

PORT ORANGE CODE ENFORCEMENT
SPECIAL MAGISTRATE MINUTES
COUNCIL CHAMBERS
1000 CITY CENTER CIRCLE
JUNE 27, 2018

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: Scott Allman, Code Compliance Inspector
Dena Joseph, Code Compliance Inspector
Dennis Boehmer, Code Compliance Inspector
Debbie Pearson, Code Enforcement Manager
Robin Fenwick, City Clerk

Attorney Overview of Special Magistrate Code Enforcement Process

Special Magistrate Fuller provided an overview to the members of the public in attendance.

Consideration of Minutes

Special Magistrate Fuller approved the minutes of June 13, 2018 as presented on behalf of Special Magistrate Koleilat.

Oaths

Code Compliance Inspectors Dena Joseph, Dennis Boehmer, and Scott Allman were sworn in by Special Magistrate Fuller.

FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 18-577

Respondent: James W. Jack

Address of Violation: 88 Stone Gate Lane, Port Orange, FL 32129

Code Officer: Dennis Boehmer

First Notified: 04/26/2018

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.

Dennis Boehmer, Code Compliance Inspector, was sworn in my 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 and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected on or before May 21, 2018 by removing all outside storage on the carport to an enclosed building/shed. Re-inspections were conducted on May 9, 2018 and June 25, 2018 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 July 8, 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 \$100.00 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. Boehmer requested the violation be deemed a health, safety, and welfare concern and any future violations under this ordinance being considered repeat. The cost sheet in the amount of \$34.14 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

James W. Jack, property owner, was sworn in by Special Magistrate Fuller and agreed to the compliance date. He had no objections to the testimony of the Code Compliance Inspector.

Special Magistrate Fuller granted the recommendations as presented. The property owner has until July 8, 2018 to bring the property into compliance as to all violations cited and shall notify the code officer for re-inspection or a \$100.00 daily fine will be imposed. The costs to date of \$34.14 will be ordered as well. The property was not found to be a health, safety, welfare condition.

4. CEB Case No.: 18-745

Respondent: Bonita Swartz

Address of Violation: 760 Rolling Hills Dr., Port Orange, FL 32129

Code Officer: Dennis Boehmer

First Notified: 05/11/2018

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 42-26, (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.

Mr. Boehmer requested the case be dismissed as it is in compliance. Special Magistrate Fuller granted the dismissal.

5. CEB Case No.: 18-396

Respondent: James V. & Itala M. Kloos

Address of Violation: 828 Sugarhouse Blvd., Port Orange, FL 32129

Code Officer: Dennis Boehmer

First Notified: 03/22/2018

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.

Mr. Boehmer requested the case be dismissed as it is in compliance. Special Magistrate Fuller granted the dismissal.

6. CEB Case No.: 18-397

Respondent: James V. & Itala M. Kloos

Address of Violation: 830 Sugarhouse Blvd., Port Orange, FL 32129

Code Officer: Dennis Boehmer

First Notified: 03/22/2018

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.

Mr. Boehmer requested the case be dismissed as it is in compliance. Special Magistrate Fuller granted the dismissal.

7. CEB Case No.: 18-478

Respondent: Jerome J. Tobolski, Jeffrey Tobolski, and Amy Tobolski

Address of Violation: 683 Reillys Road, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 04/03/2018

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 and accepted by Special Magistrate Fuller with no objections. The property is in foreclosure and one owner indicated verbally they will not be doing anything with the property. The violation was to be corrected on or before June 4, 2018 by mowing the entire property and trimming all high weeds. Re-inspections were conducted on June 8, 2018 and June 26, 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 July 6, 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, the City shall have the option to abate the violation. 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. Mr. Allman also requested the violation be deemed a health, safety, and welfare concern. The cost sheet in the amount of \$55.56 was tendered into evidence and accepted by Special Magistrate Fuller with no objections. No fine was requested as the property is in foreclosure.

Special Magistrate Fuller granted the recommendations as presented. The property owner has until July 6, 2018 to bring the property into compliance as to all violations cited and shall notify the code officer for re-inspection or the City shall have the option to abate the violations. The costs to date of \$55.56 will be ordered as well.

