

CODE ENFORCEMENT SPECIAL MAGISTRATE
MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
OCTOBER 26, 2022

THE CODE ENFORCEMENT SPECIAL MAGISTRATE MEETING of the City of Port Orange was called to order by Special Magistrate David Fuller at 9:00 a.m.

PRESENT: DAVID FULLER, SPECIAL MAGISTRATE

ALSO PRESENT: Robert Kuhn, Code Enforcement Officer
Dena Joseph, Code Enforcement Officer
Scott Allman, Code Enforcement Officer
Robin Fenwick, City Clerk
Tracee Cody, Assistant City Clerk

Oaths

Dena Joseph, Scott Allman, and Robert Kuhn, Code Enforcement Officers were sworn in by Special Magistrate Fuller.

CALL TO ORDER

1. 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.

2. Consideration of Minutes - September 14, 2022

Special Magistrate Fuller approved the September 14, 2022 meeting minutes as presented.

FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 22-1290

Respondent: Brian McAndrew
Brooke E. Bustrann

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

Code Officer: Bailey Hornbuckle

First Notified: 9/12/2022

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 (h) Abutting property owner maintenance of parkages

Dena Joseph, Code Enforcement Officer, requested a dismissal of the case as it is in compliance. Special Magistrate Fuller granted the dismissal request.

4. **CEB Case No.:** 22-751

Respondent: Ashton PV 129 TIC LLC ETAL - TIC
Ashton PV 80M TIC LLC - TIC
Ashton N62 TIC LLC - TIC

Address of Violation: 6305 S. Williamson Boulevard, Port Orange, FL 32128

Code Officer: Summer Jameson

First Notified: 6/10/2022

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.

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

Chapter 70 (Traffic), Article II (Stopping standing and parking), Section 70-48 Parking of recreational vehicles and equipment on residential premises.

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.

City of Port Orange Land Development Code, Chapter 16 (Miscellaneous Regulations), Section 3 (Fences and Walls), (4) Design and Maintenance (b) All fences shall be maintained in their original upright condition

Code of Ordinances of the City of Port Orange, Chapter 14 (Buildings and Building Regulations), Article VII (Commercial Property Maintenance Standards), Sec. 14-314 (Landscaping and buffers - Maintenance criteria), (a) Approved landscape plans (2) Shrubs.

Code of Ordinances of the City of Port Orange, Chapter 14 (Buildings and Building Regulations), Article VII (Commercial Property Maintenance Standards), Sec. 14-315. (Same-Replacement criteria), (a) Landscape plantings.

Chapter 6 (Mechanical and Electrical Requirements) Section 605 (Electrical Equipment) 605.1 (Installation) 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 continuation of the case until December 14, 2022. Special Magistrate Fuller granted the continuation request.

5. **CEB Case No.:** 22-953

Respondent: Jack Peter
Otila Massaro

Address of Violation: 724 Horsemen Drive, Port Orange, FL 32127

Code Officer: Dennis Boehmer

First Notified: 7/19/2022

Compliance: Yes

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.

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

6. **CEB Case No.:** 22-1226

Respondent: C/O Barry M. Sickles, Esq., Registered Agent

Address of Violation: 4041 Nova Road, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 8/26/2022

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), (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.

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

7. CEB Case No.: 22-1197

Respondent: HUD

Address of Violation: 941 Sand Crest Drive, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 8/22/2022

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), (d) (Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances (h) Abutting property owner maintenance of parkages.

Chapter 3 (General Requirements), Section 304 (Exterior Structure), Section 304.7 (Roofs 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.

Chapter 3, 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.

Scott Allman, Code Enforcement Officer, 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 October 14, 2022 by (1) mowing the entire property, trimming all high weeds, removing all yard debris, and blowing all debris back onto the property, (2) repairing all damaged soffits or any soffits with holes, and (3) repairing the gable wall on the east side of the home so that animals, rodents, vermin, etc. cannot get into the home.

