

PORT ORANGE CODE ENFORCEMENT  
SPECIAL MAGISTRATE MINUTES  
COUNCIL CHAMBERS  
1000 CITY CENTER CIRCLE  
JULY 11, 2018

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: Scott Allman, Code Compliance Inspector  
Amanda Bonin, 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 Branch approved the June 27, 2018 meeting minutes as presented.

Oaths

Code Compliance Inspectors and the Code Enforcement Manager were sworn in by Special Magistrate Fuller.

FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 18-0815  
**Respondent:** Jacqueline M. Sale  
**Address of Violation:** 825 Upland Drive, Port Orange, FL 32127  
**Code Officer:** Scott Allman  
**First Notified:** 05/29/2018

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*

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*property owner. Photos were submitted 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 and trimming all high weeds. Re-inspections were conducted on June 4, 2018, June 8, 2018 and July 9, 2018 and found the property remains in non-compliance. The property was found in violation under CEB Case #15-48.*

*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 18, 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 \$41.28 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 18, 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.*

**4. CEB Case No.: 18-0854**

**Respondent:** Sonoa L. Mulder

**Address of Violation:** 253 Devon Street, Port Orange, FL 32127

**Code Officer:** Scott Allman

**First Notified:** 06/07/2018

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,

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 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.*

**5. CEB Case No.: 17-1588**

**Respondent:** Steven Joseph Srno

**Address of Violation:** 1166 N. Tracy Drive, Port Orange, FL 32129

**Code Officer:** Amanda Bonin

**First Notified:** 10/20/2017

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 42-26, (Cleanliness of Property Generally-duty of owner), (h) Abutting property owner maintenance of parkages.

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).

Chapter 1, Section 108 Unsafe structures and equipment of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances [A] 108.1.3 Structure unfit for human occupancy.

Chapter 3, Section 304 Exterior Structure of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances, 304.1 General, 304.1.1 Unsafe Conditions and 304.13 Window, Skylight, and door frames.

*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 and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected on or before June 28, 2018 by mowing*

*and trimming all high weeds and grass on the property, removing the dilapidated fence, removing all trash and debris, turning the water and electricity on as the house is uninhabitable without running water or electricity, and replacing the broken windows if the home is occupied or board them if it is vacant, and repairing or replacing the garage door. A Permit is required for the replacement of any windows or exterior doors. Re-inspections were conducted on July 9, 2018 and found the property remains in non-compliance.*

*Daniel Pici, neighbor, was sworn in and testified as to the condition of the property, specifically the lack of power and rats and snakes on the property.*

*Ms. Bonin recommended the property owners be found in violation of the above referenced code with the violations to be corrected on or before July 20, 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 in the amount of \$250.00 per day shall be imposed for every day the violation continues. The City shall have the option to abate the violation as it is 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. Ms. Bonin requested any future violations under this ordinance be considered repeat. The cost sheet in the amount of \$41.49 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 20, 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.*

**6. CEB Case No.: 18-864**

**Respondent:** James Standfast

**Address of Violation:** 1114 Morgan Road, Port Orange, FL 32129

**Code Officer:** Amanda Bonin

**First Notified:** 05/24/2018

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

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 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 it is a repeat violation by removing all trash, debris, and outside storage. Re-inspections were conducted on June 27, 2018 and July 9, 2018 and found the property remains in non-compliance.*

*James Standfast, property owner, testified as to his health issues and said he would be diligent to keep his property clean.*

*Paul Krinjak, neighbor, testified as to the condition of the property. He testified as to the continued non-compliance.*

*Gail Hendrickson, neighbor, also testified as to the condition of the property and the constant state of the junk and debris in the yard.*

*Ms. Bonin recommended the property owners be found in violation of the above referenced code. The property was brought into compliance on July 9, 2018; however, Ms. Bonin recommended a flat fine in the amount of \$150.00 be imposed for the repeat violation. Ms. Bonin requested any future violations under this ordinance be considered repeat violations. The daily fine will begin on the day of posting the notice on the property. Special Magistrate Fuller explained to Mr. Standfast that it is his responsibility to notify the Code Compliance Inspector for re-inspection when the property is brought into compliance. 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 violation until July 9, 2018 and granted the flat fine of \$150.00 for the repeat violation. Special Magistrate Fuller explained the daily fine of \$150.00 that will be imposed for every day should the property be in non-compliance again. The daily fine will begin on the day of posting the notice on the property. Special Magistrate Fuller explained to Mr. Standfast that it is his responsibility to notify the Code Compliance Inspector for re-inspection when the property is brought into compliance. The costs to date of \$41.28 are ordered as well.*

**7. CEB Case No.: 18-865**

**Respondent:** James Standfast

**Address of Violation:** 1120 Kane Drive, Port Orange, FL 32129

**Code Officer:** Amanda Bonin

**First Notified:** 05/24/2018

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

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 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 it is a repeat violation by removing all trash, debris, and outside storage. Re-inspections were conducted on June 28, 2018 and July 9, 2018 and found the property remains in non-compliance.*

