

CODE ENFORCEMENT SPECIAL MAGISTRATE
MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
JUNE 14, 2023

THE CODE ENFORCEMENT SPECIAL MAGISTRATE MEETING of the City of Port Orange was called to order by Special Magistrate David Fuller at 8:55 a.m.

PRESENT: David Fuller, Special Magistrate

ALSO PRESENT: Dena Joseph, Code Enforcement Officer
Bailey Hornbuckle, Code Enforcement Officer
Dennis Boehmer, Jr., Code Enforcement Officer
Amanda Bonin, Code Enforcement Manager
Tracee Cody, Deputy City Clerk

Oaths

Code Enforcement Officers Dena Joseph, Bailey Hornbuckle, Dennis Boehmer, Jr. and Amanda Bonin, Code Enforcement Manager were 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 - May 24, 2023

Special Magistrate Fuller approved the May 24, 2023 meeting minutes as presented.

FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 22-1374

Respondent: Lauren Sanso

Bank of England/Lender

Heritage Insurance

Nationstar Mortgage LLC dba Mr. Cooper

Nationstar Mortgage LLC/Mr. Copper/Corelogic

Nationstar MTG LLC dba Mr. Cooper

All Unknown Occupants/Tenants

Address of Violation: 826 Sugar House Boulevard, Port Orange, FL 32129

Code Officer: Dena Joseph

First Notified: 10/2/2022

Compliance: No

Cited for violation(s) - 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, 111.1.1 Unsafe Structures, 111.1.3 Structure unfit for human occupancy, 111.1.5 Dangerous structure or premises
Chapter 3 General Requirements, Section 304 Exterior Structure 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 General, Section 305 Interior Structure, 305.1 General
Chapter 42 (Nuisances), Article V (Unsafe conditions) Section 42-108 (Unsafe conditions; nuisance), Article II (garbage, junk, and undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), (f) garbage, waste, trash, etc., Article II (garbage, junk, and undergrowth), Section 42-32 (Storage of vehicles, furniture, etc.) of the City of Port Orange Code of Ordinances.

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, newspaper publications and reports for mosquito control were submitted into evidence and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected by (1.) The home which has been destroyed by fire and is uninhabitable is considered a safety hazard. All occupants residing inside the structure were to exit the property immediately. The property must remain vacated until the City deems the property safe and any placard remain posted and intact. (2.) All trash, debris, junk and outside items were to be removed from the property no later than May 3, 2023. Trash, debris, junk and items remain on the property. (3.) The home, which has been destroyed by fire and is uninhabitable, requires demolition which will require a permit to be obtained through the City of Port Orange Building Department. A permit to demolish said structure was to be applied for no later than May 5, 2023. The permit was also to be obtained, to include payment of all associated fees and the demolition completed, no later than June 5, 2023. Following demolition, the property was to be filled, graded, and seeded with grass seed or sodded within five days of the date of completion of the demolition and comply with the established vegetation standards of the city.

Amanda Bonin, Code Enforcement Manager, was sworn in by Special Magistrate Fuller and testified to taking photos of the condition of the property. Al Tischler, City of Port Orange Building Official, was sworn in by Special Magistrate Fuller and testified his recommendation that the building be demolished. Lauren Sanso, property owner, was sworn in by Special Magistrate Fuller and testified as to the condition of the property and agreed that the building should be demolished and received an estimate from Samsula Demolition. Karl Mueller, neighbor, was sworn in by Special Magistrate Fuller and testified that the separate unit that originally caught fire, 828 Sugar House, has brought down property values.