Mr. Allman recommended the property owners be found in violation of the above referenced codes with the violations to be corrected by November 23, 2022 by (1) mowing the entire property, trimming all high weeds, removing all yard debris, and blowing all debris back onto the property, (2) repairing all damaged soffits or any soffits with holes, and (3) repairing the gable wall on the east side of the home so that animals, rodents, vermin, etc. cannot get into the home. 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. Allman requested any future violations under this ordinance be considered repeat, and that the property be deemed a health and safety concern for the surrounding neighbors in that it is an attractive nuisance for small children, rodents, and other pests. The cost sheet in the amount of \$46.03 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 November 23, 2022 to (1) mow the entire property, trim all high weeds, remove all yard debris, and blow all debris back onto the property, (2) repair all damaged soffits or any soffits with holes, and (3) repair the gable wall on the east side of the home so that animals, rodents, vermin, etc. cannot get into the home or a daily fine in the amount of \$100.00 per day shall be imposed. Costs in the amount of \$46.03 were awarded to the City.

8. CEB Case No.: 20-1054

Respondent: Scott Taylor

Address of Violation: 9 E. Magnolia Avenue, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 6/30/2020

Compliance: No

Cited for violation(s) - Chapter 3 (General Requirements), Section 304 (Exterior Structure), Section 304.7 (Roofs and Drainage) of the 2021 International Property Maintenance Code, Chapter as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

Ms. Joseph requested a continuation of the case until November 9, 2022. Special Magistrate Fuller granted the continuation request.

9. CEB Case No.: 22-1322

Respondent: Stacey L. Algieri

Address of Violation: 5245 Sydney Street, Port Orange, FL 32127
Code Officer: Robert Kuhn
First Notified: 9/16/2022

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), (d) (Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances (h) Abutting property owner maintenance of parkages

Robert Kuhn, Code Enforcement Officer, 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 mowing the entire property, weed eating, removing all undergrowth and blowing all debris back onto the property.

Mr. Kuhn 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, weed eating, removing all undergrowth and 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, the City has the option to abate the violations. 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. Kuhn requested any future violations under this ordinance be considered repeat, and that the property be deemed a health and safety concern for the surrounding neighbors in that it is an attractive nuisance for small children, rodents, and other pests. The cost sheet in the amount of \$46.03 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 shall immediately mow the entire property, weed eat, remove all undergrowth and blow all debris back onto the property or the City shall have the option to abate the violations. Costs in the amount of \$46.03 were awarded to the City.

10. **CEB Case No.:** 22-1323

Respondent: Darrell Blake
Sharon Blake

Address of Violation: 1157 Millbrook Avenue, Port Orange, FL 32127
Code Officer: Robert Kuhn

First Notified: 9/16/2022

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

Mr. Kuhn 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 mowing the entire property, weed eating, removing all undergrowth and blowing all debris back onto the property.

Mr. Kuhn 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, weed eating, removing all undergrowth and 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, the City shall have the option to abate the violations. 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. Kuhn requested any future violations under this ordinance be considered repeat, and that the property be deemed a health and safety concern for the surrounding neighbors in that it is an attractive nuisance for small children, rodents, and other pests. The cost sheet in the amount of \$62.81 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 shall immediately mow the entire property, weed eat, remove all undergrowth and blow all debris back onto the property or the City shall have the option to abate the violations. Costs in the amount of \$62.81 were awarded to the City.

11. CEB Case No.: 22-1007

Respondent: Kevin A. Emswiler

Lisa A. Emswiler

Address of Violation: 1148 Millbrook Avenue, Port Orange, FL 32127

Code Officer: Robert Kuhn

First Notified: 7/25/2022

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.

12. CEB Case No.: 22-1161

Respondent: Jasmine Jaya

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

Code Officer: Robert Kuhn

First Notified: 8/17/2022

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

Mr. Kuhn 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 6, 2022 by mowing the entire property, removing all weeds and undergrowth, and blowing all the debris back onto the property. The violations remained non-compliant until October 24, 2022.

Mr. Kuhn recommended the property owners be found in violation of the above referenced codes as the violations were to be corrected by September 6, 2022. Mr. Kuhn requested any future violations under this ordinance be considered repeat. The cost sheet in the amount of \$46.03 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Special Magistrate Fuller granted the recommendation as presented as the property was found in non-compliance until the reinspection on October 24, 2022. Costs in the amount of \$46.03 were awarded to the City.

