

PORT ORANGE CODE ENFORCEMENT
SPECIAL MAGISTRATE MINUTES
COUNCIL CHAMBERS
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
FEBRUARY 27, 2019

THE SPECIAL MAGISTRATE HEARING of the City of Port Orange was called to order by Special Magistrate Fuller at 9:00 a.m.

PRESENT: David Fuller, Special Magistrate

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

Attorney Overview of Special Magistrate Code Enforcement Process

Special Magistrate Fuller dispensed with the overview of the code enforcement process as there were no members of the public present.

Consideration of Minutes

Special Magistrate Fuller approved the February 13, 2019 meeting minutes as presented.

Oaths

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

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 18-1817
Respondent: Deborah R. Ellison
Address of Violation: 37 Woodlake Drive, Port Orange, FL 32129
Code Officer: Amanda Bonin
First Notified: 11/19/2018

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.

Amanda Bonin, 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, edging, and trimming all high weeds and grass on the property and in the right of way.

Re-inspection was conducted on February 27, 2019 and found the property remains in non-compliance.

Ms. Bonin recommended the property owners be found in violation of the above referenced code with the violations to be corrected on or before March 7, 2019 by mowing, edging, and trimming all high weeds and grass on the property and in the right of way. 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. Ms. Bonin 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 found the property a health and safety concern. The property owner has until March 7, 2019 to mow, edge, and trim all high weeds and grass on the property and in the right of way or a daily fine in the amount of \$100.00 shall be imposed. Costs in the amount of \$41.28 were awarded to the City.

4. **CEB Case No.:** 17-1643

Respondent: Claudia Calderera

Address of Violation: 338 Windsor Drive, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 10/30/2018

Compliance: No

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.

Ms. Bonin 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 February 18, 2019 by removing the ramp or obtaining a building permit. Re-inspections were conducted on February 20, 2019 and February 26, 2019 and found the property remains in non-compliance.

Ms. Bonin recommended the property owners be found in violation of the above referenced code with the violations to be corrected on or before March 11, 2019 by removing the ramp or obtaining a building permit. 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. Ms. Bonin 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. The property owner has until March 11, 2019 to remove the ramp or obtain a building permit 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.: 19-0074

Respondent: Mark E. Davidson & Cecelia K. Davidson

Address of Violation: 312 Grant Street, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 01/14/2019

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.

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 this is a repeat violation by mowing the entire property to include weed eating, edging, and blowing of yard debris to include the parkage area.

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 March 10, 2019 by mowing the entire property to include weed eating, edging, and blowing yard debris from driveway, sidewalk, etc. 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 \$500.00 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 \$55.56 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 10, 2019 to mow the entire property to include weed eating, edging, and blowing yard debris from driveway, sidewalk, etc. or a daily fine in the amount of \$500.00 per day shall be imposed. Costs in the amount of \$55.56 were awarded to the City.

6. CEB Case No.: 19-0073

Respondent: Mark E. Davidson

Address of Violation: 310 Grant Street, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 01/14/2019

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.

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 blowing of yard debris off of sidewalk, driveway, etc.

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 March 10, 2019 by mowing the entire property to include weed eating, edging, and blowing yard debris from driveway, sidewalk, etc. 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 \$500.00 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. The property owner has until March 10, 2019 to mow the entire property to include weed eating, edging, and blowing yard debris from driveway, sidewalk, etc. or a daily fine in the amount of \$500.00 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.:** 18-1740

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

8. **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) (h) (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 February 3, 2019 as ordered in the previous hearing on January 23, 2019 by the Special Magistrate. She requested a daily fine in the amount of \$250.00 per day as ordered in the Finding of Fact, Conclusion of Law & Order to begin on February 4, 2019 and running through and including February 4, 2019 resulting in no daily fine charges. 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 \$100.00 in abatement costs and mailing and recording costs to date of \$92.42. A lien is imposed on the property in the amount of \$192.42.

9. **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), € 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 an Order Setting Fine/Lien as the property was not in compliance on or before January 16, 2019 as ordered in the previous hearing on January 9, 2019 by the Special Magistrate. She requested a daily fine in the amount of \$250.00 per day as ordered in the Finding of Fact, Conclusion of Law & Order to begin on January 17, 2019 and running until the property is brought into compliance. The City has incurred costs in the amount of \$100.00 by Mark Solomon Properties, who abated the violation of high weeds and grass. 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 as the property owner did not take corrective action on the outside storage, dilapidated fence, broken window or commercial vehicle and awarded \$250.00 in daily fines beginning on January 17, 2019 and running until the property is brought into compliance and \$100 in abatement costs for the high weeds and grass and mailing and recording costs to date of \$92.42.

D. ADJOURNMENT – 9:42 am



Special Magistrate Fuller