

SPECIAL MAGISTRATE MINUTES
COUNCIL CHAMBERS
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
APRIL 22, 2022

THE SPECIAL MAGISTRATE EMERGENCY HEARING of the City of Port Orange was called to order by Special Magistrate Fuller at 1:00 p.m.

PRESENT: David Fuller, Special Magistrate

ALSO PRESENT: Dena Joseph, Code Compliance Inspector
Amanda Bonin, Code Compliance Manager
Carly Meek, Assistant City Attorney
Beau Gardner, Fire Marshall
Al Tischler, Building Official
John Ryan, Fire Prevention Specialist
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.

Oaths

Code Compliance Inspector Dena Joseph and various witnesses were sworn in by Special Magistrate Fuller.

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

2. CEB Case No.: 22-0425

Respondent: RE Equity Investment Group LLC- TIC

Paulino Juanny - TIC

Lars Homes LLC - TIC

Address of Violation: 5080 Ridgewood Avenue, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 4/21/2022

Compliance: No

Cited for violation(s) - Chapter 1 Scope and Administration, Section 111 Unsafe Structures and Equipment of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances 111.1 Unsafe conditions.

Chapter 1 Scope and Administration, Section 111 Unsafe Structures and Equipment of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances 111.2 Unsafe equipment.

Chapter 1 Scope and Administration, Section 111 Unsafe Structures and Equipment of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of

Port Orange Code of Ordinances 111.1.3 Structure unfit for human occupancy.

Chapter 1 Scope and Administration, Section 111 Unsafe Structures and Equipment of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances 111.1.5 Dangerous structure or premises (1) (3) (5) (6) (8) (9) (10).

Chapter 3 General requirements, section 304 Exterior Structures of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances 304.1.1 Unsafe conditions.

Chapter 3 General requirements, section 304 Exterior Structures of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances 304.7 Roofs and drainage.

Chapter 6 Mechanical and Electrical Requirements, Section 601 General of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances 601.2 Responsibility.

Chapter 6 Mechanical and Electrical Requirements, Section 604 General of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances 604.3 Electrical system hazards.

Chapter 6 Mechanical and Electrical Requirements, Section 605 General of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances 605.1 Installation.

Chapter 6 Mechanical and Electrical Requirements, Section 605 General of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances 605.4 Wiring.

Chapter 7 Fire Safety Requirements, Section 703 Fire Resistant Ratings of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances 703.2 Unsafe Conditions.

2017 National Electrical Code NEC 110.26

City of Port Orange Land Development Code Chapter 8 Building and Fire Codes, Article 1 Reference Codes, Section 2 Fire Codes (b)

The City has acted and/or has authority to act under the following emergency measures and any interference with the City is a violation:

Chapter 1 Scope and Administration, Section 111 Unsafe Structures and Equipment of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances 111.2.1 Authority to disconnect service utilities.

Chapter 1 Scope and Administration, Section 112 Emergency Measures of the 2021

International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances 112.1 Imminent danger.

Chapter 1 Scope and Administration, Section 112 Emergency Measures of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances 112.2 Temporary safeguards.

Chapter 1 Scope and Administration, Section 112 Emergency Measures of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances 112.14 Emergency repairs.

Chapter 1 Scope and Administration, Section 112 Emergency Measures of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances 112.6 Hearing.

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 immediately by vacating the property, making the electricity safe or shutting it off immediately due to the unsafe wiring methods and exposed wiring, bringing all the serious health and safety issues into compliance with City codes, submitting permit applications within 24 hours for all electrical, structural, and roofing violations and all imminent danger and life safety violations. Per the City's evaluation, the ceilings need to be reinforced due to the dilapidated material. The structural integrity of the building is to be repaired in each unit and the ceilings secured. The roof is to be repaired or replaced to eliminate further water intrusion and damages.