Ms. Joseph recommended the property owners be found in violation of the above

referenced codes with the violations to be corrected by July 17, 2023 by (1.) demolishing the structure/home, which has been destroyed by fire and is uninhabitable. Prior to demolition a permit must be obtained through the city of Port Orange Building Department to include payment of all associated fees. (2.) Once the permit is obtained, the structure must be demolished to include the removal of all trash, junk, debris, and personal items on the property. (3.) Following demolition, the property will need to be filled, graded, and seeded with grass seed or sodded within five days of the date of completion of the demolition and comply with the established vegetation standards of the city. Additionally, (4.) the property must remain vacated and any electricity shut off within 72 hours of the hearing. If this is not completed within the timeframe specified, the City shall have the right to immediately have FPL turn off the power to the location. The property shall remain vacated with the electricity shut off until all codes are complied with as determined by the City. (5.) The utilities shall be shut off within 72 hours of the hearing. If this is not completed within the timeframe specified, the City shall have the right to immediately turn off utilities to the location. (6.) All Danger postings, listing the building/units as unsafe/uninhabitable, must remain as placed by the City. (7.) It shall be unlawful for any person to enter the premises except to safely demolish the structure and safely remove any hazardous conditions. The City may enforce this by any remedy it has pursuant to law. 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 \$250.00 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, and that the property be deemed a health and safety concern for the surrounding neighbors in that, the Building Official has found that the structure on this property was substantially damaged by a fire and that the structure is damaged, dangerous, structurally unsafe and uninhabitable. The cost sheet in the amount of \$2652.45 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; however, a daily fine was not imposed. The property owner has until July 17, 2023 to (1.) demolish the structure/home, which has been destroyed by fire and is uninhabitable. Prior to demolition a permit must be obtained through the city of Port Orange Building Department to include payment of all associated fees. (2.) Once the permit is obtained, the structure must be demolished to include the removal of all trash, junk, debris, and personal items on the property. (3.) Following demolition, the property will need to be filled, graded, and seeded with grass seed or sodded within five days of the date of completion of the demolition and comply with the established vegetation standards of the city. Costs in the amount of \$2652.45 were awarded to the City.

4. CEB Case No.: 22-1393

Respondent: James V. Kloos
Itala M. Kloos
Mr. Cooper

Nationstar Mortgage LLC
Nationstar Mortgage LLC/Mr. Cooper
Federal National Mortgage Association
Bank of America, NA
Nationstar MTG LLC
All Unknown Occupants/Tenants
Address of Violation: 828 Sugar House Boulevard, Port Orange, FL
32129
Code Officer: Dena Joseph
First Notified: 10/2/2022

Compliance: No

Cited for violation(s) - 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, 111.1.1 Unsafe Structures, 111.1.3 Structure unfit for human occupancy, 111.1.5 Dangerous structure or premises

Chapter 3 General Requirements, Section 304 Exterior Structure 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 General, 305.1 General

Chapter 42 (Nuisances), Article V (Unsafe Conditions) Section 42-108 (Unsafe conditions; nuisance), 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.

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 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 (1.) the home which has been destroyed by fire and is uninhabitable is considered a safety hazard. All occupants residing inside the structure were to exit the property immediately. The property must remain vacated until the City deems the property safe and any placard remain posted and intact. (2.) All trash, debris, junk, and outside items were to be removed from the property no later than May 5, 2023. Trash, debris, junk and items remain on the property. (3.) The home, which has been destroyed by fire and is uninhabitable, requires demolition which will require a permit to be obtained through the City of Port Orange Building Department. A permit to demolish said structure was to be applied for no later than May 7, 2023. The permit was also to be obtained, to include payment of all associated fees and the demolition completed, no later than June 7, 2023. Following demolition, the property was to be filled, graded, and seeded with grass

seed or sodded within five days of the date of completion of the demolition and comply with the established vegetation standards of the city.

Ms. Joseph submitted the fire report and stated that this property owner was responsible for the original fire and resided in the building until recently. Mr. Tischler testified that that the structure should be demolished. Ms. Joseph said Mr. Kloos has made no efforts. Geri Nehall, neighbor directly in back, was sworn in and testified about the mosquitos, rats, etc. and that the area is dangerous for kids. Shelby Ann Carroway, neighbor, was sworn in and testified that Mr. Kloos starts fires with garbage in the back yard, the mosquito problem, and that he possibly has a mental disorder.

