

CODE ENFORCEMENT SPECIAL MAGISTRATE
MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
MARCH 27, 2024

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: Scott Allman, Code Enforcement Officer
Dennis Boehmer, Code Enforcement Officer
Tracee Cody, Deputy City Clerk

Oaths

Code Enforcement Officers Scott Allman and Dennis Boehmer 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 - March 13, 2024

Special Magistrate Fuller approved the March 13, 2024 meeting minutes as presented.

FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 24-0009
Respondent: Jason Arnold
Derek Arnold
Address of Violation: 706 Marshall Circle, Port Orange, FL 32127
Code Officer: Dennis Boehmer
First Notified: 1/5/2024

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.
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 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 March 1, 2024 by 1.) removing all outside stored items (consisting of the loose wood in the front yard, yard tools, push-mower, brick pavers, loose water hose, and hand truck) are to be removed/relocated to an enclosed space and 2.) the wooden fence is to be repaired with new pickets including the picket fence and wood privacy surrounding the property. The wood gate on the back of the property is to be rehung or removed. It cannot be left leaning up against the back of the home.

Mr. Boehmer recommended the property owners be found in violation of the above referenced codes with the violations to be corrected by March 31, 2024 by removing all outside stored items in the front yard (consisting of the loose wood in the front yard, yard tools, push-mower, brick pavers, loose water hose, and hand truck) and removing/relocating items to an enclosed space and either repairing, replacing or removing the wood fence and picket fence surrounding the property. If the property owners decide to replace the wood fence/picket fence with a new fence and picket fence, they are to obtain a permit for the replacement of said fence before the start of any replacement of said fence. 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 requested any future violations under this ordinance be considered repeat. The cost sheet in the amount of \$103.89 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 31, 2024 to remove all outside stored items in the front yard (consisting of the loose wood in the front yard, yard tools, push-mower, brick pavers, loose water hose, and hand truck) and remove/relocate items to an enclosed space and either repair, replace or remove the wood fence and picket fence surrounding the property. If the property owners decide to replace the wood fence/picket fence with a new fence and picket fence, they are to obtain a permit for the replacement of said fence before the start of any replacement of said fence. A daily fine in the amount of \$100.00 per day shall be imposed for each day the violations exist. Costs in the amount of \$103.89 were awarded to the City.

4. CEB Case No.: 23-1261

Respondent: Matthew Hill

Address of Violation: 4309 S. Ridgewood Avenue, Port Orange, FL 32127

Code Officer: Dennis Boehmer

First Notified: 11/12/2023

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. 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. Boehmer 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 January 18, 2024 by 1. obtaining a permit for the roof extension; 2. removing/relocating all outside stored items consisting of loose ladders, tools, chairs, refrigerator, lumber, tables, black flexible tubing, portable generator, scaffolding, plastic containers, wood cabinet, and miscellaneous items to an enclosed space or a permitted container, or install a permitted privacy fence so that his commercial property cannot be seen from neighbor's properties.

Mr. Boehmer explained he gave the property owner an extension due to a death in the family. Matthew Hill, property owner, was sworn in by Special Magistrate Fuller and testified as to the condition of the property. Mr. Hill explained he moved to Port Orange last year from Massachusetts and wasn't aware of permit requirements in Port Orange. He has commercial tools that were getting wet outside which led him to build the roof extension. He also stated he had an engineer tell him he didn't need a permit for outdoor enclosed storage. Mr. Hill said he has gotten his neighbors to obtain permits for the fence. He's trying to sell a house in Massachusetts and says he won't have money until it closes.

Mr. Boehmer recommended the property owners be found in violation of the above referenced codes with the violations to be corrected by April 10, 2024 by obtaining an approved permit for the roof extension off the back of the homes with walls and all electrical wiring that was installed during this construction phase or by removing the roof extension, walls and wiring to what the back of the property looked like before work being done to it. All the outside stored items are to be relocated to an enclosed space or the property owner may wish to obtain a permit for a storage container. 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 requested any future violations under this ordinance be considered repeat. The cost sheet in the amount of \$38.58 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Special Magistrate Fuller found the property in violation as alleged. He granted the property owner an extension until May 10, 2024 to at least be in the process of

obtaining a permit for the roof extension or a daily fine in the amount of \$100.00 per day shall be imposed. Costs in the amount of \$38.58 were awarded to the City.

5. CEB Case No.: 23-1271

Respondent: Amy E. Riggle

Address of Violation: 5714 Riverside Drive, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 11/9/2023

Compliance: No

Cited for violation(s) - Chapter 3 (General Requirements), Section 303 (Swimming Pools, Spas and Hot Tubs), 303.1 (Swimming pools), 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.
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.

Scott Allman 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 March 18, 2024 by cleaning the pool so that it's in a sanitary condition and in good repair and by removing or properly storing all outdoor stored items by the pool and side yard.

Amy E. Riggle, property owner, was sworn in by Special Magistrate Fuller and testified as to the condition of the property. She explained that she has been taking care of her mother, who is out of state. Ms. Riggle stated the pool is very old, she hardly uses it, she can't drain it, she can't afford a new pool pump, etc.; however, she tries to cover it while she is away. Mr. Allman explained she can cover the pool but the water needs to be clean and sanitary underneath and not stagnant water.

Mr. Allman recommended the property owners be found in violation of the above referenced codes with the violations to be corrected by April 26, 2024 by cleaning the pool so that it's in a sanitary condition and in good repair and by removing all outdoor stored items from the property or by properly storing them in an enclosed building. 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 \$25.00 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. Allman requested any future violations under this ordinance be

considered repeat. The cost sheet in the amount of \$47.91 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Special Magistrate Fuller found the property in violation as alleged. The property owner has until April 26, 2024 to clean the pool so that it's in a sanitary condition and in good repair and removing all outdoor stored items from the property or by properly storing them in an enclosed building. Special Magistrate Fuller reduced the recommended daily fine to the amount of \$10.00 per day that will be imposed each day the violations exist after the compliance date. Costs in the amount of \$47.91 were awarded to the City.

ADJOURNMENT – 9:55 a.m.


Special Magistrate David Fuller