

SPECIAL MAGISTRATE MINUTES
COUNCIL CHAMBERS
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
SEPTEMBER 22, 2021

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

PRESENT: David Fuller, Special Magistrate

ALSO PRESENT: Dena Joseph, Code Compliance Inspector
Scott Allman, Code Compliance Inspector
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 September 8, 2021 meeting minutes as presented.

Oaths

Code Compliance Inspectors Dena Joseph and Scott Allman were sworn in by Special Magistrate Fuller.

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **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.

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 removing the dilapidated motor home on site, repairing/replacing the roof structure that is collapsing, repairing/replacing all inoperable or broken windows on the home, repairing, or replacing all deteriorating or decaying wood surfaces, repairing/replacing all soffit that is missing or rotten, or, by demolishing the structure in its entirety. The property will need to be filled, graded, and seeded with grass seed or sodded within five days of the date of completion of the demolition and comply with the established vegetation standards of the city. Repairs/replacements will require that a permit be obtained through the City of Port Orange Building Department to include payment of all applicable fees associated with the permit.

Ms. Joseph read into the record her email communications with the homeowner. He has applied for the required permits but has not met the requirements 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 October 31, 2021 by removing the dilapidated motor home on site, repairing/replacing the roof structure that is collapsing, repairing/replacing all inoperable or broken windows on the home, repairing, or replacing all deteriorating or decaying wood surfaces, repairing/replacing all soffit that is missing or rotten, or, by demolishing the structure in its entirety. The property will need to be filled, graded, and seeded with grass seed or sodded within five days of the date of completion of the demolition and comply with the established vegetation standards of the city. Repairs/replacements will require that a permit be obtained through the City of Port Orange Building Department to include payment of all applicable fees associated with 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 \$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 October 31, 2021 to remove the dilapidated motor home on site, repair/replace the roof structure that is collapsing, repair/replace all inoperable or broken windows on the home, repair or replace all deteriorating or decaying wood surfaces, repair/replace all soffit that is missing or rotten or demolish the structure in its entirety. The property will need to be filled, graded, and seeded with grass seed or sodded within five days of the date of completion of the demolition

and comply with the established vegetation standards of the city. Repairs/replacements will require that a permit be obtained through the City of Port Orange Building Department to include payment of all applicable fees associated with the permit 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.

4. CEB Case No.: 21-1395

Respondent: Mark E. Davison

Cecelia K. Davison

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

Code Officer: Scott Allman

First Notified: 8/12/2021

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.

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

Mr. Allman 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, trimming all high weeds, removing all undergrowth and by 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 one-time fine in the amount of \$3,000.00 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. Allman 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 as presented and deemed the property a health and safety violation. The property owner is to immediately mow the entire property, trim all high weeds, remove all undergrowth, and blow all debris back onto the property. A one-time fine in the amount of \$3,000.00 shall be imposed. Costs in the amount of \$58.88 were awarded to the City.

5. CEB Case No.: 21-1394

Respondent: Mark E. Davison

Cecelia Kay Degnan

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

Code Officer: Scott Allman

First Notified: 8/12/2021

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.

Mr. Allman 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, trimming all high weeds, removing all undergrowth and by blowing all debris back onto the property.

Mr. Allman 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, trimming all high weeds, removing all undergrowth and by 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 one-time fine in the amount of \$3,000.00 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. Allman 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 as presented and deemed the property a health and safety violation. The property owner is to immediately mow the entire property, trim all high weeds, remove all undergrowth, and blow all debris back onto the property. A one-time fine in the amount of \$3,000.00 shall be imposed. Costs in the amount of \$58.88 were awarded to the City.

C. ORDER IMPOSING FINE/LIEN

There were none.

D. ADJOURNMENT -9:34 a.m.



Special Magistrate Fuller