13. CEB Case No.: 22-1203

Respondent: Tylo Investments, LLC C/O Kathleen L. Crotty

Address of Violation: 5684 Riverside Drive, Port Orange, FL 32127

Code Officer: Robert Kuhn

First Notified: 8/25/2022

Compliance: No

Cited for violation(s) - Per the City of Port Orange's Land Development Code, Land Development Code, Chapter 8, Article III, Section 8(c)(3)(g): Applications and permits.

Ms. Joseph requested a continuation of the case until November 9, 2022. Special Magistrate Fuller granted the continuation request.

14. **CEB Case No.:** 22-1034.

Respondent: Linda A. Kellar

Address of Violation: 128 Barefoot Trail, Port Orange, FL 32129

Code Officer: Dena Joseph

First Notified: 7/28/2022

Compliance: No

Cited for violation(s) - City of Port Orange Land Development Code, Chapter 16 (Miscellaneous Regulations), Section 3 (Fences and Walls), (b) General Provisions, (4) Design and Maintenance, (b) All fences shall be maintained in their original upright condition & (d) Missing boards, pickets, or posts shall be replaced in a timely manner with material of the same type and quality.

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 continuation of the case until November 9, 2022. Special Magistrate Fuller granted the continuation request.

15. **CEB Case No.:** 22-0983

Respondent: Johnny Ray Hamilton

Address of Violation: 401 Herbert Street, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 7/21/2022

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 (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.

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

ORDER IMPOSING FINE/LIEN

16. CEB Case No.: 22-0817

Respondent: Stephen Stewart

Address of Violation: 717 Dove Avenue, Port Orange, FL 32129

Code Officer: Dena Joseph

First Notified: 6/23/2022

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

Ms. Joseph requested an Order Setting Fine/Lien as the property was not in compliance by September 21, 2022, as ordered in the previous hearing on September 14, 2022 by the Special Magistrate. She requested a daily fine in the amount of \$150.00 per day beginning September 22, 2022 for each and every day the violation continues to exist as ordered in the Finding of Fact, Conclusion of Law & Order. A cost sheet for mailing and recording costs in the amount of \$100.67 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 \$150.00 beginning September 22, 2022 for each and every day the violation exists and mailing and recording costs to date of \$100.67.

17. CEB Case No.: 22-0745

Respondent: Allen E. Davis III Estate
Carol Frances Davis

Address of Violation: 4041 S. Waterbridge Circle, Port Orange, FL 32129

Code Officer: Dena Joseph

First Notified: 6/10/2022

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), (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.

City of Port Orange Land Development Code, Chapter 16 (Miscellaneous Regulations), Section 3 (Fences and Walls), (b) General Provisions, (4) Design and Maintenance, (b) All fences shall be maintained in their original upright condition & (d) Missing boards, pickets, or posts shall be replaced in a timely manner with material of the same type and quality.

Ms. Joseph requested an Order Setting Fine/Lien as the property was not in compliance by September 4, 2022 and September 24, 2022 for different violations, as ordered in the previous hearing on August 24, 2022 by the Special Magistrate. She requested a daily fine in the amount of \$100.00 per day, beginning September 5, 2022 for the mowing and weed eating of the yard and September 25, 2022 for the section of fencing that was not repaired or replaced as ordered in the Finding of Fact, Conclusion of Law & Order. A cost sheet for mailing and recording costs in the amount of \$125.84 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 beginning September 5, 2022 and September 25, 2022 until the property is in compliance with each violation and mailing and recording costs to date of \$125.84.

18. CEB Case No.: 22-945

Respondent: Donna J. Fretwell

Carolyn Grindel
Margaret Firestine
Darlene Ross
Annette Speicher

Address of Violation: 1129 E. Willow Run Drive, Port Orange, FL 32129

Code Officer: Bailey Hornbuckle

First Notified: 7/15/2022

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.

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

19. **CEB Case No.:** 22-0727

Respondent: Amy Lynn Donnelly
Frank J. Kovacs

Address of Violation: 730 Barlow Circle, Port Orange, FL 32127

Code Officer: Robert Kuhn

First Notified: 6/8/2022

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.

Mr. Kuhn requested an Order Setting Fine/Lien as the property was not in compliance by August 31, 2022, as ordered in the previous hearing on August 10, 2022 by the Special Magistrate. He requested a daily fine in the amount of \$100.00 per day beginning September 1, 2022 and running through and including September 6, 2022 for a total of 6 days as ordered in the Finding of Fact, Conclusion of Law & Order, for a total fine of \$600.00. A cost sheet for mailing and recording costs in the amount of \$145.53 was tendered and submitted into evidence without objection.

Amy Donnelly and Frank Kovacs, the property owners, were sworn in by Special Magistrate Fuller and testified as to the condition of the property.

Special Magistrate Fuller found the property in non-compliance and awarded a daily fine in the amount of \$100.00 beginning September 1, 2022 and running through and including September 6, 2022 for a total of \$600.00 and mailing and recording costs to date of \$145.53. A lien in the amount of \$745.53 shall be imposed.

20. **CEB Case No.:** 22-0581

Respondent: Allan R. Thompson

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

Code Officer: Robert Kuhn

First Notified: 5/16/2022

Compliance: No

Cited for violation(s) - City of Port Orange Code of Ordinances Chapter 42 Nuisances, Article V Unsafe Conditions, Section 108 Unsafe Conditions; Nuisance (a) (1) (2) (4) (b)

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 111.1.3 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) (7) (8) (9) (10).

Chapter 3 General Requirements, Section 302 Exterior Property Areas of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances 302.1 Sanitation. Exterior property and premises shall be maintained in a clean, safe and sanitary condition.

Chapter 3 General Requirements, Section 302 Exterior Property Areas of the 2021 International Property Maintenance Code as adopted per Chapter 14,

Article II of the City of Port Orange Code of Ordinances 302.5 Rodent Harborage.

Chapter 3 General Requirements, Section 302 Exterior Property Areas of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances 302.7 Accessory Structures.

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. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings:(8)

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 304.6 Exterior walls.

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 304.13 Window, skylight and door frames.

Chapter 3 General Requirements, Section 309 Pest Elimination of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances 309.1 Infestation.

Chapter 6 Mechanical and Electrical Requirements, Section 604 Electrical Facilities 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 Electrical Equipment 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 Electrical Equipment 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 702 Means of Egress of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances 702.1 General.

City of Port Orange Land Development Code Chapter 8 Building and Fire Codes, Article 1 Reference Codes, Section 2 Fire Codes; Fire Codes indicated below:

Travel to exit doors, free of obstructions: equal to door width. NFPA 1 Chapter 14

Electrical circuits /outlets shall not be overloaded. NFPA 1 Chapter 11

Extension cords shall not be used as a substitute for permanent wiring. NFPA 1 Chapter 11

Electrical cords shall not be through wall/ceilings/under floorcoverings. NFPA 70, NFPA 1 Chapter 11

Electrical cords, plugs, coverings and insulation shall be intact with no splices. NFPA 70, NFPA 1 Chapter 11

All products properly stored; storage shall be neat, compact and orderly. NFPA 101 Chapter 4

Combustible material shall be kept a minimum of 2 feet from heat source. NFPA 101 Chapter 8

Storage shall be 18 inches below sprinkler heads and/ or below ceiling. NFPA 13 or NFPA 1 Chapter 10

Fire Extinguishers required. NFPA 1 Chapter 13 and NFPA 10

Exit signs and emergency lighting required. NFPA 1 Chapter 14

Detection systems (smoke detectors) required. NFPA 1 Chapter 13

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 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 112.1 Imminent Danger.

Chapter 1 Scope and Administration, Section 112 Emergency Measures 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 112.2 Temporary Safeguards.

Chapter 1 Scope and Administration, Section 112 Emergency Measures 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 112.4 Emergency Repairs.

Ms. Joseph requested a continuation of the case until December 14, 2022. Special Magistrate Fuller granted the continuation request.

ADJOURNMENT - 10:11 a.m.


Special Magistrate David Fuller