*Ms. Bonin recommended the property owners be found in violation of the above referenced code. The property was brought into compliance on July 9, 2018; however, Ms. Bonin recommended a flat fine in the amount of \$500.00 be imposed for the repeat violation. Ms. Bonin requested any future violations under this ordinance be considered repeat violations. 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 violation until July 9, 2018 and granted the flat fine of \$500.00 for the repeat violation. Special Magistrate Fuller again explained the daily fine of \$500.00 that will be imposed for every day should the property be in non-compliance again. The daily fine will begin on the day of posting the notice on the property. Special Magistrate Fuller again explained to Mr. Standfast that it is his responsibility to notify the Code Compliance Inspector for re-inspection when the property is brought into compliance. The costs to date of \$41.28 will be ordered as well.*

**8. CEB Case No.:** 18-427

**Respondent:** Roxie D. Fain

**Address of Violation:** 1115 Morgan Road, Port Orange, FL 32129

**Code Officer:** Amanda Bonin

**First Notified:** 03/29/2018

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.

*Debbie Pearson, Code Compliance Manager, requested the case be dismissed as it is in compliance. Special Magistrate Fuller granted the dismissal.*

**9. CEB Case No.:** 18-0551

**Respondent:** James D. Miller

**Address of Violation:** 5428 Isabelle Avenue, Port Orange, FL 32127

**Code Officer:** Dena Joseph

**First Notified:** 04/23/2018

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

**10. CEB Case No.:** 18-0799

**Respondent:** Ethel M. McCarthy

**Address of Violation:** 5408 Christiancy Ave., Port Orange, FL 32127

**Code Officer:** Dena Joseph

**First Notified:** 05/25/2018

Compliance: No

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

*Ms. Pearson requested a dismissal as the property owner has changed and a new notice will be needed. Special Magistrate Fuller granted the dismissal.*

#### **ORDER IMPOSING FINE/LIEN**

**11. CEB Case No.:** 18-103 (Continued from 6/13/18)

**Respondent:** William K. & Balbina A. McDaniels

**Address of Violation:** 1218 Jeffery Drive, Port Orange, FL 32129

**Code Officer:** Amanda Bonin

**First Notified:** 01/23/2018

Compliance: No

**Cited for violation(s)** - Chapter 9, Article II, Section 10(a) of the City of Port Orange Land Development Code; City of Port Orange Code of Ordinance Chapter 4, Section 42.26 (d) Maintenance of improved residential lots, and (f) Garbage, waste, trash, etc. prohibited.

*Ms. Bonin requested a continuance to the August 8, 2018. Special Magistrate Fuller granted the continuance.*

**12. 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:** 12/12/2017

Compliance: No

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

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.

*Dennis Boehmer, Code Compliance Inspector, was sworn in by Special Magistrate Fuller and testified as to the continued non-compliance as to the high weeds and grass and the removal or replacement of the dilapidated fence that should have been in compliance on or before July 6, 2018. The high weeds and grass have been corrected but the fence remains in disrepair. He requested an Order Imposing Fine/Lien against the property owners in the amount of \$250.00 per day beginning July 6, 2018 until the property is brought into compliance. Costs in the amount of \$111.02 were requested.*

*Special Magistrate Fuller granted the recommendation as presented.*

**13. CEB Case No.:** 18-141 (Continued from 6/13/18)

**Respondent:** Jessica Lynn Lincicome

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

**Code Officer:** Scott Allman

**First Notified:** 01/30/2018

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 continued non-compliance that should have been in compliance on or before May 23, 2018 or a fine of \$50.00 per day would be imposed. The property was brought into compliance by the City's vendor at the cost of \$875.00. He requested an Order Imposing Fine/Lien against the property owners in the amount of \$50.00 per day beginning May 23, 2018 until the property was brought into*



*compliance on June 18, 2018. Costs in the amount of \$85.28 were requested. The total amount due is \$2,260.28.*

*Special Magistrate Fuller granted the recommendation as presented. A lien will be imposed for \$2,260.28.*

**14. CEB Case No.:** 18-324 (Continued from 6/13/18)

**Respondent:** Carol A. Kovacs, TR and Kovacs Family Trust

**Address of Violation:** 709 Barlow Circle, Port Orange, FL 32127

**Code Officer:** Scott Allman

**First Notified:** 03/02/2018

Compliance: No

**Cited for violation(s)** - City of Port Orange Code of Ordinances Chapter 42, Section 42-32 Storage of vehicles, furniture, etc. and Chapter 42, Section 42-26(f) Garbage, waste, trash, etc. prohibited; and

International Property Maintenance Code 2018, Section 304 Exterior Structure, 304.1 General. 304.1.1 Unsafe conditions.

*Mr. Allman requested a continuance as the vendor has not been able to abate the violation yet. Special Magistrate Fuller granted the continuance until August 8, 2018.*

**PUBLIC COMMENTS** – There were no public comments.

**ADJOURNMENT** – 10:22 a.m.

  
Special Magistrate David Fuller