

CODE ENFORCEMENT SPECIAL MAGISTRATE
MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
JANUARY 11, 2023

THE CODE ENFORCEMENT SPECIAL MAGISTRATE MEETING of the City of Port Orange was called to order by Special Magistrate David Fuller at 8:57 a.m.

PRESENT: David Fuller, Special Magistrate

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

Oaths

Robert Kuhn, Dena Joseph, and Scott Allman, 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 dispensed with the overview of the code enforcement process as there were no members of the public present.

2. Consideration of Minutes - December 14, 2022

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

FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 22-1404
Respondent: Betty Jane Buelow Estate
Address of Violation: 5437 Isabelle Avenue, Port Orange, FL 32127
Code Officer: Robert Kuhn
First Notified: 10/10/2022

Compliance: No

Cited for violation(s) - Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.10 (Stairways, decks, porches, and balconies) of the 2021 International Property Maintenance Code, as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

Robert 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 December 5, 2022 by removing or repairing the damaged porch roof and the front porch ramp which may require obtaining a permit through the building department.

Mr. Kuhn recommended the property owners be found in violation of the above referenced codes with the violations to be corrected by January 21, 2023 by removing or repairing the damaged porch roof and the front porch ramp which may require obtaining a permit through the building department. 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 of Port Orange shall have the option to abate the violation as this is a health and safety concern. 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 has until January 21, 2023 to remove or repair the damaged porch roof and the front porch ramp which may require obtaining a permit through the building department. Costs in the amount of \$46.03 were awarded to the City.

4. CEB Case No.: 22-1462

Respondent: Sylvia D. Morris

Theresa D. Frees

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

Code Officer: Robert Kuhn

First Notified: 11/17/2022

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), (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.

Robert Kuhn, Code Enforcement Officer, 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.

5. **CEB Case No.:** 22-1480

Respondent: Right Now Corporation

C/O: Ronald E. Frederick, Registered Agent

Address of Violation: 453 Leslie Drive, Port Orange, FL 32127

Code Officer: Robert Kuhn

First Notified: 11/29/2022

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), (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 56 (Solid Waste), Article II (Collection and Disposal Service), Section 56-32 (Wrapping and preparation of garbage; keeping containers covered) of the City of Port Orange Code of Ordinances.

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

6. **CEB Case No.:** 21-0550

Respondent: Louis L. Huntley Enterprises C/O: Louis Ward Huntley

Address of Violation: 5878-5886 Ridgewood Ave. (Pizza City), Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 10/2/2019

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 a continuation of the case until February 22, 2023. Special Magistrate Fuller granted the continuation request.

7. CEB Case No.: 22-0174

Respondent: Sylvia D. Morris

Theresa D. Frees

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

Code Officer: Dena Joseph

First Notified: 2/14/2022

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.

Dena Joseph, 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 December 31, 2022 by obtaining a permit through the City of Port Orange Building Department and paying all associated fees or by removing the fence that has been installed.

Ms. Joseph recommended the property owners be found in violation of the above referenced codes with the violations to be corrected by January 22, 2023 by obtaining a permit through the City of Port Orange Building Department and paying all associated fees or by removing the fence that has been installed. 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. Ms. Joseph requested any future violations under this ordinance be considered repeat. 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. The property owner has until January 22, 2023 to obtain a permit through the City of Port Orange Building Department and pay all associated fees or remove the fence that has been installed. A daily fine in the amount of \$100.00 per day shall be imposed for each day the property is in violation beyond the compliance date. Costs in the amount of \$62.81 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.

Mr. Kuhn requested a continuation of the case until February 8, 2023. Special Magistrate Fuller granted the continuation request.

ORDER IMPOSING FINE/LIEN

9. **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 requested an Order Setting Fine/Lien as the property was not in compliance by November 23, 2022, as ordered in the previous hearing on October 26, 2022 by the Special Magistrate. He requested a daily fine in the amount of \$100.00 per day, beginning November 24, 2022 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

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in the amount of \$100.00, beginning on November 24, 2022, and mailing and recording costs to date of \$100.67.

ADJOURNMENT – 9:17 a.m.


Special Magistrate David Fuller