

PORT ORANGE CODE ENFORCEMENT
SPECIAL MAGISTRATE MINUTES
COUNCIL CHAMBERS
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
FEBRUARY 13, 2019

THE SPECIAL MAGISTRATE HEARING of the City of Port Orange was called to order by Special Magistrate Fuller at 9:03 a.m.

PRESENT: David Fuller, Special Magistrate

ALSO PRESENT: Dena Joseph, Code Compliance Inspector
Dennis Boehmer, 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 23, 2019 meeting minutes as presented.

Oaths

Code Compliance Inspectors Dena Joseph, Dennis Boehmer, and Deborah Pearson Code Compliance Manager were sworn in by Special Magistrate Fuller.

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 16-1999
Respondent: Suzanne A. and Mark A. Belyus
Address of Violation: 5807 Clover Lane, Port Orange, FL 32127
Code Officer: Scott Allman
First Notified: 12/20/2018

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 permits.

Dena Joseph, Code Compliance Inspector, was sworn in by Special Magistrate Fuller and requested a dismissal of the case as it is in compliance. Special Magistrate Fuller granted the dismissal request.

4. CEB Case No.: 18-1924

Respondent: John L. Anglis

Address of Violation: 71 Golden Gate Circle, Port Orange, FL 32129

Code Officer: Dennis Boehmer

First Notified: 01/25/2019

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.

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.

Dennis Boehmer, 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 this is a repeat violation, by mowing the entire property to include trimming of all high weeds and grass, weed eating, edging, and blowing of debris off roadway and back onto the lot and cleaning up and removing all trash, debris and garbage from the property. Re-inspection was conducted on February 11, 2019 and found the property remains in non-compliance.

Mr. Boehmer recommended the property owners be found in violation of the above referenced code with the violations to be corrected on or before February 19, 2019 by mowing the entire property to include trimming of all high weeds and grass, weed eating, edging, and blowing of debris off roadway and back onto the lot and cleaning up and removing all trash, debris and garbage from 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 \$100.00 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. Boehmer requested any future violations under this ordinance be considered repeat. The cost sheet in the amount of \$34.14 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Special Magistrate Fuller granted the recommendation as presented and found the property a health and safety concern. The property owner has until February 19, 2019 to mow the entire property to include trimming of all high weeds and grass, weed eating, edging, and blowing of debris off roadway and back onto the lot and clean up and remove all trash, debris and garbage from the property or a daily fine in the amount of \$100.00 shall be imposed. Costs in the amount of \$34.14 were awarded to the City.

5. **CEB Case No.:** 18-1904

Respondent: Doreen Polito Goodwin and Ross Polito

Address of Violation: 5479 Taylor Avenue, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 12/11/2018

Compliance: Yes

Cited for violation(s) - 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.

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

6. **CEB Case No.:** 19-0126

Respondent: Amy Lyn Herron & Dillon Andrew Wilkerson

Address of Violation: 730 Barlow Circle, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 01/10/2019

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

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

7. **CEB Case No.:** 18-1668

Respondent: Allan R. Thompson

Address of Violation: 5827 Ridgewood Ave., Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 10/11/2018

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.

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 42-26 (Cleanliness of property generally - duty of owner), (d) (Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances.

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 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 304 (Exterior Structure), 304.13 (Window, skylight and door frames) of the 2018 International Property Maintenance Code as adopted per Chapter 14, Article II 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 January 7, 2019 by properly storing all outside items in an enclosed building, removing all trash and debris from the property, mowing the entire property to include the right of way, weed eating, edging, and blowing of yard debris, properly registering, covering with approved car covers, properly storing in an enclosed building, or removing all vehicles on site, replacing all broken windows on the front building, and properly storing all vehicles in the driveway.

Allan Thompson, property owner, requested a week or two longer to get rid of the remaining items or put them away. Ms. Joseph responded that the compliance date should provide ample time.

Ms. Joseph 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 properly storing all outside items in an enclosed building, removing all trash and debris from the property, mowing the entire property to include the right of way, weed eating, edging, and blowing of yard debris, properly registering, covering with approved car covers, properly storing in an enclosed building, or removing all vehicles on site, replacing all broken windows on the front building, and properly storing all vehicles in the driveway. 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 with amendments. The property owner has until March 1, 2019 to properly store all outside items in an enclosed building, remove all

trash and debris from the property, mow the entire property to include the right of way, weed eating, edging, and blowing of yard debris, properly register, store in an enclosed building, cover with approved car covers, or remove all vehicles on site, replace all broken windows on the front building, and properly store all vehicles in the driveway or a daily fine in the amount of \$100.00 per day shall be imposed. Costs in the amount of \$41.28 were awarded to the City.