Ms. Joseph recommended the property owners be found in violation of the above referenced codes with the violations to be corrected by July 17, 2023 by (1.) demolishing the structure/home, which has been destroyed by fire and is uninhabitable. Prior to demolition, a permit must be obtained through the City of Port Orange Building Department to include payment of all associated fees. (2.) Once the permit is obtained, the structure must be demolished to include the removal of all trash, junk, debris and personal items on the property. (3.) Following demolition, the property shall be filled, graded, and seeded with grass seed or sodded within five days of the date of completion of the demolition and comply with the established vegetation standards of the city. Additionally, (4.) The property must remain vacated and any electricity shut off within 72 hours of the hearing. If this is not completed within the timeframe specified, the City shall have the right to immediately have FPL turn off the power to the location. The property shall remain vacated with the electricity shut off until all codes are complied with as determined by the City. (5.) The utilities shall be shut off within 72 hours of the hearing. If this is not completed within the timeframe specified, the City shall have the right to immediately turn off utilities to the location. (6.) All Danger postings, listing the building/units as unsafe/uninhabitable, must remain as placed by the City. (7.) It shall be unlawful for any person to enter the premises except to safely demolish the structure and safely remove any hazardous conditions. The City may enforce this by any remedy it has pursuant to law. 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 \$250.00 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, and that the property be deemed a health and safety concern for the surrounding neighbors in that, the Building Official has found that the structure on this property was substantially damaged by a fire and that the structure is damaged, dangerous, structurally unsafe and uninhabitable. The cost sheet in the amount of \$2760.93 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 July 17, 2023 to (1.) demolish the structure/home, which has been destroyed by fire and is uninhabitable. Prior to demolition a permit must be obtained through the city of Port Orange Building

Department to include payment of all associated fees. (2.) Once the permit is obtained, the structure must be demolished to include the removal of all trash, junk, debris, and personal items on the property. (3.) Following demolition, the property will need to be filled, graded, and seeded with grass seed or sodded within five days of the date of completion of the demolition and comply with the established vegetation standards of the city. or a daily fine in the amount of \$250.00 per day shall be imposed. Costs in the amount of \$2760.93 were awarded to the City.

5. CEB Case No.: 22-1394

Respondent: Fair Value Homebuyers, LLC

Fair Value Homebuyers, LLC c/o: Paul Anesevice

Fair Value Homebuyers, LLC c/o: United States Corporation Agents, Inc.

Fair Value Homebuyers, LLC c/o: Delaware Business Incorporators, Inc.

Flagler Insurance

Maria Coroneos

All Unknown Tenants/Occupants

Address of Violation: 830 Sugar House Boulevard, Port Orange, FL
32129

Code Officer: Dena Joseph

First Notified: 10/2/2022

Compliance: No

Cited for violation(s) - 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, 111.1.1 Unsafe Structures, 111.1.3 Structure unfit for human occupancy, 111.1.5 Dangerous structure or premises

Chapter 3 General Requirements, Section 304 Exterior Structure 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 General, 305.1 General

Chapter 42 (Nuisances), Article V (Unsafe Conditions) Section 42-108 (Unsafe conditions; nuisance), 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.

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, Code Enforcement Officer, testified as to the condition of the property, as well as the notice provided to the property owner. Photos and newspaper publications were submitted into evidence and accepted by Special Magistrate Fuller with no

objections. The violation was to be corrected by (1.) The home which has been destroyed by fire and is uninhabitable is considered a safety hazard. All occupants residing inside the structure were to exit the property immediately. The property must remain vacated until the City deems the property safe and any placard remain posted and intact. (2.) All trash, debris, junk and outside items were to be removed from the property no later than May 5, 2023. Trash, debris, junk and items remain on the property. (3.) The home, which has been destroyed by fire and is uninhabitable, requires demolition which will require a permit to be obtained through the City of Port Orange Building Department. A permit to demolish said structure was to be applied for no later than May 7, 2023. The permit was also to be obtained, to include payment of all associated fees and the demolition completed, no later than June 7, 2023. Following demolition, the property was to be filled, graded, and seeded with grass seed or sodded within five days of the date of completion of the demolition and comply with the established vegetation standards of the city.

