   First Notified: 12/15/2015

Compliance: No

Cited for violation(s) - Chapter 42, Article II, Section 42-26 (d) & (f) of the City of Port Orange Code of Ordinances.

8. **CEB Case No.:** 15-1660
   Respondent: Mary H. Culpepper
   Address of Violation: 3456 Country Walk Drive, Port Orange, FL 32129
   Code Officer: Dena Joseph
   First Notified: 12/02/2015

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 42-32 (Storage of vehicles, furniture, etc.)of the City of Port Orange Code of Ordinances.

Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.14 (Insect

Screens)of the International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

9. **CEB Case No.:** 15-1745
   Respondent: Lindamar Inc.
   C/O Betsy D. Crouch
   Address of Violation: 4075 Ridgewood Avenue, Port Orange, FL 32127
   Code Officer: Dena Joseph
   First Notified: 12/02/2015

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), (c) Maintenance of commercial and industrial zoned 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, (f) Garbage, waste, trash, etc. prohibited of the City of Port Orange Code of Ordinances.

Chapter 16 (Miscellaneous Regulations), Section 1 (Accessory Uses and Structures), (e) Outside storage, (3) Commercial uses of the City of Port Orange Land Development Code.

Chapter 3 (General Requirements), Section 301 (General), 301.3 (Vacant Structures and Land)of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

10. **CEB Case No.:** 15-1991
    Respondent: OR-EL 18, LLC
    C/O Business Filings Inc.
    Address of Violation: 3741 Clyde Morris Blvd., (Dollar General), Port Orange, FL 32129
    Code Officer: Dena Joseph
    First Notified: 12/07/2015

Compliance: Yes

Cited for violation(s) - Chapter 74 Utilities), Article VI (Reclaimed Water), Section 74-192, (Maintenance of Facilities by Customer) of the City of Port Orange Code of Ordinances.

11. **CEB Case No.:** 15-1849
    Respondent: 813 Railroad LLC

Address of Violation: 813 Railroad St. Port Orange, FL 32129
Code Officer: Dena Joseph
First Notified: 11/13/2015

Compliance: Yes

Cited for violation(s) - Chapter 14 (Buildings and Building Regulations), Article VII (Commercial Property Maintenance Standards), Section 14-318 (Other Property Improvements; Maintenance Criteria), (c) Walls and Fences, (3) of the City of Port Orange Code of Ordinances.

Chapter 14 (Building and Building Regulations), Article VII (Commercial Property Maintenance Standards), Section 14-314 (Landscaping and Buffers), (d) Required maintenance and anticipated growth and coverage, (2) of the City of Port Orange Code of Ordinances.

Chapter 14 (Building and Building Regulations), Article VII (Commercial Property Maintenance Standards), Section 14-314 (Landscaping and Buffers), (d) Required maintenance and anticipated growth and coverage, (5) of the City of Port Orange Code of Ordinances.

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

Chapter 3 (General Requirements), Section 302 (Exterior Property Areas), 302.8 (Motor Vehicles)of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

Chapter 74 (Utilities), Article VII (Water Conservation), Section 74-218 (Landscape Irrigation Schedules), (2), (c) of the City of Port Orange Code of Ordinances
.
Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.2 (Protective Treatment), of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

12. **CEB Case No.:** 15-1889
Respondent: Brenda Britton Creamer JTRS
Norma Chmiel JTRS & Beverly Fratt JTRS
Address of Violation: 723 Casper Avenue, Port Orange, FL 32129
Code Officer: Dena Joseph
First Notified: 11/20/2015

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) of the City of Port Orange Code of Ordinances: (d) Maintenance of improved residential lots.

13. **CEB Case No.:** 15-1718
Respondent: Robert W. & Diane Fowler
Address of Violation: 594 Touchstone Circle, Port Orange, FL 32127
Code Officer: Scott Allman
First Notified: 11/17/2015

Compliance: Yes

Cited for violation(s) - Chapter 42 (Nuisances), Article V (Unsafe Conditions), Division 2 Nuisance Trees, Section 42-103 Declaration of a Nuisance It is declared and determined by the city council that the following shall each individually or in any combination be considered a nuisance when they exist upon any lot, lots or adjacent lots, within the City of Port Orange (a) 1 & 2 of the City of Port Orange Code of Ordinances.

14. **CEB Case No.:** 15-1353
Respondent: Akram Batniji
Address of Violation: 735 Dunlawton Avenue, Port Orange, FL 32129
Code Officer: Scott Allman
First Notified: 09/08/2015

Compliance: No

Cited for violation(s) - Chapter 16 (Miscellaneous Regulations), Section 3 (Fences and Walls), (b) General Provisions, (4) Design and Maintenance, (b) & (d) of the City of Port Orange Land Development Code.

C. <u>ORDER IMPOSING FINE/LIEN</u>

15. **CEB Case No.:** 15-070
Respondent: Corine M. Mackey
Address of Violation: 5420 Landis Avenue, Port Orange, FL 32127
Code Officer: Scott Allman
First Notified: 09/08/2015

Compliance: No

Cited for violation(s) - Chapter 42 (Nuisances) of the City of Port Orange Code of Ordinances, Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of

Property Generally-Duty of Owner), (d) of the City of Port Orange Code of Ordinances.

Chapter 42 Nuisances, Section 42-32 Storage of vehicles, furniture, etc. if the City of Port Orange Code of Ordinances.

Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.7 Roofs and drainage of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

16. **CEB Case No.:** 15-768
    Respondent: Lynn Nelson & Dolores Ann Nelson JTWROS
    Address of Violation: 6509 Baywood Avenue, Port Orange, FL 32127
    Code Officer: Scott Allman
    First Notified:

Compliance: No

Cited for violation(s) - Chapter 42 (Nuisances) of the City of Port Orange Code of Ordinances, Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of Property Generally-Duty of Owner), (d) of the City of Port Orange Code of Ordinances.

Chapter 42 (Nuisances) of the City of Port Orange Code of Ordinances, Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of Property Generally-Duty of Owner), (f) of the City of Port Orange Code of Ordinances.

17. **CEB Case No.:** 15-1683
    Respondent: Peter H. Easterbrook
    Address of Violation: 5756 Dogwood Road, Port Orange, FL 32127
    Code Officer: Scott Allman
    First Notified:

Compliance: No

Cited for violation(s) - Chapter 42 (Nuisances) of the City of Port Orange Code of Ordinances, Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of Property Generally-Duty of Owner), (d) of the City of Port Orange Code of Ordinances.

D. PUBLIC COMMENTS

E. ADJOURNMENT

ANY PERSON WHO DECIDES TO APPEAL ANY DECISION MADE BY THE **CODE ENFORCEMENT SPECIAL MAGISTRATE** WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE HE OR SHE MAY NEED TO ENSURE AT HIS OR HER OWN EXPENSE FOR THE TAKING AND PREPARATION OF A VERBATIM RECORD OF ALL TESTIMONY AND EVIDENCE OF THE PROCEEDINGS UPON WHICH THE APPEAL IS TO BE BASED. NOTE: IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ANY ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS