

PORT ORANGE CODE ENFORCEMENT
SPECIAL MAGISTRATE MINUTES
COUNCIL CHAMBERS
1000 CITY CENTER CIRCLE
MAY 9, 2018

THE SPECIAL MAGISTRATE HEARING of the City of Port Orange was called to order by Special Magistrate Fuller at 9:02 a.m.

PRESENT: David Fuller, Special Magistrate

ALSO PRESENT: Scott Allman, Code Compliance Inspector
Deborah Pearson, Code Enforcement Manager
Robin Fenwick, City Clerk

Attorney Overview of Special Magistrate Code Enforcement Process

Special Magistrate Fuller provided an overview of the Special Magistrate Code Enforcement Process.

Consideration of Minutes

Special Magistrate Fuller approved the April 25, 2018 meeting minutes as presented.

Oaths

Code Compliance Inspector Scott Allman was sworn in by Special Magistrate Fuller.

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 18-236
Respondent: Donovan A. Huseman, Jr.
Address of Violation: 72 Brandy Hills Drive, Port Orange, FL 32129
Code Officer: Dennis Boehmer
First Notified: 03/29/2018

Compliance: Yes

Cited for violation(s) - City of Port Orange Code of Ordinances, Chapter 42, Section 42-32 (Storage of vehicles, furniture, etc.)

Scott Allman, Code Compliance Inspector, on behalf of Dennis Boehmer, was sworn in by Special Magistrate Fuller and requested a dismissal as this case is in compliance with the notice. Special Magistrate Fuller granted the dismissal request.

4. **CEB Case No.:** 17-1882
Respondent: Barbara & Richard L. Divoll
Address of Violation: 164 Sweetgum Lane, Port Orange, FL 32129
Code Officer: Dennis Boehmer
First Notified: 03/23/2018

Compliance: No

Cited for violation(s) - City of Port Orange Code of Ordinances, Chapter 42, Section 42.26(d): Maintenance of improved residential lots

City of Port Orange Land Development Code, Chapter 16, Section 3(b), 4(b)(d): All fences shall be maintained in their original upright condition.

2017 Florida Building Code, 6th Edition, Section 105 (permits), Section 105.1 (Required) as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Failure to Obtain a Building Permit.

Mr. Allman requested a continuance of this case due to information the property was recently sold until June 13, 2018. Special Magistrate Fuller granted the request.

5. **CEB Case No.:** 18-108

Respondent: Teresa Roddy

Address of Violation: 1225 Thomasina Drive, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 01/25/2018

Compliance: Yes

Cited for violation(s) - City of Port Orange Land Development Code Chapter 16 Miscellaneous Regulations Section 3: Fences and walls. Modified (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. (f) The side of a fence or wall oriented to an adjoining property shall not create an adverse visual impact on such adjoining property.

Florida Building Code Chapter 1, Section 105 Permits 105.1 Required

Mr. Allman appeared on behalf of Amanda Bonin requested a dismissal as this case is in compliance with the notice. Special Magistrate Fuller granted the dismissal request.

6. **CEB Case No.:** 18-141

Respondent: Jessica Lynn Lincicome

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

Code Officer: Scott Allman

First Notified: 04/04/2018

Compliance: No

Cited for violation(s) - City of Port Orange Code of Ordinances, Chapter 42, Article V, Division 2 (Nuisance Trees), Section 42-103, (Declaration of Nuisance), (a)(2); and

City of Port Orange Code of Ordinances, Chapter 42, Section 42-26 (Cleanliness of property generally - Duty of Owner), (d) Maintenance of improved residential lots.

Mr. Allman testified as to the condition of the property, as well as the notice provided to the property owner. Photos were submitted and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected on or before May 3, 2018 by removing both nuisance trees from the property and by mowing the entire yard and trimming all high weeds. Reinspection was conducted on May 7, 2018 and found the property remains in non-compliance.

Mr. Allman recommended the property owners be found in violation of the above referenced code with the violations to be corrected on or before May 23, 2018. 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 of \$50.00 per day will 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 the property be found a health, safety, and wellness violation with any future violations under this ordinance being considered repeat. An email from Margaret Tomlinson, Construction Manager and Landscape Architect, stating the trees are in fact dead and a nuisance. 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 recommendations as presented. The property owner has until May 23, 2018 to bring the property into compliance as to all violations cited and shall notify the code officer for re-inspection or a \$50.00 daily fine will be imposed. The property was found to be a health, safety, and wellness violation. The City has the option to abate the violations. The costs to date of \$34.14 will be ordered as well.

C. ORDER IMPOSING FINE/LIEN

7. CEB Case No.: 17-1330

Respondent: Jacques J. & Susan Lynn Rippe

Address of Violation: 120 Barefoot Trail, Port Orange, FL 32129

Code Officer: Dennis Boehmer

First Notified: 02/08/2018

Compliance: Yes

Cited for violation(s) - City of Port Orange Code of Ordinances Chapter 42 Article 2 Section 42-26 - Cleanliness of property generally - duty of owner (d) maintenance of improved residential lots, (f) Garbage, waste, trash, etc. prohibited, and (h) Abutting property owner maintenance of parkages; and Section 42-32 - Storage of vehicles, furniture, etc.

Mr. Allman requested a dismissal as this case is in compliance with the Finding of Fact, Conclusion of Law & Order. Special Magistrate Fuller granted the dismissal request.

8. CEB Case No.: 17-1260

Respondent: Joseph F. & Lisa Vallario

Address of Violation: 204 Avon Court, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 02/09/2018

Compliance: No

Cited for violation(s) - Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth, Section 42-26 (e) Maintenance of Unimproved residential lots and (h) Abutting property owner maintenance of parkages 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 April 11, 2018 as ordered in the previous hearing on March 28, 2018 by the Special Magistrate. A reinspection was conducted on April 12, 2018 and showed the property remained in non-compliance. The cost sheet for mailing and recording costs in the amount of \$113.84 was tendered and submitted into evidence without objection. A fine in the amount of \$100 per day for 16 days was requested, plus abatement costs to the vendor in the amount of \$300.00 for a total due of \$2,013.84.

Special Magistrate Fuller found the property in non-compliance and awarded the total cost of \$2,013.84.

9. **CEB Case No.:** 17-1939
Respondent: Rita Lombardi
Address of Violation: 807 Kokomo Circle, Port Orange, FL 32127
Code Officer: Amanda Bonin
First Notified: 02/20/2018

Compliance: Yes

Cited for violation(s) - City of Port Orange Land Development Code Chapter 16 Miscellaneous Regulations Section 3: - Fences and Walls. Modified (b) General Provisions (4) design and maintenance (a) and (b)

Mr. Allman requested a dismissal as this case is in compliance with the Finding of Fact, Conclusion of Law & Order. Special Magistrate Fuller granted the dismissal request.

ADJOURNMENT – 9:24 a.m.


Special Magistrate David Fuller