Ms. Joseph stated that James Kloos previously owned this property and sold it a week prior to Hurricane Ian. Mr. Tischler testified that the structure needs to be demolished.

Ms. Joseph recommended the property owners be found in violation of the above referenced codes with the violations to be corrected by July 17, 2023 by (1.) demolishing the structure/home, which has been destroyed by fire and is uninhabitable. Prior to demolition a permit must be obtained through the city of Port Orange Building Department to include payment of all associated fees. (2.) Once the permit is obtained, the structure must be demolished to include the removal of all trash, junk, debris, and personal items on the property. (3.) Following demolition, the property will need to be filled, graded, and seeded with grass seed or sodded within five days of the date of completion of the demolition and comply with the established vegetation standards of the city. Additionally, (4.) the property must remain vacated and any electricity shut off within 72 hours of the hearing. If this is not completed within the timeframe specified, the City shall have the right to immediately have FPL turn off the power to the location. The property shall remain vacated with the electricity shut off until all codes are complied with as determined by the City. (5.) The utilities shall be shut off within 72 hours of the hearing. If this is not completed within the timeframe specified, the City shall have the right to immediately turn off utilities to the location. (6.) All Danger postings, listing the building/units as unsafe/uninhabitable, must remain as placed by the City. (7.) It shall be unlawful for any person to enter the premises except to safely demolish the structure and safely remove any hazardous conditions. The City may enforce this by any remedy it has pursuant to law. 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 \$250.00 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, and that the property be deemed a health and safety concern for the surrounding neighbors in that, the Building Official has found that the structure on this property was substantially damaged by a fire and that the structure is damaged, dangerous, structurally unsafe

and uninhabitable. The cost sheet in the amount of \$2,720.61 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; however, a daily fine was not imposed. The property owner has until July 17, 2023 to (1.) demolish the structure/home, which has been destroyed by fire and is uninhabitable. Prior to demolition a permit must be obtained through the city of Port Orange Building Department to include payment of all associated fees. (2.) Once the permit is obtained, the structure must be demolished to include the removal of all trash, junk, debris, and personal items on the property. (3.) Following demolition, the property will need to be filled, graded, and seeded with grass seed or sodded within five days of the date of completion of the demolition and comply with the established vegetation standards of the city. Costs in the amount of \$2,720.61 were awarded to the City.

6. CEB Case No.: 22-1377

Respondent: Marlene Prouty Estate

Marlene Prouty

Vincent Prouty

PNC Mortgage

Cardinal Financial Company

Universal Property & Casualty Insurance Company c/o: Vetra Harrison

All Unknown Occupants/Tenants

Address of Violation: 832 Sugar House Boulevard, Port Orange, FL
32129

Code Officer: Dena Joseph

First Notified: 10/2/2022

Compliance: No

Cited for violation(s) - 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, 111.1.1 Unsafe Structures, 111.1.3 Structure unfit for human occupancy, 111.1.5 Dangerous structure or premises

Chapter 3 General Requirements, Section 304 Exterior Structure 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 General, 305.1 General

Chapter 42 (Nuisances), Article V (Unsafe Conditions) Section 42-108 (Unsafe conditions; nuisance), 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.

