

CODE ENFORCEMENT SPECIAL MAGISTRATE
MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
FEBRUARY 22, 2023

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: Dena Joseph, Code Enforcement Officer
Bailey Hornbuckle, Code Enforcement Officer
Tracee Cody, Assistant City Clerk

Oaths

Dena Joseph, Code Enforcement Officer, was 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 - January 25, 2023

Special Magistrate Fuller approved the January 25, 2023 meeting minutes as presented.

FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 23-0044

Respondent: Jack Peter Massaro

Otila Massaro

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

Code Officer: Dennis Boehmer, Jr.

First Notified: 1/10/2023

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.: 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.

Ms. Joseph 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 2, 2022 by obtaining a permit through the City of Port Orange Building Department to include all applicable fees for the commercial buildout that was completed without a permit.

Al Tischler, Building Official for the City of Port Orange, was sworn in by Special Magistrate Fuller and testified as to the condition of the property. Mr. Tischler provided further details of contact with the property owner and architect and explained what else is needed to proceed with the permit.

Phillip Parsons, Property Manager, was sworn in by Special Magistrate Fuller and testified as to the condition of the property. Mr. Parsons explained he thought the contractor was taking care of the permit process but said he will get it corrected within 30 days.

Ms. Joseph recommended the property owners be found in violation of the above referenced codes with the violations to be corrected by March 31, 2023 by obtaining a permit for the commercial buildout that was completed on the property to include all applicable fees or the unit must be reversed back to its original state prior to the work that was completed. 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 \$37.95 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 March 21, 2023 to obtain a permit for the commercial buildout that was completed on the property to include all applicable fees or the unit must be reversed back to its original state prior to the work that was completed or a daily fine in the amount of \$100.00 per day shall be imposed. Costs in the amount of \$37.95 were awarded to the City.

ORDER IMPOSING FINE/LIEN

5. 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.

Ms. Joseph requested an Order Setting Fine/Lien as the property was not in compliance by January 22, 2023, as ordered in the previous hearing on January 11, 2023 by the Special Magistrate. She requested a daily fine in the amount of \$100.00 per day beginning January 23, 2023 for each and every day the violation exists as ordered in the Finding of Fact, Conclusion of Law & Order. A cost sheet for mailing and recording costs in the amount of \$126.46 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 January 23, 2023 for each and every day the violation exists and mailing and recording costs to date of \$126.46.

6. 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.

Ms. Joseph requested a continuation of the case until March 22, 2022. Special Magistrate Fuller granted the continuation request.

7. **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. NFPA70, NFPA1 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. NFPA101 Chapter 4

Combustible material shall be kept a minimum of 2 feet from heat source. NFPA101

Chapter 8

Storage shall be 18 inches below sprinkler heads and/ or below ceiling. NFPA 13 or NFPA1 Chapter 10

Fire Extinguishers required. NFPA1 Chapter 13 and NFPA10

Exit signs and emergency lighting required. NFPA1 Chapter 14

Detection systems (smoke detectors) required. NFPA1 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 March 22, 2022. Special Magistrate Fuller granted the continuation request.

8. **CEB Case No.:** 22-1403

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 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.

Ms. Joseph requested a continuation of the case until March 22, 2022. Special Magistrate Fuller granted the continuation request.

9. **CEB Case No.:** 22-444

Respondent: Roy H. Garvin

Phyllis T. Garvin

Edward T. Garvin

Address of Violation: 1389 N. Dexter Drive, Port Orange, FL 32129

Code Officer: Bailey Hornbuckle

First Notified: 4/25/2022

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.

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 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.

ADJOURNMENT – 9:30 a.m.



Special Magistrate David Fuller