SPECIAL MAGISTRATE MINUTES
COUNCIL CHAMBERS
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
OCTOBER 13, 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 Scott Allman, Code Compliance Inspector Dennis Boehmer, Code Compliance Inspector Daniel Bungart, Code Compliance Inspector 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 September 22, 2021 meeting minutes as presented.

Oaths

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

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 21-1411
   Respondent: Ouri Attias Tr
   Address of Violation: 6710 Duckhorn Ct., Port Orange, FL 32128
   Code Officer: Daniel Bungart
   First Notified: 8/18/2021

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 303 (Swimming Pools, Spas and Hot Tubs), 303.2 (Enclosures) 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 303 (Swimming Pools, Spas and Hot Tubs), 303.1 (Swimming pools) of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

Daniel Bungart, 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.:** 21-1303
   Respondent: Joseph Scott Brewer
   Paige Thompson Brewer
   Address of Violation: 1158 Silver Creek Run, Port Orange, FL 32129
   Code Officer: Daniel Bungart
   First Notified: 7/20/2021

Compliance: Yes

Cited for violation(s) - 2020 Florida Building Code, 7th 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.

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

5. **CEB Case No.:** 21-1631
   Respondent: Michael Deguire & Leonora Deguire
   Address of Violation: 1235 Thomas Drive, Port Orange, FL 32129
   Code Officer: Daniel Bungart
   First Notified: 10/1/2021

Compliance: No

Cited for violation(s) - City of Port Orange Code of Ordinances, Chapter 56 (Solid Waste), Article II (Collection and Disposal Service), Sec. 56-27 (Scope of service), (a) No human or animal excrement will be picked up or transported by the public works department or by any franchisee.

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 by October 7, 2021 by removing and properly disposing of all excrement located in the trash cans and immediately cease placing such items in the trash. All requirements of Wastepro and Solid Waste Manager must be met, and service reinstated.

Mick Neals, Solid Waste Manager, was sworn in by Special Magistrate Fuller and testified to notifying the homeowner in the past that human excrement is not allowed per city code. The property has been notified. Mr. Neals submitted photos into evidence which were accepted by Special Magistrate Fuller.

Michael Deguire, Property Owner, was sworn in by Special Magistrate Fuller and testified that when he became aware of the code violation, he told his son to cease placing the excrement in the trash and he would take it to the dump.

Mr. Bungart recommended the property owners be found in violation of the above referenced codes with the violations to be corrected immediately by no longer placing any excrement in the trash and having Wastepro services re-instated by contacting their customer service. In the event the property is not brought into compliance immediately 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. Bungart requested any future violations under this ordinance be considered repeat. The cost sheet in the amount of $36.86 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 is to immediately cease placing any excrement in the trash and have Wastepro services re-instated by contacting their customer service. If the property comes into violation again a one-time fine in the amount of $1,000.00 shall be imposed. Costs in the amount of $36.86 were awarded to the City.

6. **CEB Case No.:** 21-1364
   Respondent: James W Sim Trust
   Address of Violation: 840 Upland Drive, Port Orange, FL 32127
   Code Officer: Dennis Boehmer
   First Notified: 8/9/2021

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

7. **CEB Case No.:** 21-1418
Respondent: George R. Davison Estate
Address of Violation: 5828 Spruce Creek Woods Drive, Port Orange, FL 32127
Code Officer: Dennis Boehmer
First Notified: 8/20/2021

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. Boehmer 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 of all high weeds and grass and removing of all undergrowth.

Mr. Boehmer recommended the property owners be found in violation of the above referenced codes with the violations to be corrected immediately by mowing, weed eating, removing all undergrowth and blowing all debris back onto the property. In the event the property is not brought into compliance immediately the City shall have the option to abate the violation and lien the property for all costs of abatement. 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 is to immediately mow, weed eat, remove all undergrowth and blow all debris back onto the property or the City shall abate the violation and lien the property for all costs of abatement. Costs in the amount of $43.94 were awarded to the City.

8. **CEB Case No.:** 21-1376
Respondent: Donald & Susan Franchi
Address of Violation: 145 Wimbleton Ct, Port Orange, FL 32127
Code Officer: Dennis Boehmer
First Notified: 8/11/2021

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), (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 3, Section 303 (Swimming Pools, Spas and Hot Tubs), 303.1 (Swimming pools), of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

Mr. Boehmer 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 September 2, 2021 by mowing the entire property, weed eating, removing all undergrowth and vines/vegetation, and all debris blown back onto the property; all lawn tools, chemicals, the jug of bleach, bug spray, propane tanks, blankets and the large yellow cooler on side of home were to be relocated to an enclosed space, and the swimming pool was to either be cleaned or drained so that it would not become a breeding ground for mosquitoes.

Deborah Pearson, Code Compliance Manager, was sworn in by special Magistrate Fuller and testified to finding the same property and property owner in violation for the exact same violation over five years ago.

