

CODE ENFORCEMENT SPECIAL MAGISTRATE  
MEETING MINUTES  
COUNCIL CHAMBERS – CITY HALL  
1000 CITY CENTER CIRCLE  
PORT ORANGE, FLORIDA  
APRIL 26, 2023

THE CODE ENFORCEMENT SPECIAL MAGISTRATE MEETING of the City of Port Orange was called to order by Special Magistrate David Fuller at 9:03 a.m.

PRESENT: David Fuller, Special Magistrate

ALSO PRESENT: Robert Kuhn, Code Enforcement Officer  
Amanda Bonin, Code Enforcement Manager

Oaths

Code Enforcement Officer Robert Kuhn 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 - April 12, 2023

*Special Magistrate Fuller approved the April 12, 2023 meeting minutes as presented.*

FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 23-61  
**Respondent:** Ronald J. Devito  
Louise Devito  
**Address of Violation:** 504 Hamlet Drive, Port Orange, FL 32127  
**Code Officer:** Scott Allman  
**First Notified:** 1/12/2023

Compliance: Yes

**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.

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Chapter 3, Section 303 (Swimming Pools, Spas and Hot Tubs), 302.7 (Accessory Structures), 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 303 (Swimming Pools, Spas and Hot Tubs), 303.2 (Enclosures), 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, 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.*

4. **CEB Case No.:** 23-0315

**Respondent:** Lionel F. Silvia, Jr.

**Address of Violation:** 5480 Pineland Avenue, Port Orange, FL 32127

**Code Officer:** Robert Kuhn

**First Notified:** 3/13/2023

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.

*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 properly storing all outside stored items inside an enclosed building or removing from the property.*

*Lionel F. Silvia, Jr., property owner, was sworn in by Special Magistrate Fuller and testified as to the condition of the property. He explained he is in the process of evicting his tenant who is a hoarder and creating the violations. He provided Special Magistrate Fuller with court documents confirming a 5-day summons was ordered.*

*Mr. Kuhn recommended the property owner be found in violation of the above referenced codes with the violations to be corrected immediately by properly storing all outside stored items inside an enclosed building or removing from 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, a daily fine in the amount of \$150.00 per day shall be imposed past March 13, 2023 running through and including March 23, 2023. At the time of the hearing, the violations remained non-compliant until March 23, 2023. 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. The cost sheet in the amount of \$46.65 was tendered into evidence and accepted by Special*

*Special Magistrate Fuller granted the recommendation as presented and a daily fine in the amount of \$150.00 per day shall be imposed beginning March 14, 2023 running through and including March 23, 2023. Costs in the amount of \$46.65 were awarded to the City.*

**ORDER IMPOSING FINE/LIEN**

**5. 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: Yes

**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.

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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

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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. NFPA13 or NFPA1 Chapter10

Fire Extinguishers required. NFPA1 Chapter13 and NFPA10

Exit signs and emergency lighting required. NFPA1 Chapter14

Detection systems (smoke detectors) required. NFPA1 Chapter13

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.

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

ADJOURNMENT – 9:31 a.m.



Special Magistrate David Fuller