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 testified as to the condition of the property, as well as the notice provided to the property owner. Photos, newspaper publications and reports for mosquito control were submitted into evidence and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected by (1.) The home which has been destroyed by fire and is uninhabitable is considered a safety hazard. All occupants residing inside the structure were to exit the property immediately. The property must remain vacated until the City deems the property safe and any placard remain posted and intact. (2.) The home, which has been destroyed by fire and is uninhabitable, requires demolition which will require a permit to be obtained through the City of Port Orange Building Department. A permit to demolish said structure was to be applied for no later than May 7, 2023. The permit was also to be obtained, to include payment of all associated fees and the demolition completed, no later than June 7, 2023. Following demolition, the property was to be filled, graded, and seeded with grass seed or sodded within five days of the date of completion of the demolition and comply with the established vegetation standards of the city.

Vincent Prouty, beneficiary of the Estate, was sworn in by Special Magistrate Fuller via Zoom by providing identification and testified that his unit has water damage. Mr. Tischler testified that the structure needs to be demolished. Even though Mr. Prouty agrees to the demolition, he stated he has kept up with his unit by drying it out and continuing with pest control.

Ms. Joseph recommended the property owners be found in violation of the above referenced codes with the violations to be corrected by July 17, 2023 by (1.) demolishing the structure/home, which has been destroyed by fire and is uninhabitable. Prior to demolition a permit must be obtained through the city of Port Orange Building Department to include payment of all associated fees. (2.) Once the permit is obtained, the structure must be demolished to include the removal of all trash, junk, debris, and personal items on the property. (3.) Following demolition, the property will need to be filled, graded, and seeded with grass seed or sodded within five days of the date of completion of the demolition and comply with the established vegetation standards of the city. 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 \$250.00 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, and that the property be deemed a health and safety concern for the surrounding neighbors in that, the Building Official has found that the structure on this property was substantially damaged by a fire and that the structure is damaged, dangerous, structurally unsafe and uninhabitable. The cost sheet in the amount of \$2,690.69 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; however, a daily fine was not imposed. The property owner has until July 17, 2023 to (1.) demolish the structure/home, which has been destroyed by fire and is uninhabitable. Prior to demolition a permit must be obtained through the city of Port Orange Building Department to include payment of all associated fees. (2.) Once the permit is obtained, the structure must be demolished to include the removal of all trash, junk, debris, and personal items on the property. (3.) Following demolition, the property will need to be filled, graded, and seeded with grass seed or sodded within five days of the date of completion of the demolition and comply with the established vegetation standards of the city. Costs in the amount of \$2,690.69 were awarded to the City.

7. CEB Case No.: 23-071

Respondent: Christal L. Caso

Address of Violation: 437 Greenleaf Square, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 1/17/2023

Compliance: Yes

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.

Chapter 70 (Traffic), Article II (Stopping standing and parking), Section 70-48 (Parking of recreational vehicles and equipment on residential premises), (a),(c), (1), (3), (f).

Chapter 16 (Miscellaneous Regulations), Section 1 (Accessory Uses & 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).

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

8. 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.

Bailey Hornbuckle, 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 April 30, 2023 by reconnecting the electricity to the property.

Rodney Tilton, HOA President, was sworn in by Special Magistrate Fuller and testified that the property has no electricity. Mr. Tilton also stated that occupants in the house were caught stealing power from nearby sources. Mr. Tilton further stated this is an alleged drug house and an occupant was arrested last week.

Ms. Hornbuckle recommended the property owners be found in violation of the above referenced codes with the violations to be corrected by June 17, 2023 by reconnecting the electricity to 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. 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. Hornbuckle 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 Magistrate Fuller with no objections.

Special Magistrate Fuller granted the recommendation as presented. The property owner has until June 17, 2023 to reconnect electricity to the property or a daily fine in the amount of \$150.00 per day shall be imposed. Costs in the amount of \$46.65 were awarded to the City.

ORDER IMPOSING FINE/LIEN

9. **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.

Dennis Boehmer, Jr., 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 May 20, 2023, as ordered in the previous hearing on May 10, 2023 by the Special Magistrate. He requested a daily fine in the amount of \$100.00 per day beginning May 21, 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 21, 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 – 11:22 a.m.



Special Magistrate David Fuller