

CODE ENFORCEMENT SPECIAL MAGISTRATE
MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
MAY 10, 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: Dennis J. Boehmer, Jr., Code Enforcement Officer
Amanda Bonin, Code Enforcement Manager

Oaths

Code Enforcement Officer Dennis J. Boehmer, Jr. 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 26, 2023

Special Magistrate Fuller approved the April 26, 2023 meeting minutes as presented.

FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 23-0241

Respondent: Bernie E. Martin

Betty B. Martin

Address of Violation: 1110 3rd Street, Port Orange, FL 32129

Code Officer: Dena Joseph

First Notified: 2/24/2023

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

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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.

Dennis Boehmer, Jr., 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.: 23-0078

Respondent: Patsy J. Richardson

Address of Violation: 3633 S. Peninsula Drive, Port Orange, FL 32127

Code Officer: Dennis Boehmer, Jr.

First Notified: 1/19/2023

Compliance: No

Cited for violation(s) - City of Port Orange Code of Ordinances, Chapter 42 (Nuisances), Article III (Sanitary Conditions), Sec. 42-59 (Location of vehicles used for human occupancy)

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.

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.

Mr. Boehmer, Jr. 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 April 15, 2023 by 1.) the person residing in the camper located on the property needs to vacate or the camper needs to be removed from the property, 2.) properly storing outside stored items (including but not limited to boards, lumber, etc., around the camper and alongside the property) inside and enclosed building or remove from the property, and 3.) cleaning up the junk, trash, and debris (including old planting boxes and broken pottery) and remove from the property. An inspection on May 5, 2023, found the outside storage, trash and debris had been removed from the property.

Mr. Boehmer, Jr. recommended the property owners be found in violation of the above

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referenced codes with the violations to be corrected by May 20, 2023 by removing the person residing out of the camper along with all of his personal belongings or removing/relocating the camper off 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 \$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. Boehmer, Jr. 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.

David and Jinie Morris, neighbors and complainants, were sworn in by Special Magistrate Fuller and testified as to the condition of the property. Mrs. Morris showed videos from her cell phones of the person in the camper being disruptive and loud. Mr. and Mrs. Morris explained they have called the police before because they felt threatened. Greg and Kathleen Jordan, also neighbors, were sworn in by Special Magistrate Fuller and testified as to the condition of the property. Both sets of neighbors expressed they feel the person living in the camper is retaliating against them for filing a complaint. They also noted that Patsy Richardson, the property owner, is a friend and they believe she has no control over the situation due to the person's unstable behavior.

Special Magistrate Fuller granted the recommendation as presented. The property owner has until May 20, 2023 to remove the person residing out of the camper along with all of his personal belongings or remove/relocate the camper off the property 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.

ADJOURNMENT – 9:29 a.m.


Special Magistrate David Fuller