Al Tischler, Building Official for Port Orange, and Beau Gardner, Fire Marshall for Port Orange, were sworn in by Special Magistrate Fuller and provided expert testimony that this structure is uninhabitable in the current state.

Property owners Joaquin Jimnez, Jonathan Pualino, and the City provided arguments, evidence, and statements.

Tenants Joanne Utterback, William Biggs, and Gaynell Ball were sworn in by Special Magistrate Fuller and provided testimony for and against the work that has been done and individual issues they have each faced. Both Mr. Biggs and Ms. Ball expressed gratitude for the help they have received from the new owners so far. Each tenant expressed concerns regarding being displaced.

Ms. Joseph recommended the property owners be found in violation of the above referenced codes with the violations to be corrected by 1- Evacuating the property and shutting off the electricity within 72 hours. If this is not completed within the timeframe specified, the City shall have the right to immediately have FPL turn off the power to the location. The property shall remain vacated with the electricity shut off until all codes are complied with. A fine shall run at \$500 per day for each and every day of non-compliance. 2-The ceilings need to be reinforced immediately due to the dilapidated material. Should the ceilings not be reinforced by May 6, 2022, a fine of \$500 per day shall be imposed for each and every day of non-compliance. 3-The

roof and all structural components and all structural deficiencies throughout the building need to be corrected by May 23, 2022. If these violations have not been corrected by May 23, 2022, a fine of \$500/day shall be imposed for each and every day of non-compliance. 4-All electrical violations need to be corrected by May 30, 2022. If the electrical work is not completed by May 30, 2022, a fine of \$500 per day shall be imposed for each and every day of non-compliance. The electrical work should commence once the building is secured, and all roofing and structural components are repaired. The electric must remain off until deemed safe by the City's Building Inspector and City's Fire Inspector. 5-All "Danger" postings, listing the buildings and units as unsafe/uninhabitable, must remain as placed by the City. Should the signs not remain as posted by the City, a fine of \$500 per day, shall be imposed each and every day they are not posted. The fines above are additional fines, which could result in a total fine of approximately \$2,500 per day. Permits through the City of Port Orange are required for all work to be completed for items #2, #3, and #4. Permits must be issued prior to the commencement of work. 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 estimated cost sheet in the amount of \$329.38 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 1-Evacuate the property and shut off the electricity within 72 hours. If this is not completed within the timeframe specified, the City shall have the right to immediately have FPL turn off the power to the location. The property shall remain vacated with the electricity shut off until all codes are complied with. A fine shall run at \$500 per day for each and every day of non-compliance. 2-The ceilings need to be reinforced immediately due to the dilapidated material. Should the ceilings not be reinforced by May 6, 2022, a fine of \$500 per day shall be imposed for each and every day of non-compliance. 3-The roof and all structural components and all structural deficiencies throughout the building need to be corrected by May 23, 2022. If these violations have not been corrected by May 23, 2022, a fine of \$500/day shall be imposed for each and every day of non-compliance. 4-All electrical violations need to be corrected by May 30, 2022. If the electrical work is not completed by May 30, 2022, a fine of \$500 per day shall be imposed for each and every day of non-compliance. The electrical work should commence once the building is secured, and all roofing and structural components are repaired. The electric must remain off until deemed safe by the City's Building Inspector and City's Fire Inspector. 5-All "Danger" postings, listing the buildings and units as unsafe/uninhabitable, must remain as placed by the City. Should the signs not remain as posted by the City, a fine of \$500 per day, shall be imposed each and every day they are not posted. The fines above are additional fines, which could result in a total fine of approximately \$2,500 per day. Permits through the City of Port Orange are required for all work to be completed for items #2, #3, and #4. Permits must be issued prior to the commencement of work. Estimated costs in the amount of \$329.38 were awarded to the City. Special Magistrate Fuller requested the Victims Advocate Coordinator work with the tenants being displaced.

D. ADJOURNMENT – 2:10 p.m.



Special Magistrate Fuller