

PORT ORANGE CODE ENFORCEMENT
SPECIAL MAGISTRATE MINUTES
COUNCIL CHAMBERS
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
JANUARY 23, 2019

THE SPECIAL MAGISTRATE HEARING of the City of Port Orange was called to order by Special Magistrate Fuller at 9:01 a.m.

PRESENT: David Fuller, Special Magistrate

ALSO PRESENT: Scott Allman, Code Compliance Inspector
Dena Joseph, Code Compliance Inspector
Debbie Pearson, Code Enforcement Manager
Shelby Field, Assistant City Clerk

Attorney Overview of Special Magistrate Code Enforcement Process

Special Magistrate Fuller gave an overview of the code enforcement process as there were members of the public present.

Consideration of Minutes

Special Magistrate Fuller approved the January 9, 2019 meeting minutes as presented.

Oaths

Code Compliance Inspectors Dena Joseph, Scott Allman and Debbie Pearson, Code Enforcement Manager, were sworn in by Special Magistrate Fuller.

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 18-1740
Respondent: Jesse J. Acosta Sr.
Address of Violation: 4460 Spruce Creek Road, Port Orange, FL 32127
Code Officer: Scott Allman
First Notified: 10/31/2018

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.

Scott Allman, Code Compliance Inspector, 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 on or before January 16, 2019 by mowing the entire property, trimming all high weeds and by removing the fallen tree that is leaning against

the home. Re-inspection was conducted on January 17, 2019 and found the property remains in non-compliance. The fallen tree has since been removed.

Rita Pender, home owner's wife, was sworn in by Special Magistrate Fuller and explained that most of the property has been taken care of but was under the impression the City was supposed to take care of some of it as well. Mrs. Pender submitted photos of the home and they were accepted by Special Magistrate without objection. It was explained by the owner that it has been difficult to maintain certain areas of the property due to their age and the location of the problem areas.

Mr. Allman recommended the property owners be found in violation of the above referenced code with the violations to be corrected on or before February 24, 2019 by mowing the parkages and trimming all high weeds and grass. 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 \$50.00 per day shall be assessed for each day the property is in violation beyond the compliance date. 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 \$41.28 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 February 24, 2019 to mow the parkages and trim all high weeds and grass or a daily fine in the amount of \$50.00 per day shall be imposed. Costs in the amount of \$41.28 were awarded to the City.

4. **CEB Case No.:** 18-880

Respondent: Matthew D. & Elizabeth A. Stitchmann

Address of Violation: 807 Smokerise Blvd., Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 06/12/2018

Compliance: Yes

Cited for violation(s) - Sixth Edition (2017) Florida Building Code, Section 105 (Permits), 105.1 (Permits Required), as adopted by Chapter 8, Article 1, of the City of Port Orange Land Development Code: Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any required impact-resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

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

5. **CEB Case No.:** 18-1401

Respondent: Kurt David Pierce and Ami Marie Pierce

Address of Violation: 611 Forest Troll Drive, Port Orange, FL 32127
Code Officer: Scott Allman
First Notified: 08/24/2018

Compliance: Yes

Cited for violation(s) - Chapter 3, Section 303 (Swimming Pools, Spas and Hot Tubs), 303.1 (Swimming pools), of the 2018 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 42-26 (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), (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.

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 56 (Solid Waste), Article II (Collection and Disposal Service), Section 56-34 (Location of Containers) of the city of Port Orange Code of Ordinances.

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

6. **CEB Case No.:** 18-1837
Respondent: Richard W. Radabaugh-Timmons
Address of Violation: 5422 Taylor Avenue, Port Orange, FL 32127
Code Officer: Dena Joseph
First Notified: 11/21/2018

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.

Dena Joseph, Code Compliance Inspector, 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 immediately as it is a repeat violation. It was to be

corrected by mowing the entire property to include trimming of all high weeds to a height of less than 10 inches, weed eating, edging, and blowing of debris.

