

CODE ENFORCEMENT SPECIAL MAGISTRATE
MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
MAY 24, 2023

THE CODE ENFORCEMENT SPECIAL MAGISTRATE MEETING of the City of Port Orange was called to order by Special Magistrate David Fuller at 9:02 a.m.

PRESENT: David Fuller, Special Magistrate

ALSO PRESENT: Scott Allman, Code Enforcement Officer
Amanda Bonin, Code Enforcement Manager
Tracee Cody, Deputy City Clerk

Oaths

Code Enforcement Officer Scott Allman was 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 - May 10, 2023

Special Magistrate Fuller approved the May 10, 2023 meeting minutes as presented.

FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 23-0373

Respondent: Stephen Stewart

Address of Violation: 717 Dove Avenue, Port Orange, FL 32129

Code Officer: Bailey Hornbuckle

First Notified: 3/27/2023

Compliance: No

Cited for violation(s) - Chapter 6 (Mechanical and Electrical Requirements), Section 601 (General), 601.2 (Responsibility), of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of the Port Orange Code of Ordinances.

Scott Allman, Code Enforcement Officer, was sworn in by Special Magistrate Fuller and requested a continuation of the case until June 14, 2023. Special Magistrate Fuller granted the continuation request.

4. **CEB Case No.:** 23-0335
Respondent: Hung Minh Nguyen
Address of Violation: 101 Sand Pebble Circle, Port Orange, FL 32129
Code Officer: Dena Joseph
First Notified: 3/16/2023

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.

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

ORDER IMPOSING FINE/LIEN

5. **CEB Case No.:** 23-223
Respondent: Gil Lichtenstein
Address of Violation: 907 Second Street, Port Orange, FL 32127
Code Officer: Scott Allman
First Notified: 2/21/2023

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) and (h) Abutting property owner maintenance of parkages of the City of Port Orange Code of Ordinances.

Chapter 70 (Traffic), Article II (Stopping, Standing, and Parking), Section 70-49 (Restrictions on abandoned or disabled vehicles), (c) Restrictions, (1) (a), (b) and (2) of the City of Port Orange Code of Ordinances.

Mr. Allman requested an Order Setting Fine/Lien as the property was not in compliance immediately, as ordered in the previous hearing on April 12, 2023 by the Special Magistrate. He requested a daily fine in the amount of \$100.00 per day beginning March 1, 2023 for each and every day the violation exists as ordered in the Finding of Fact, Conclusion of Law & Order. The City retained vendor Pete Scapes, who abated the violation(s) at the cost of \$372.75. A cost sheet for mailing and recording costs in the amount of \$101.60 was tendered and submitted into evidence without objection.

Mr. Allman noted that the city vendor Arrow Towing has towed the vehicle at the owner's expense, which was previously deemed a health and safety concern.

Code Enforcement Special Magistrate Meeting

May 24, 2023

Page 3 of 4

Special Magistrate Fuller found the property in non-compliance and awarded a daily fine in the amount of \$100.00 beginning March 1, 2023 for each and every day the violation exists, abatement costs of \$372.75 and mailing and recording costs to date of \$101.60. A lien in the amount of \$474.35 shall be imposed.

6. **CEB Case No.:** 23-261

Respondent: Gil Lichtenstein

Address of Violation: 907 Second Street, Port Orange, FL 32129

Code Officer: Scott Allman

First Notified: 2/21/2023

Compliance: No

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.

Mr. Allman requested an Order Setting Fine/Lien as the property was not in compliance by April 26, 2023, as ordered in the previous hearing on April 12, 2023 by the Special Magistrate. The City retained vendor Pete Scapes, who abated the violation(s) at the cost of \$372.75. A cost sheet for mailing and recording costs in the amount of \$101.60 was tendered and submitted into evidence without objection.

Special Magistrate Fuller found the property in non-compliance and awarded abatement costs of \$372.75 and mailing and recording costs to date of \$101.60. A lien in the amount of \$474.35 shall be imposed.

7. **CEB Case No.:** 23-273

Respondent: Adam Baxter

Address of Violation: 1211 Vagabond Drive, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 2/27/2023

Compliance: No

Cited for violation(s) - Chapter 5 (Plumbing Facilities and Fixture Requirements), Section 505 (Water System), 505.1 (General), of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances, 505.3 Supply.

Chapter 6 (Mechanical and Electrical Requirements), Section 601 (General), 601.2 (Responsibility), of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

Chapter 6 (Mechanical and Electrical Requirements), Section 604 (Electrical Facilities),

Code Enforcement Special Magistrate Meeting

May 24, 2023

Page 4 of 4

604.1 (Facilities Required), of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II 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 16 (Miscellaneous Regulations), Section 1 (Accessory Uses and Structures), (d) Size Limitations, of the City of Port Orange Land Development Code: Any residential accessory structure in a residential zoning district shall be required to comply with the following conditions: (4), (5).

Mr. Allman requested an Order Setting Fine/Lien as the property was not in compliance by May 10, 2023, as ordered in the previous hearing on April 12, 2023 by the Special Magistrate. He requested a daily fine in the amount of \$100.00 per day beginning May 11, 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 \$92.90 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 May 11, 2023 for each and every day the violation exists and mailing and recording costs to date of \$92.90. A lien in the amount of \$92.90 shall be imposed.

ADJOURNMENT – 9:22 a.m.



Special Magistrate David Fuller