Mr. Boehmer recommended the property owners be found in violation of the above referenced codes with the violations to be corrected by October 24, 2021 by mowing the entire property (which includes the back yard) of all high weeds, grass, and underbrush and by removing all stored items on the front patio area. The stored items may include the following: jugs of water, any chemicals, containers, yard tools, broom, dustpan, blankets, propane tanks, and blankets. 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. Boehmer 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 has until October 24, 2021 to mow the entire property (which includes the back yard) of all high weeds, grass and underbrush and remove all stored items on the front patio area. The stored items may include the following: jugs of water, any chemicals, containers, yard tools, broom, dustpan, blankets, propane tanks, and blankets or a daily fine in the amount of $100.00 per day shall be imposed. Costs in the amount of $58.88 were awarded to the City.

9. **CEB Case No.:** 20-0992
   Respondent: Joseph Magurczek (Joint Tenancy with Right of Survivorship)
   Jason Magurczek (Joint Tenancy with Right of Survivorship)
   Address of Violation: 521 Lafayette Street, Port Orange, FL 32127
   Code Officer: Dena Joseph
   First Notified: 6/18/2020

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), 108.1.2 (Structure Unfit for Human Occupancy), 108.1.5 (Dangerous Structure or Premises), (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) 2, 3, 4, 5, 6 & (b) of the City of Port Orange Code of Ordinances.

Chapter 5 (Plumbing Facilities and Fixture Requirements), Section 505 (Water Systems), 505.1 (General) of the 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), 304.7 (Roofs and Drainage), of the 2018 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

Dena Joseph, Code Compliance Inspector, was sworn in by Special Magistrate Fuller and requested a dismissal of the case due to change in ownership. Special Magistrate Fuller granted the dismissal request.

10. **CEB Case No.:** 21-0973
    Respondent: Donna B. Hood Estate
    Address of Violation: 525 Lafayette Street, Port Orange, FL 32127
    Code Officer: Dena Joseph
    First Notified: 5/19/2021

Compliance: Yes

Cited for violation(s) - Chapter 12 (Roads and Vehicular Use Areas), Section 3 (Access Control), (g) Single Family and Duplex Drives, (1) Dimensions, (2) Maximum Coverage and (4) Front Yard Coverage of the City of Port Orange Land Development Code.

Chapter 13 (Landscaping and Buffers), (5.5) Landscaping for single - and two - family residences (e) Repair of disturbed yard areas, (4) Substitute finish ground covers, (a) Side and rear yard areas, and (b) Front yard areas of the City of Port Orange Lande Development Code.

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 3 (General Requirements), Section 302 (Exterior Property Areas), 302.2 (Grading and drainage) 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 requested a dismissal of the case as it is in compliance. Special Magistrate Fuller granted the dismissal request.

11. **CEB Case No.:** 21-1007
    Respondent: Alberta R. Hiller
    Address of Violation: 5515 Nova Road, Port Orange, FL 32127
    Code Officer: Dena Joseph
    First Notified: 5/26/2021

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 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 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 mowing the entire property to include the right of way, weed eating, and blowing of yard debris, grass clippings were to be blown back onto the property off the street and sidewalk, by storing all outside items inside an enclosed building and removing all trash and debris on site. Additionally, all vehicles and trailers are to be properly parked in the driveway or on an installed driveway extension made of rock or mulch and set apart with landscape timbers.

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 the right of way, weed eating, and blowing of yard debris back onto the property, by storing all

outside items inside an enclosed building and removing all trash and debris on site. Additionally, all vehicles and trailers are to be properly parked in the driveway or on an installed driveway extension made of rock or mulch and set apart with landscape timbers. A daily fine in the amount of $100.00 per day shall be imposed beginning September 10, 2021 (the date the notice of violation was posted on the property) and running 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. Ms. Joseph requested any future violations under this ordinance be considered repeat. The cost sheet in the amount of $44.72 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 the entire property to include the right of way, weed eating, and blowing of yard debris back onto the property, by storing all outside items inside an enclosed building and removing all trash and debris on site. Additionally, all vehicles and trailers are to be properly parked in the driveway or on an installed driveway extension made of rock or mulch and set apart with landscape timbers. A daily fine in the amount of $100.00 per day shall be imposed beginning September 10, 2021 (the date the notice of violation was posted on the property) and running until the property is brought into compliance. Costs in the amount of $44.72 were awarded to the City.

12. **CEB Case No.:** 21-1493
    Respondent: Betty Jane Buelow Estate
    Address of Violation: 5437 Isabelle Avenue, Port Orange, FL 32127
    Code Officer: Dena Joseph
    First Notified: 9/8/2021

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 it is a repeat violation, by mowing the entire property to include weed eating and blowing of yard debris back onto 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 yard debris back onto property. 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 $44.72 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. A one-time fine in the amount of $1,000.00 shall be imposed. Costs in the amount of $44.72 were awarded to the City.

C. ORDER IMPOSING FINE/LIEN

13. **CEB Case No.:** 20-0301
Respondent: Gil Lichtenstein
Address of Violation: 907 Second Street, Port Orange, FL 32129
Code Officer: Dennis Boehmer
First Notified: 2/25/2020

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), (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 70-49 (Restrictions on abandoned or disabled vehicles), (c) Restrictions, (1) (a), (b) and (2) of the City of Port Orange Code of Ordinances.

