



AGENDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF PORT ORANGE

Meeting Date: Wednesday, March 9, 2016

Time: 9:00 AM

Type of Meeting: Regular

Location: Council Chambers
City Hall, 1000 City Center Circle

A. CALL TO ORDER

1. Attorney Overview of Special Magistrate Code Enforcement Process
2. Consideration of Minutes - February 24, 2016

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 15-1353 (Continued from 2/10/16)
Respondent: Akram Batniji
Address of Violation: 735 Dunlawton Avenue, Port Orange, FL 32129
Code Officer: Scott Allman
First Notified: 09/08/2015

Compliance: No

Cited for violation(s) - Chapter 16 (Miscellaneous Regulations), Section 3 (Fences and Walls), (b) General Provisions, (4) Design and Maintenance, (b) & (d) of the City of Port Orange Land Development Code.

4. **CEB Case No.:** 15-1943
Respondent: Baiba Garcia
Address of Violation: 5953 Boggs Ford Road, Port Orange, FL 32127
Code Officer: Scott Allman
First Notified: 02/05/2016

Compliance: No

Cited for violation(s) - Chapter 3, Section 303 Swimming Pools, Spas and Hot Tubs of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances, 303.1 Swimming Pools.

5. **CEB Case No.:** 16-167
Respondent: Linda Kennedy, Maureen Kennedy, and John Kennedy
Address of Violation: 5204 Sydney Street, Port Orange, FL 32127
Code Officer: Deborah Faircloth
First Notified: 02/08/2016

Compliance: No

Cited for violation(s) - Chapter 3, Section 304.11 (Unsafe Conditions) of the 2015 International Property Maintenance Code as adopter per Chapter 14, Article II of the City of Port Orange Land Development Code.

Chapter 3, Section 304.7 (Roofs and Drainage) of the 2015 International Property Maintenance Code as adopter per Chapter 14, Article II of the City of Port Orange Land Development Code.

Chapter 3, Section 304.9 (Overhanging Extensions) of the 2015 International Property Maintenance Code as adopter per Chapter 14, Article II of the City of Port Orange Land Development Code.

Chapter 3, Section 304-18 (Building Security) of the 2015 International Property Maintenance Code as adopter per Chapter 14, Article II of the City of Port Orange Land Development Code.

Chapter 3, Section 305.1.1 (Unsafe Conditions) of the 2015 International Property Maintenance Code as adopter per Chapter 14, Article II of the City of Port Orange Land Development Code.

Chapter 3, Section 305.3 (Interior Surfaces) of the 2015 International Property Maintenance Code as adopter per Chapter 14, Article II of the City of Port Orange Land Development Code.

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) & §§(f) (Garbage, waste, trash, etc., prohibited) of the City of Port Orange Code of Ordinances.

6. **CEB Case No.:** 15-1367

Respondent: Country Manor Assisted Living & Retirement Home LLC

Address of Violation: 1152 Old Hammock Road, Port Orange, FL 32129

Code Officer: Dena Joseph

First Notified: 01/29/2016

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), (c) Maintenance of Commercial and Industrial Zoned Lots of the City of Port Orange Code of Ordinances: The owner of every improved lot, piece and parcel of land located within a commercial or industrial zone within the city shall keep each such lot, piece or parcel of land free and clear of all fallen trees and limbs and undergrowth exceeding 12 inches in height.

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: The owner of every lot, piece and parcel of land located within the city shall keep each such lot, piece and parcel of land free and clear of garbage, waste, trash, debris and junk.

7. **CEB Case No.:** 16-0160

Respondent: Billy Gordon

Address of Violation: 890 Chipmunk Tr., Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: February 9, 2016

Compliance: No

Cited for violation(s) - Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Maintenance of property generally-duty of owner), (d) Maintenance of Improved Residential Lots of the City of Port Orange Code of Ordinances: The owner of an improved lot in a residential zone with lot sizes of one acre or less shall keep such lot free and clear of all fallen trees and limbs. All weeds, grass and undergrowth shall be cut to a height not exceeding ten inches.

Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Maintenance of property general y-duty of owner), (f) Garbage, waste, trash, etc. prohibited) of the City of Port Orange Code of Ordinances: The owner of every lot, piece and parcel of land located within the city shall keep each such lot, piece and parcel of land free and clear of garbage, waste, trash, debris and junk.

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: No owner of property within the city shall permit the storage of vehicles or parts of vehicles, furniture, appliances or other personal property upon the premises, except in an enclosed building.

Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment), 108.1.1 (Unsafe Structures) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment), 108.1.3 (Structure unfit for human occupancy) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment), 108.1.5 (Dangerous structure or premises), (5) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: For the purpose of this code, any structure or premises that has any or all of the conditions or defects described below shall be considered dangerous: The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.

Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment), 108.1.5 (Dangerous structure or premises), (6) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.

Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment), 108.1.5 (Dangerous structure or premises), (7) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.

Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment), 108.1.5 (Dangerous structure or premises), (9) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, ventilation, mechanical or plumbing system, or otherwise, is determined by the code official to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

Chapter 1 (Scope and Administration), Section 109 (Emergency Measures), 109.1 (Imminent Danger) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

Chapter 3 (General Requirements), Section 302 (Exterior Property Areas), 302.1 (Sanitation) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

Chapter 3 (General Requirements), Section 302 (Exterior Property Areas), 302.7 (Accessory Structures) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.1 (General) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.1.1 (Unsafe Conditions), (8) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects

Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.1.1 (Unsafe Conditions), (12) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including guards and handrails, are not structurally sound, not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects; or

Chapter 3 (General Requirements), Section 304 (Exterior Structure). 304.4 (Structural Members) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

Chapter 3 (General Requirements), Section 304 (Exterior Structure), Section 304.6 (Exterior Walls) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

Chapter 3 (General Requirements), Section 304 (Exterior Structure), Section 304.7 (Roofs and Drainage) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters

and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

Chapter 3 (General Requirements), Section 304 (Exterior Structure), Section 304.10 (Stairways, decks, porches and balconies) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

Chapter 3 (General Requirements), Section 304 (Exterior Structure), Section 304.12 (Handrails and Guards) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

Chapter 3 (General Requirements), Section 304 (Exterior Structure), Section 304.13 (Window, skylight and door frames) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

Chapter 3 (General Requirements), Section 304 (Exterior Structure), Section 304.15 (Doors)) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: All exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

Chapter 3 (General Requirements), Section 305 (Interior Structure), 305.1 (General)), of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure which they occupy or control in a clean and sanitary condition. Every owner of a structure containing a rooming house, housekeeping units, a hotel, a dormitory, two or more dwelling units or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

Chapter 3 (General Requirements), Section 305 (Interior Structure), 305.4 (Stairs and Walking Surfaces), of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in sound condition and good repair.

Chapter 3 (General Requirements), Section 305 (Interior Structure), 305.5 (Handrails and Guards), of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

Chapter 5 (Plumbing Facilities and Fixture Requirements), Section 505 (Water System), 505.1 (General) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Every sink, lavatory, bathtub, or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system.

Chapter 6 (Mechanical and Electrical Requirements), Section 601 (General), 601.2 (Responsibility) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: The owner of the structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not occupy as owner-occupant or permit another person to occupy any premises which does not comply with the requirements of this chapter.

Chapter 6 (Mechanical and Electrical Requirements), Section 604 (Electrical Facilities), 604.1 (Facilities Required) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Every occupied building shall be provided with an electrical system in compliance with the requirements of this section and Section 605 (Electrical Equipment).

Chapter 6 (Mechanical and Electrical Requirements), Section 605 (Electrical Equipment), 605.1 (Installation) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Electrical equipment, wiring, and appliances shall be properly installed and maintained in a safe and approved manner.

C. ORDER IMPOSING FINE/LIEN

8. CEB Case No.: 15-1809

Respondent: Travis Houman LF EST and Susan Hawthorne LF EST
101 Cambridge Drive
Port Orange, FL 32127

Lindsey Matthews
191 Ledford Rd., Lot 6
Cairo, GA 39828

Address of Violation: 101 Cambridge Drive, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 12/15/2015

Compliance: No

Cited for violation(s) - Chapter 5, Section 505 Plumbing Facilities and Fixture Requirements of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances, 505.1 Water System.

Chapter 6, Mechanical and Electrical requirements of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances, 604.1 Electrical Facilities.

9. **CEB Case No.:** 15-1946

Respondent: Judith A. Vitali EST

Address of Violation: 1237 Mellisa Drive, Port Orange, FL 32129

Code Officer: Dena Joseph

First Notified: 12/18/2015

Compliance: No

Cited for violation(s) - Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (d) Maintenance of Improved Residential Lots of the City of Port Orange Code of Ordinances: The owner of an improved lot in a residential zone with lot sizes of one acre or less shall keep such lot free and clear of all fallen trees and limbs.

10. **CEB Case No.:** 15-1959

Respondent: Basil Jaisingh, 153 Deskin Drive, Port Orange, FL 32129

Address of Violation: 5160 Ridgewood Avenue, Port Orange, FL 32127

Code Officer: Deborah Faircloth

First Notified: 12/23/2015

Compliance: No

Cited for violation(s) - City of Port Orange Code of Ordinances, Chapter 42, Article II, Section 42-26 Cleanliness of property generally – Duty of owner (c) Maintenance of commercial and industrial zoned lots. The owner of every improved lot, piece and parcel of land located within a commercial or industrial zone with the city shall keep each such lot, piece or parcel of land free and clear of all fallen trees and limbs and undergrowth exceeding 12 inches in height.

City of Port Orange Code of Ordinances, Chapter 42, Article II, Section 42-26 (f) Garbage, waste, trash, etc., prohibited. The owner of every lot, piece and parcel of land located within the city shall keep each such lot, piece and parcel of land free and clear of garbage, waste, trash, debris and junk.

City of Port Orange Code of Ordinances, Chapter 42, Section 42-32. Storage of vehicles, furniture, etc. No owner of property within the city shall permit the storage of vehicles or parts of vehicles, furniture, appliances or other personal property upon the premises, except in an enclosed building.

D. PUBLIC COMMENTS

E. ADJOURNMENT

ANY PERSON WHO DECIDES TO APPEAL ANY DECISION MADE BY THE **CODE ENFORCEMENT SPECIAL MAGISTRATE** WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE HE OR SHE MAY NEED TO ENSURE AT HIS OR HER OWN EXPENSE FOR THE TAKING AND PREPARATION OF A VERBATIM RECORD OF ALL TESTIMONY AND EVIDENCE OF THE PROCEEDINGS UPON WHICH THE APPEAL IS TO BE BASED. NOTE: IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ANY ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT THE CITY CLERK FOR THE CITY OF PORT ORANGE, 1000 CITY CENTER CIRCLE, PORT ORANGE, FLORIDA 32129, TELEPHONE NUMBER 386-506-5563, WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING DATE; IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 1-800-955-8771.