



AGENDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF PORT ORANGE

Meeting Date: Wednesday, December 11, 2024

Time: 9:00 AM

Type of Meeting:

Location:

City Hall, 1000 City Center Circle

A. CALL TO ORDER

1. Attorney Overview of Special Magistrate Code Enforcement Process
2. Consideration of Minutes

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 24-0998

Respondent: Homeowners Association of Westport Reserve Inc., Artemis Lifestyle Services, Inc., Registered Agent

Address of Violation: 5571 Estero Loop (Westport Reserve Phase 3 Swale behind the houses on the South end of Estero Loop)

Code Officer: Dena Joseph

First Notified: 8/1/2024

Compliance: Yes

Cited for violation(s) - Chapter 10, Article II, Section 13 Maintenance, of the City of Port Orange Land Development Code; Chapter 10, Article II, Section 14 Enforcement, of the City of Port Orange Land Development Code; Saint John's River Water Management District Permit No. 91871-10 Issued July 13, 2008, Condition 16 and 21.

4. **CEB Case No.:** 24-1260

Respondent: Arkagas LLC C/O Daniel Neary

Address of Violation: 5784 Taylor Branch Rd.

Code Officer: Dena Joseph

First Notified: 9/3/2024

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. Chapter 42, (Nuisances), Article II (Garbage, junk and undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), (h) Abutting property owner maintenance of parkages. 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.

5. **CEB Case No.:** 23-1371

Respondent: Arkagas LLC C/O Daniel Neary Registered Agent

Address of Violation: 5784 Taylor Branch Road, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 12/8/2023

Compliance: No

Cited for violation(s) - Chapter 1 (Scope and Administration), Section 109 (Unsafe Structures and Equipment), 109.1.5 (Hazardous structures or premises), (3) and (4), of the 2024 International Property Maintenance Code, as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: 109.1.5 Hazardous structure or premises (3) and (4)

6. **CEB Case No.:** 828 Sugarhouse Blvd

Respondent: James V. Kloos and Itala M. Kloos

Address of Violation: 828 Sugar House Blvd

Code Officer:

828 Sugar House Blvd. is currently an empty residential lot that the owner is using as an illegal junkyard. You may recall that the quadruplex that previously existed on the property partially burned down and had to be demolished by the City in 2023 under the City's unsafe structure abatement procedures. The property remained a cleared lot until recently, when one of the property owners began bringing trailer-loads of junk to the property and storing the junk thereon. Although the City has routinely initiated code enforcement actions for violations observed at the property – spanning more than 20 years – each of which resulted in fines and liens imposed upon the property, the property owner has been undeterred by the financial consequences of his actions.

This property has become a nuisance to surrounding homeowners and requires legal action to correct.

An Order Imposing Fine/Lien was recorded on 9/29/2023 at OR Book 8465, Page 2799 and this lien remains unpaid.

The City therefore, respectfully requests the Special Magistrate's authorization for the City Attorney to proceed with legal action pursuant to Florida Statute 162.09(3).

First Notified: 4/24/2023

Compliance: No

Cited for violation(s) -

7. CEB Case No.: 717 Dove Avenue

Respondent: Stephen Stewart

Address of Violation: 717 Dove Ave.

Code Officer: 717 Dove Ave. is a mobile home that has been the subject of multiple search warrants for narcotics activities. Each search warrant resulting in multiple narcotics arrests and charges. The property has also become a sanitary nuisance occupied by multiple individuals without running water or electricity in violation of the City's Code. The City currently has utility liens and code enforcement liens totaling over \$60,000. However, the owner of the home has been undeterred by the financial consequences of his actions. This has left the City with no other choice than to initiate court action to remedy the issue.

The following code enforcement liens remain unpaid for this property:

1. **Order Imposing Fine/Lien (Abandoned Vehicles):** Recorded on October 14, 2021, in Book 8136, Page 4051;
2. **Order Imposing Fine/Lien (High Weeds, Outdoor Storage):** Original recording: January 14, 2022, in Book 8188, Page 459.; Corrected recording: January 20, 2022, in Book 8190, Page 2073;
3. **Order Imposing Fine/Lien (High Weeds and Grass):** Recorded on October 27, 2022, in Book 8328, Page 4637;
4. **Order Imposing Fine/Lien (Lack of Electricity):** Recorded on July 28, 2023, in Book 8439, Page 4049; and,
5. **Order Imposing Fine/Lien (Lack of City Water):** Recorded on June 14, 2024, in Book 8570, Page 382.

Therefore, based on the foregoing and pursuant to Florida Statute 162.09(3), the City Attorney's Office is requesting authority from the Special Magistrate to initiate legal proceedings against the above referenced property owners.

First Notified: 7/8/2021

Compliance: No

Cited for violation(s) -

C. ORDER IMPOSING FINE/LIEN

8. CEB Case No.: 24-1211

Respondent: Mark Davison

Address of Violation: 1125 Bayview Drive, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 8/30/2024

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

D. ADJOURNMENT

NOTICES — PURSUANT TO SECTION 286.0105 OF THE FLORIDA STATUTES, IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE SPECIAL MAGISTRATE WITH RESPECT TO ANY MATTER CONSIDERED AT THIS PUBLIC MEETING OR HEARING, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT, FOR SUCH PURPOSE, SUCH PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THE CITY DOES NOT PREPARE OR PROVIDE SUCH A RECORD.



FOR SPECIAL ACCOMMODATIONS, PLEASE NOTIFY THE CITY CLERK'S OFFICE (PHONE: 386-506-5563) AS FAR IN ADVANCE AS POSSIBLE, BUT PREFERABLY WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING OR HEARING DATE.



HELP FOR THE HEARING IMPAIRED IS AVAILABLE THROUGH THE ASSISTIVE LISTENING SYSTEM RECEIVERS CAN BE OBTAINED FROM THE CITY CLERKS' OFFICE.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA), IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS AN ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT THE CITY CLERK FOR THE CITY OF PORT ORANGE, 1000 CITY CENTER CIRCLE, PORT ORANGE, FLORIDA 32129, TELEPHONE NUMBER 386-506-5563, CITYCLERK@PORT-ORANGE.ORG, AS FAR IN ADVANCE AS POSSIBLE, BUT PREFERABLY WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING OR HEARING DATE. IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 7-1-1 or 1-800-955-8771.

UPON REQUEST BY A QUALIFIED INDIVIDUAL WITH A DISABILITY, THIS DOCUMENT WILL BE MADE AVAILABLE IN AN ALTERNATE FORMAT. IF YOU NEED TO REQUEST THIS DOCUMENT IN AN ALTERNATE FORMAT, PLEASE CONTACT THE CITY CLERK WHOSE CONTACT INFORMATION IS PROVIDED ABOVE.