Ms. Joseph recommended the property owners be found in repeat violation of the above referenced code with the violations to be corrected on or before February 3, 2019 by mowing the entire property to include trimming of all high weeds to a height of less than 10 inches, weed eating, edging, and blowing of debris. 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 assessed for each day the property is in violation beyond the compliance date. 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. The cost sheet in the amount of \$41.28 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Special Magistrate Fuller granted the recommendation as presented and deemed it is still a health and safety concern. The property owner has until February 3, 2019 to mow the entire property to include trimming of all high weeds to a height of less than 10 inches, weed eating, edging, and blowing of debris or a daily fine in the amount of \$250.00 per day shall be imposed. Costs in the amount of \$41.28 were awarded to the City.

C. ORDER IMPOSING FINE/LIEN

7. **CEB Case No.:** 18-1594
Respondent: R G Stone
Address of Violation: 729 Barlow Circle, Port Orange FL 32127
Code Officer: Dena Joseph
First Notified: 09/27/2018

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), and (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 requested the case be dismissed as it is in compliance. Special Magistrate Fuller granted the dismissal request.

8. **CEB Case No.:** 18-1308
Respondent: Blum Acquisitions LLC, Property Owner
CO: Eric C. Blum, Registered Agent
Address of Violation: 5564 Nova Road, Port Orange, FL 32127
Code Officer: Dena Joseph
First Notified: 08/01/2018

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), (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.

Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.1 (General) of the 2018 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

304.2 Protective Treatment.

304.6 Exterior Walls.

304.7 Roofs and drainage.

304.13 Windows, skylights and door frames. 304.13.1 Glazing.

304.13.2 Openable windows.

304.15 Doors.

Ms. Joseph requested the case be dismissed as it is in compliance. Special Magistrate Fuller granted the dismissal request.

9. **CEB Case No.:** 18-1368

Respondent: Jessica Lynn Lincicome

Address of Violation: 9 Raintree Drive, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 08/23/2018

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.

Mr. Allman requested an Order Setting Fine/Lien as the property was not in compliance on or before December 21, 2018 as ordered in the previous hearing on December 12, 2018 by the Special Magistrate. He requested a daily fine in the amount of \$100.00 per day as ordered in the Finding of Fact, Conclusion of Law & Order to begin on December 22, 2018 and running through and including January 7, 2019 (17 days) for a total of \$1,700. The City has incurred costs in the amount of \$100.00 by Mark Solomon Properties, who abated the violations. A cost sheet for mailing and recording costs in the amount of \$92.42 was tendered and submitted into evidence without objection.

Special Magistrate Fuller found the property in non-compliance and awarded \$1,800.00 in abatement costs and daily fines and mailing and recording costs to date of \$92.42. A lien is imposed on the property in the amount of \$1,892.42.

10. **CEB Case No.:** 18-1742

Respondent: Jennifer M. Foster

Address of Violation: 45 Elda Lane, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 11/01/2018

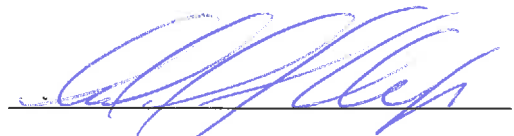
Compliance: No

Cited for violation(s) - Chapter 42, (Nuisances), Article II, (Garbage, Junk and Undergrowth), Section 42-26, (Cleanliness of Property Generally-duty of owner), (f) Garbage, waste, trash, etc. prohibited of the City of Port Orange Code of Ordinances.

Mr. Allman requested an Order Setting Fine/Lien as the property was not in compliance on or before December 21, 2018 as ordered in the previous hearing on December 12, 2018 by the Special Magistrate. He requested a daily fine in the amount of \$100.00 per day as ordered in the Finding of Fact, Conclusion of Law & Order to begin on December 22, 2018 and running through and including January 7, 2019 (17 days) for a total of \$1,700. The City has incurred costs in the amount of \$100.00 by Mark Solomon Properties, who abated the violations. A cost sheet for mailing and recording costs in the amount of \$92.42 was tendered and submitted into evidence without objection.

Special Magistrate Fuller found the property in non-compliance and awarded \$1,800.00 in abatement costs and daily fines and mailing and recording costs to date of \$92.42. A lien is imposed on the property in the amount of \$1,892.42.

D. ADJOURNMENT – 9:56am



Special Magistrate Fuller