2018 International Property Maintenance Code, Chapter 3, Section 304 Exterior Structure, 304.1 (general), as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

2018 International Property Maintenance Code, Chapter 3, 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.

Mr. Boehmer requested an Order Setting Fine/Lien as the property was not in compliance June 6, 2020 as ordered in the previous hearing on May 27, 2020 by the Special Magistrate. He requested a daily fine in the amount of $100.00 per day beginning June 7, 2020 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 $96.90 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 $100.00 per day beginning June 7, 2020 and running until the property is brought into compliance and mailing and recording costs to date of $96.90.

14. **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: 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.

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.

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

15. **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: Yes

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.

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

16. **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

Cited for violation(s) - 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.

Mr. Allman requested an Order Setting Fine/Lien as the property was not in compliance June 27, 2021 as ordered in the previous hearing on May 26, 2021 by the Special Magistrate. The City retained vendor Ameritech Homes, who abated the violation at the cost of $4,200.00. A cost sheet for mailing and recording costs in the amount of $231.87 was tendered and submitted into evidence without objection.

Special Magistrate Fuller found the property in non-compliance and awarded a abatement costs of $4,200.00 and mailing and recording costs to date of $231.87. A lien is hereby imposed in the amount of $4,431.87.

17. **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.

Mr. Bungart requested an Order Setting Fine/Lien as the property was not in compliance September 1, 2021 as ordered in the previous hearing on August 25, 2021 by the Special Magistrate. He requested a daily fine in the amount of $100.00 per day beginning September 2, 2021 and running through and including September 28, 2021 as ordered in the Finding of Fact, Conclusion of Law & Order. A cost sheet for mailing and recording costs in the amount of $97.80 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 $100.00 per day beginning September 2, 2021 and running through and including September 28, 2021 for a total of $2,700.00 and mailing and recording costs to date of $97.80. A lien is hereby imposed in the amount of $2,797.80.

18. **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 requested an Order Setting Fine/Lien as the property was not in compliance immediately as ordered in the previous hearing on August 25, 2021 by the Special Magistrate. He requested a daily fine in the amount of $200.00 per day beginning July 7, 2021 and running through and including August 28, 2021 as ordered in the Finding of Fact, Conclusion of Law & Order. The City retained vendor Mark Solomon Properties, who abated the violation at the cost of $106.00. A cost sheet for mailing and recording costs in the amount of $97.80 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 $200.00 per day beginning July 7, 2021 and running through and including August 28, 2021 for a total of $10,400.00, abatement costs of $106.00 and mailing and recording costs to date of $97.80. A lien is hereby imposed in the amount of $10,603.80.

19. **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 requested an Order Setting Fine/Lien as the property was not in compliance immediately as ordered in the previous hearing on August 25, 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. A cost sheet for mailing and recording costs in the amount of $97.80 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 and mailing and recording costs to date of $97.80. A lien is hereby imposed in the amount of $2,097.80.

20. **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 requested an Order Setting Fine/Lien as the property was not in compliance September 5, 2021 as ordered in the previous hearing on August 25, 2021 by the Special Magistrate. She requested a daily fine in the amount of $250.00 per day beginning September 6, 2021 and running through and including September 14, 2021 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 $687.00. A cost sheet for mailing and recording costs in the amount of $97.80 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 $250.00 per day beginning September 6, 2021 and running through and including September 14, 2021 for a total of $2,250.00, abatement costs of $687.00 and mailing and recording costs to date of $97.80. A lien is hereby imposed in the amount of $3,034.80.

21. **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.

Ms. Joseph requested an Order Setting Fine/Lien as the property was not in compliance September 24, 2021 as ordered in the previous hearing on August 25, 2021 by the Special Magistrate. She requested a daily fine in the amount of $50.00 per day beginning September 25, 2021 and running until the property is brough 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 $97.80 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 $50.00 per day beginning September 25, 2021 and running until the property is brought into compliance and mailing and recording costs to date of $97.80.

22. **CEB Case No.:** 21-1302
Respondent: Audrey E. Aiuto Vanbuskirk - Hoge
Address of Violation: 407 N. Willow Ave., Port Orange, FL 32127
Code Officer: Dena Joseph
First Notified: 7/20/2021

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), (e) Maintenance of unimproved residential lots 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.

23. **CEB Case No.:** 21-1012
Respondent: J. Plummer Sherbino
J. Plummer Sherbino Rev. Living Trust
Address of Violation: 115 Fleming Avenue, Port Orange, FL 32127
Code Officer: Dena Joseph
First Notified: 5/26/2021

Compliance: No

Cited for violation(s) - 2020 Florida Building Code, 7th 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. Joseph requested a continuation of the case to the November 10, 2021 Hearing. Special Magistrate Fuller granted the continuation request.

D. ADJOURNMENT 10:35am

Special Magistrate Fuller