

CODE ENFORCEMENT SPECIAL MAGISTRATE
MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
MAY 22, 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: Amanda Bonin, Code Enforcement Manager
Dena Joseph, Code Enforcement Officer
Tracee Cody, Deputy City Clerk

Oaths

Code Enforcement Officer Dena Joseph 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 8, 2024

Special Magistrate Fuller approved the May 8, 2024 meeting minutes as presented.

FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 24-0035
Respondent: Ronald E. Klenk
Address of Violation: 5727 Stewart Avenue, Port Orange, FL 32127
Code Officer: Dena Joseph
First Notified: 1/12/2024

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), (f) Garbage, waste, trash, etc., and (h) Abutting property owner maintenance of parkages 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)

Code Enforcement Special Magistrate Meeting

May 22, 2024

Page 2 of 4

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.

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.

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) and (5)

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 70 (Traffic), Article II (Stopping standing and parking), Section 70-48 (Parking of recreational vehicles and equipment on residential premises), (c), (1), (2), (3), (4), (5), (h) and (d), (1), (2), (3), of the Port Orange Code of Ordinances.

Chapter 70 (Traffic), Article II (Stopping standing and parking), Section 70-36 (Stopping, standing or parking prohibited in specified places), (a)(1)(k)(1), (2) & (3) of the City of Port Orange Code of Ordinances

Chapter 3 (General Requirements), Section 309 (Pest Elimination), 309.1 (Infestation), of the 2024 International Property Maintenance Code, as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

Mrs. Joseph 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, 2024 by 1) mowing and maintaining the entire property to include weed eating of all high weeds on site, 2) repairing, replacing, or removing the downed fencing. If a new fence is to be installed, a permit will be required through the City of Port Orange Building., 3) removing all trash from the property, 4) removing all unregistered/inoperable vehicles from the property, 5) storing all outside stored items on the property in an enclosed building, 6) any persons residing in an accessory structure (shed, tents, etc.) must cease immediately, 7) no recreational vehicle shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot, 8) all recreational vehicles must be properly stored behind the front plane of the home, 9) all recreational vehicles to include campers, boats, etc. must be properly registered and licensed to be stored on the property, 10) all vehicles must be stored in a driveway or on a driveway extension, and 11) the property must be treated for any rodent or insect infestations.

Mrs. Joseph recommended the property owners be found in violation of the above referenced codes with the violations to be corrected by June 9, 2024 by 1) mowing and maintaining the entire property to include weed eating of all high weeds on site, 2) removing all trash from the property, 3) removing all unregistered/inoperable vehicles from the property, 4) storing all outside stored items on the property in an enclosed building, 5) any persons residing in an accessory structure (shed, tents, etc.) must

Code Enforcement Special Magistrate Meeting

May 22, 2024

Page 3 of 4

cease immediately, 6) no recreational vehicle shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot, 7) all recreational vehicles to include campers, boats, etc. must be properly registered and licensed to be stored on the property, 8) all vehicles must be stored in a driveway or on a driveway extension, and 9) the property must be treated for any rodent or insect infestations. 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. Mrs. 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 overgrowth, trash, and outside stored items, vehicles, etc. could be a haven for vermin, snakes, mosquitos, and other wildlife. The cost sheet in the amount of \$48.87 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Rob Klenke, brother of the property owner, was sworn in by Special Magistrate and testified to the condition of the property. He explained Ronald Klenke, property owner, has been in the hospital and that Rob is trying to correct the violations; however, the property owner's son kicks him off the property.

Special Magistrate Fuller granted the recommendation as presented and deemed the property a health and safety violation. The property owner has until June 9, 2024 to 1) mow and maintain the entire property to include weed eating of all high weeds on site, 2) remove all trash from the property, 3) remove all unregistered/inoperable vehicles from the property, 4) store all outside stored items on the property in an enclosed building, 5) any persons residing in an accessory structure (shed, tents, etc.) must cease immediately, 6) no recreational vehicle shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot, 7) all recreational vehicles to include campers, boats, etc. must be properly registered and licensed to be stored on the property, 8) all vehicles must be stored in a driveway or on a driveway extension, and 9) the property must be treated for any rodent or insect infestations or a daily fine in the amount of \$250.00 per day shall be imposed. Costs in the amount of \$48.87 were awarded to the City.

4. CEB Case No.: 24-344

Respondent: Laura Sika

Address of Violation: 5807 Southport Drive, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 3/22/2024

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. 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.

Dena Joseph, Code Enforcement Officer, 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.:** 23-1261

Respondent: Matthew Hill

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

Code Officer: Amanda Bonin

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.

Amanda Bonin, Code Enforcement Manager, was sworn in by Special Magistrate Fuller and requested an Order Setting Fine/Lien as the property was not in compliance by May 10, 2024, as ordered in the previous hearing on March 27, 2024 by the Special Magistrate. Ms. Bonin requested a daily fine in the amount of \$100.00 per day beginning May 11, 2024 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 \$94.16 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 per day beginning May 11, 2024 for each and every day the violation exists and mailing and recording costs to date of \$94.16. A lien in the amount of \$94.16 shall be imposed.

ADJOURNMENT – 9:40 a.m.


Special Magistrate David Fuller