8. CEB Case No.: 18-513

Respondent: Right Now Corporation

c/o Ronald E. Frederick, RA

Address of Violation: 405 Leslie Drive, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 04/05/2018

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.

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.

Mr. Allman requested the case be dismissed as it is in compliance. Special Magistrate Fuller granted the dismissal.

9. CEB Case No.: 18-702

Respondent: Joyce M. Aten

Address of Violation: 953 Sandcrest Drive, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 05/09/2018

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 70 (Traffic), Article II (Stopping, standing, and parking), Section 70-36 (Stopping, standing or parking prohibited in specified places) of the City of Port Orange Code of Ordinances.

Mr. Allman requested the case be dismissed as it is in compliance. Special Magistrate Fuller granted the dismissal.

10. CEB Case No.: 18-594

Respondent: Dennis C. Pentzien

Address of Violation: 1707-3960 Willow Trail Run, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 04/27/2018

Compliance: No

Cited for violation(s) - 2018 International Property Maintenance Code, Chapter 5 (Plumbing Facilities and Fixture Requirements), Section 505 (Water System), 505.1 General as adopted by the City of Port Orange Code of Ordinances, Chapter 14, Article II, Section 14-26.

Mr. Allman testified as to the condition of the property, as well as the notice provided to the property owner. Photos and email communications with City Staff showing there is no water service to the unit were submitted into evidence and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected on or before June 4, 2018 by connecting to the City's water system. Re-inspections were conducted on June 5, 2018 and June 25, 2018 and found the property remains in non-compliance.

June Pitti, neighbor across the street, was sworn in and testified as to the person living in the home (Dane Parrish). She testified that Mr. Parrish is in fact living in the home at all times of the day and night.

Mr. Allman recommended the property owners be found in violation of the above referenced code with the violations to be corrected on or before July 9, 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 \$100.00 daily fine shall be assessed for every 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 or City records to verify compliance with the order. 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 recommendations as presented. The property owner has until July 9, 2018 to bring the property into compliance as to all violations cited and shall notify the code officer for re-inspection. The costs to date of \$41.28 will be ordered as well.

11. CEB Case No.: 18-0507

Respondent: Steven Scott Lanier

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

Code Officer: Dena Joseph

First Notified: 04/09/2018

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 42-26, (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.

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.

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.

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 and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected on or before June 3, 2018 by mowing the entire property to include weed eating, edging, etc. and removing, properly registering, or covering the unregistered car with an approved car cover, properly parking the car on the approved driveway in front of the home, and repairing all missing boards, pickets, etc. on the fence and placing back in its original upright position. Re-inspections were conducted on June 6, 2018 and June 19, 2018 and found the property remains in non-compliance.

Ms. Joseph recommended the property owners be found in violation of the above referenced code with the violations to be corrected on or before July 8, 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 \$250.00 daily fine shall be assessed for every 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. The cost sheet in the amount of \$41.49 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Steven Scott Lanier, property owner, was sworn in and testified as to the conditions of the property. Some of the debris was damage from the hurricane in September 2017. He covered the car with a tarp. He testified as to the clean-up he has started.

Special Magistrate Fuller granted the recommendations as presented with a \$100.00 daily fine to be imposed should the property not be in compliance by July 8, 2018. The property owner has until July 8, 2018 to bring the property into compliance as to all violations cited and shall notify the code officer for re-inspection or the City shall have the option to abate the violations. The costs to date of \$41.49 will be ordered as well.

12. CEB Case No.: 18-0241

Respondent: Jennifer L. Chalkley

Address of Violation: 5836 Riverside Drive, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 02/16/2018

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 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) 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.

Ms. Joseph 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 31, 2018 by mowing the entire property to include weed eating, edging, etc. and removing, properly registering or covering the unregistered car with an approved car cover, properly parking the car on the approved driveway in front of the home, and repairing all missing boards, pickets, etc. on the fence and placing back in its original upright position. Re-inspections were conducted on June 1, 2018 and June 22, 2018 and found the property remains in non-compliance.

Ms. Joseph recommended the property owners be found in violation of the above referenced code with the violations to be corrected on or before July 8, 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 \$250.00 daily fine shall be assessed for every day the property is in violation beyond the compliance date. Ms. Joseph also requested the violation be deemed a health, safety, and welfare concern. 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. The cost sheet in the amount of \$41.28 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Jennifer Chalkley, property owner, was sworn in by Special Magistrate Fuller and testified as to the condition of the property. She will handle the grass/weed issue but is having an issue with the repair of the fence and doesn't believe she will be able to

comply by July 8, 2018. She has a contract on the home for a short sale and an inspection is being done tomorrow.