8. CEB Case No.: 18-1945

Respondent: Steven Scott Lanier

Address of Violation: 5439 Rogers Ave, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 12/27/2018

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.

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.

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.

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 immediately, as this is a repeat violation, by mowing the entire property to include weed eating, edging, and trimming all high weeds on site, removing all trash and debris, removing the unregistered truck from the property or parking it in the driveway and properly registering or covering said vehicle with an approved car cover in good condition, properly storing all materials associated with owner's landscaping business and all other outside stored items (including those on the trailer parked in the side yard) in an enclosed building.

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 24, 2019 by mowing the entire property to include weed eating, edging, and trimming all high weeds on site, removing all trash and debris, removing the unregistered truck from the property or parking it in the driveway and properly registering or covering said vehicle with an approved car cover in good condition, properly storing all materials associated with owner's landscaping business and all other outside stored items (including those on the trailer parked in the side yard) 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

\$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 a health and safety concern. The property owner has until February 24, 2019 to mow the entire property to include weed eating, edging, and trimming all high weeds on site, remove all trash and debris, remove the unregistered truck from the property or parking it in the driveway and properly register or cover said vehicle with an approved car cover in good condition, properly store all materials associated with owner's landscaping business and all other outside stored items (including those on the trailer parked in the side yard) in an enclosed building 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

9. CEB Case No.: 18-1541

Respondent: Russell Lee Waters

Address of Violation: 5471 Pineland Avenue, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 09/20/2018

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.

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

10. CEB Case No.: 18-1407

Respondent: Lawrence Doody

Address of Violation: 701 Cindy Circle, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 08/28/2018

Compliance: Yes

Cited for violation(s) - Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.1 (General), 304.1.1 (Unsafe Conditions), (4) of the 2018 International Property Maintenance Code as adopted per Chapter 14, Article II 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.

11. CEB Case No.: 18-1803

Respondent: Mark M. Kosko

Address of Violation: 412 Virginia Avenue, Port Orange, FL 32128

Code Officer: Dena Joseph

First Notified: 11/15/2018

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) of the City of Port Orange Code of Ordinances.

Ms. Joseph requested an Order Setting Fine/Lien as the property was not in compliance on or before December 3, 2018, which was the Compliance Date listed in the Notice of Violation/Notice of Hearings. She requested a daily fine in the amount of \$50.00 per day as ordered in the Finding of Fact, Conclusion of Law & Order to begin on December 4, 2018 and running through and including December 7, 2018 for a total of \$200.00. A cost sheet for mailing and recording costs in the amount of \$85.28 was tendered and submitted into evidence without objection.

Special Magistrate Fuller found the property in non-compliance and awarded \$200.00 in daily fines and mailing and recording costs to date of \$85.28. A lien is imposed on the property in the amount of \$285.28.

12. CEB Case No.: 18-1811

Respondent: Federal National Mortgage Association

C/O Bank of America, N.A

Address of Violation: 408 Virginia Avenue, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 10/25/2018

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) and (h) Abutting property owner maintenance of parkages 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 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.

City of Port Orange Land Development Code, Chapter 16 (Miscellaneous Regulations), Section 1 (Accessory Uses and Structures), (e) Outside Storage: Outside storage of new and used equipment and materials shall be regulated as follows, (1) Residential Uses (b)

Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.13 (Window, skylight and door frames) of the 2018 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

Ms. Joseph requested the case be continued to the next meeting date as it has not yet been abated.

13. CEB Case No.: 18-1745

Respondent: Catherine M. Thomas

Address of Violation: 717 Marshall Circle, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 11/02/2018

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.

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.

2018 International Property Maintenance Code, Chapter 3 (General Requirements), Section 304 (Exterior Structure), as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: 304.7 Roofs and drainage.

Chapter 5 (Plumbing Facilities and Fixture Requirements), Section 505 (Water System), 505.1 (General), of the 2018 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

Ms. Joseph requested an Order Setting Fine/Lien as the property was not in compliance on or before January 20, 2019 as ordered in the previous hearing on January 9, 2019 by the Special Magistrate. She 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 January 21, 2019 and running until the

property is brought into compliance. 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 due to high weeds and grass, outside storage of materials, damaged roof that needs to be replaced or repaired, and no connection to a city water source and awarded \$100.00 a day beginning January 21, 2019 and running until the property is brought into compliance and daily fines and mailing and recording costs to date of \$92.42.

D. ADJOURNMENT 9:57am

A handwritten signature in blue ink, appearing to read 'D. Fuller', is written over a horizontal line.

Special Magistrate Fuller