

SPECIAL MAGISTRATE MINUTES
COUNCIL CHAMBERS
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
APRIL 27, 2022

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 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 April 13, 2022 meeting minutes as presented.

Oaths

Code Compliance Inspector Dena Joseph was sworn in by Special Magistrate Fuller.

A. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 22-197

Respondent: Brian McAndrew
Brooke E. Bustrann

Address of Violation: 4637 Secret River Trail, Port Orange, FL 32129

Code Officer: Daniel Bungart

First Notified: 3/9/2022

Compliance: Yes

Cited for violation(s) - Chapter 70 (Traffic), Article II (Stopping standing and parking), Section 70-48 (Parking of recreational vehicles and equipment on residential premises), (d), (1), (2), (3), of the 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.

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

4. **CEB Case No.:** 22-115

Respondent: Mark E. Davison

Cecelia Kay Degnan

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

Code Officer: Scott Allman

First Notified: 1/31/2022

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.

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

5. **CEB Case No.:** 22-116

Respondent: Mark E. Davison

Cecelia K. Davison

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

Code Officer: Scott Allman

First Notified: 1/31/2022

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.

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

6. **CEB Case No.:** 22-0244

Respondent: Alberta R. Hiller

Address of Violation: 5515 Nova Road, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 3/15/2022

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 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

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.

7. CEB Case No.: 22-0242

Respondent: Sylvia D Morris

Theresa D Frees

Theresa Denise Macioce

Address of Violation: 5457 Pineland Avenue, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 3/15/2022

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.

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.

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 April 3, 2022 by removing all trash and debris from the property, properly storing all outside stored items in an enclosed building, properly registering the trailer that was on site that had an expired tag, and obtaining a permit for the fence that has been partially installed on the property. The violation pertaining to the fence has been delayed due to the time frame to have the survey completed so that was not part of this case at this time.

Ms. Joseph recommended the property owners be found in violation of the above referenced codes as the violations were not corrected by April 3, 2022. All violations have since been

corrected and the property is in compliance at this time. Ms. Joseph requested any future violations under this ordinance be considered repeat.

Special Magistrate Fuller granted the recommendation as presented. Any future violations under this ordinance shall be considered repeat violations.

8. **CEB Case No.:** 22-0269

Respondent: Krishna Bishop

Gary Bishop

Address of Violation: 717 Cindy Circle, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 3/18/2022

Compliance: Yes

Cited for violation(s) - City of Port Orange Code of Ordinances, Chapter 16 (Miscellaneous Regulations), Section 1 (Accessory Uses and Structures), (e) Outside Storage (1) Residential Uses (a) (b).

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 70 (Traffic), Article II (Stopping, Standing, and Parking), Section 70-47 (Parking of Commercial vehicles on residential premises), (a), (b) and (2) 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.

9. **CEB Case No.:** 22-0358

Respondent: Allan R. Thompson

Address of Violation: 5827 Ridgewood Avenue, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 4/5/2022

Compliance: Yes

Cited for violation(s) - Chapter 42, (Nuisances), Article III (Sanitary Conditions), Section 42-59 (Location of vehicles used for human occupancy) 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.

10. **CEB Case No.:** 22-0345

Respondent: Allan R. Thompson

Address of Violation: 5827 Ridgewood Avenue, Port Orange, FL 32127

Code Officer: Dena Joseph
First Notified: 4/5/2022

Compliance: No

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 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 repeat violation was to be corrected immediately by removing all trash and debris from the site and properly storing all items in an enclosed building.

Allan Thompson, property owner, was sworn in by Special Magistrate Fuller and testified that all the outside storage is his roommates, and he cannot get them to remove the items.

Ms. Joseph recommended the property owners be found in repeat violation of the above referenced codes with the violations to be corrected immediately by removing all trash and debris from the site and properly storing all items in an enclosed building. 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 \$700.00 per day beginning April 5, 2022 (the date the property was found in violation) 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 \$36.86 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 remove all trash and debris and properly store all items in an enclosed building or a daily fine in the amount of \$700.00 per day beginning April 5, 2022 (the date the property was found in violation) shall be imposed. Costs in the amount of \$36.86 were awarded to the City.

B. ORDER IMPOSING FINE/LIEN

There were none.

D. ADJOURNMENT – 9:30 a.m.


Special Magistrate Fuller