Special Magistrate Fuller granted the recommendations as presented. The property owner has until July 26, 2018 to bring the property into compliance as to the fence violation cited but the grass/weeds need to be in compliance no later than July 8, 2018 or a daily fine in the amount of \$100 per day shall be assessed and shall notify the code officer for re-inspection or the City shall have the option to abate the violations. The costs to date of \$41.28 will be ordered as well.

13. CEB Case No.: 18-707

Respondent: Right Now Corp., Ronald E. Frederick, RA

Address of Violation: 495 Leslie Drive, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 05/08/2018

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 42-26, (Cleanliness of Property Generally-duty of owner), (f) Garbage, waste, trash, etc. prohibited 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.

14. CEB Case No.: 18-0505

Respondent: Matthew Brandt

Address of Violation: 5478 Rogers Avenue, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 04/09/2018

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 42-26, (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.

Ms. Joseph 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 27, 2018 by mowing entire property to include weed eating, edging, etc. and trimming all high weeds around exterior of home, around fence lines, etc. and in the area between the sidewalk and the roadway which is the responsibility of the property owner. In addition, all trash and debris on site was to be removed and all outside storage properly stored in an enclosed building or removed from the property. Re-inspections were conducted on May 30, 2018 and June 19, 2018 and found the property remains in non-compliance.

Ms. Joseph recommended the property owners be found in violation of the above referenced code with the violations to be corrected on or before July 8, 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 \$250.00 daily fine shall be assessed for every 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. 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 July 8, 2018 to bring the property into compliance as to all violations cited and shall notify the code officer for re-inspection or the City shall have the option to abate the violations. The costs to date of \$34.14 will be ordered as well.

15. CEB Case No.: 18-0313

Respondent: Robert Detko

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

Code Officer: Dena Joseph

First Notified: 02/06/2018

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 42-26, (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 70-49 (Restrictions on abandoned or disabled vehicles), (c) Restrictions, (1) (a), (b) and (2) 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.

Ms. Joseph 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 June 10, 2018 by mowing entire property to include weed eating and trimming all high weeds on site, edging, and blowing debris, removing all trash and debris, correctly storing all items around outside of the property in an enclosed building, properly registering, removing, or covering unregistered/inoperable van on site and ensuring that it appears to be in an operable state, removing the makeshift fence on the property and repairing any other damaged areas of the fence to include missing pickets, posts, etc., and storing the front end loader/bob cat on site in an enclosed building. Re-inspections were conducted on May 25, 2018 and June 12, 2018 and found the property remains in non-compliance.

Ms. Joseph recommended the property owners be found in violation of the above referenced code with the violations to be corrected on or before July 8, 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 \$250.00 daily fine shall be assessed for every day the property is in violation beyond the compliance date. Ms. Joseph also requested the violation be deemed a health, safety, and welfare concern. 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. 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 recommendations as presented. The property owner has until July 8, 2018 to bring the property into compliance as to all violations cited and shall notify the code officer for re-inspection or the City shall have the option to abate the violations. The costs to date of \$41.28 will be ordered as well.

16. CEB Case No.: 18-0074

Respondent: Mark E. Davidson

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

Code Officer: Dena Joseph

First Notified: 01/16/2018

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.

Ms. Joseph 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 immediately as this was a repeat violation. No re-inspections were completed due to the fact this is a repeat violation.

Ms. Joseph recommended the property owners be found in repeat violation of the above referenced code with the violations. She requested a \$500.00 daily fine be assessed for every day the property is in violation beyond May 16, 2018, the date of posting of the notice on the property. Ms. Joseph also requested the violation be deemed a health, safety, and welfare concern. 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. 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 found the property in non-compliance and ordered \$250.00 per day be imposed as of the date of posting on the property, May 16, 2018. The property was found to be a health, safety and welfare violation and is a repeat violation. The costs to date of \$41.28 will be ordered as well.

17. CEB Case No.: 18-0075

Respondent: Mark E. Davidson

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

Code Officer: Dena Joseph

First Notified: 01/16/2018

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.

