

PORT ORANGE CODE ENFORCEMENT
SPECIAL MAGISTRATE MINUTES
COUNCIL CHAMBERS
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
MARCH 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: 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 gave an overview of the code enforcement process as there were members of the public present.

Consideration of Minutes

Special Magistrate Fuller approved the February 27, 2019 meeting minutes as presented.

Oaths

Code Compliance Inspector 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.:** 18-452
Respondent: Charlie Molineaux Jr.
Address of Violation: 722 Dove Avenue, Port Orange, FL 32127
Code Officer: Amanda Bonin
First Notified: 04/02/2018

Compliance: No

Cited for violation(s) - Sixth Edition (2017) Florida Building Code, Section 105 (Permits), 105.1 (Permits Required), as adopted by Chapter 14, Article II, of the City of Port Orange Code of Ordinances: Failure to obtain a building Permit: 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.

Amanda Bonin, Code Compliance Inspector, was sworn in by Special Magistrate Fuller and requested to continue the case to the June 12, 2019 hearing. Special Magistrate Fuller granted the continuance request.

4. **CEB Case No.:** 18-1397

Respondent: Richard S. Wendt

Address of Violation: 860 Stonybrook Circle, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 08/24/2018

Compliance: Yes

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

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

5. **CEB Case No.:** 18-1232

Respondent: Van's Air Conditioning LLC, Property Owner

C/O Roy Traver, Registered Agent

Address of Violation: 1200 Sparton Avenue, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 07/31/2018

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), (f) Garbage, waste, trash, etc. prohibited of the City of Port Orange Code of Ordinances.

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

6. **CEB Case No.:** 18-1835

Respondent: David M. Gill

Address of Violation: 5410 Taylor Avenue, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 11/21/2018

Compliance: Yes

Cited for violation(s) - 2018 International Property Maintenance Code, Chapter 3, 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 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. Bonin requested a dismissal of the case as it is in compliance. Special Magistrate Fuller granted the dismissal request.

7. **CEB Case No.:** 18-1939

Respondent: Alberta R. Hiller

Address of Violation: 5515 Nova Road, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 12/21/2018

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.

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 70-36 (Stopping, standing or parking prohibited in specified places), (a) (1) (k) (1), (2) & (3) of the City of Port Orange Code of Ordinances.

2018 International Property Maintenance Code Chapter 3 (General Requirements), Section 308 (Rubbish and Garbage), 308.1 (Accumulation of rubbish or garbage) as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

2018 International Property Maintenance Code Chapter 3 (General Requirements), Section 308 (Rubbish and Garbage), 308.3.2 (Containers) as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

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

8. **CEB Case No.:** 18-1933

Respondent: Sylvia D. Morris & Theresa D. Frees

Address of Violation: 5457 Pineland Avenue, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 01/07/2019

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 42-32 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.

2018 International Property Maintenance Code, Chapter 3, 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.

2018 International Property Maintenance Code Chapter 3 (General Requirements), Section 302 (Exterior Property Areas), 302.7 (Accessory Structures) as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

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

9. **CEB Case No.:** 18-1722

Respondent: DJN Kalimnios Development Inc., Property Owner
C/O Denise Rosa, Registered Agent

Address of Violation: 5563 Ridgewood Avenue, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 10/24/2018

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), (e) Maintenance of unimproved residential lots of the City of Port Orange Code of Ordinances.

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 10, 2019 by mowing a 10-foot buffer around the entire perimeter of the lot.

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 20, 2019 by mowing a 10-foot buffer around the entire perimeter of the lot. 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 deemed the property a health and safety concern. The property owner has until March 20, 2019 to mow a 10-foot buffer around the entire perimeter of the lot 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.

C. ORDER IMPOSING FINE/LIEN

10. 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: Yes

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

11. CEB Case No.: 18-1487

Respondent: Lonnie L. Freeman

Address of Violation: 5804 Riverside Drive, Port Orange FL 32127

Code Officer: Dena Joseph

First Notified: 09/11/2018

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.

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.

City of Port Orange Land Development Code, Chapter 16 (Miscellaneous Regulations), Section 1 (Accessory Uses and Structures), (e) Outside Storage, (1) Residential uses, (c)

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.

Deborah Pearson, Code Compliance Manager, was sworn in by Special Magistrate Fuller and requested a continuation of the case to the June 12, 2019 hearing. Special Magistrate Fuller granted the continuance request.

12. **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.

Ms. Bonin requested an Order Setting Fine/Lien as the property was not in compliance on or before February 24, 2019 as ordered in the previous hearing on February 13, 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 25, 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 as the property owner did not mow the entire property to include weed eating, edging, etc., remove, properly register or cover the unregistered car with an approved car cover, properly park the car on the approved driveway, and properly store all materials stored outside and awarded \$250.00 in daily fines beginning on February 25, 2019 and running until the property is brought into compliance and mailing and recording costs to date of \$92.42.

D. ADJOURNMENT – 9:21 am



Special Magistrate Fuller