Ms. Joseph 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 immediately as this was a repeat violation. No re-inspections were completed due to the fact this is a repeat violation.

Ms. Joseph recommended the property owners be found in repeat violation of the above referenced code with the violations. She requested a \$250.00 daily fine be assessed for every day the property is in violation beyond May 16, 2018, the date of posting of the notice on the property. Ms. Joseph also requested the violation be deemed a health, safety, and welfare concern. 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. 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 found the property in non-compliance and ordered \$250.00 per day be imposed as of the date of posting on the property, May 16, 2018. The property was found to be a health, safety and welfare violation and is a repeat violation. The costs to date of \$41.28 will be ordered as well.

18. CEB Case No.: 18-0663

Respondent: Bank of America NA, CT Corporation System, RA

Address of Violation: 425 N. Willow Avenue, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 05/03/2018

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 42-26, (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, 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 301 (General), 301.3 (Vacant structures and land) 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.

ORDER IMPOSING FINE/LIEN

19. CEB Case No.: 18-310

Respondent: Stacey L. Algieri

Address of Violation: 5245 Sydney Street, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 03/02/2018

Compliance: No

Cited for violation(s) - Chapter 42, Section 42-26 Cleanliness of property generally - Duty of owner (d) maintenance of improved residential lots, and (f) garbage, waste, trash, etc. prohibited; Section 42-32 Storage of vehicles, furniture, etc. of the City of Port Orange Code of Ordinances, and

Chapter 16 (Miscellaneous Regulations), Section 3 (Fences and Walls), (b) General Provisions, (4) Design and Maintenance, (b) & (d) of the City of Port Orange Land Development Code.

Mr. Allman requested an Order Setting Fine/Lien as the property was not in compliance on or before April 25, 2018 as ordered in the previous hearing on April 11, 2018 by the Special Magistrate. Reinspection of the property on May 7, 2018 shows the property remains in non-compliance. The City's vendor completed the work and a total amount of \$500.00 was charged by the vendor. The daily fine in the amount of \$100.00 began on April 26, 2018 through May 27, 2018 with a total abatement cost of \$3,200.00. A cost sheet for mailing and recording costs in the amount of \$92.42 was tendered and submitted into evidence without objection. Total costs, fines, and abatement amount totals \$3,792.42 and is being requested.

Special Magistrate Fuller found the property in non-compliance and awarded the daily fine of \$100.00 per day beginning April 26, 2018 for a total fine due in the amount of \$3,200 plus total costs of mailing and recording to date of \$92.42 and abatement costs in the amount of \$500.00.

20. CEB Case No.: 17-1642

Respondent: Valerie Potter

Address of Violation: 176 Iron Gate Circle, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 02/05/2018

Compliance: No

Cited for violation(s) - Chapter 1, Section 108 Unsafe Structures and Equipment, 108.1.1 Unsafe Structures; 108.1.3 Structure unfit for human occupancy; 108.1.5 Dangerous Structure or premises of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code and

Chapter 3, Section 301 General, 301.3 Vacant Structures and Land; Section 304, Exterior Structure, 304.13 Windows Skylight and door frames; and 304.15 Doors of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code.

Ms. Bonin requested an Order Setting Fine/Lien as the property was not in compliance on or before March 29, 2018 as ordered in the previous hearing on March 14, 2018 by the Special Magistrate. Reinspection of the property shows the property remains in non-compliance. The City's vendor completed the work and a total amount of \$5,914.80 was charged by the vendor. The daily fine in the amount of \$250.00 began on March 30, 2018 through June 14, 2018 with a total abatement cost of \$19,000.00. A cost sheet for mailing and recording costs in the amount of \$92.42 was tendered and submitted into evidence without objection. Total costs, fines, and abatement amount totals \$25,007.22 and is being requested.

Special Magistrate Fuller found the property in non-compliance and awarded the daily fine of \$250.00 per day beginning March 30, 2018 for a total fine due in the amount of \$19,000 plus total costs of mailing and recording to date of \$92.42 and abatement costs in the amount of \$5,914.80 for a total due in the amount of \$25,007.22 and is so ordered.

ADJOURNMENT – 11:17 a.m.



Special Magistrate David Fuller