

PORT ORANGE CODE ENFORCEMENT
SPECIAL MAGISTRATE MINUTES
COUNCIL CHAMBERS
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
OCTOBER 10, 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: 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 dispensed with the overview as no members of the public were present.

Consideration of Minutes

Special Magistrate Fuller approved the September 26, 2018 meeting minutes as presented.

Oaths

Code Compliance Inspectors Dena Joseph and Dennis Boehmer and Code Enforcement Manager Debbie Pearson were sworn in by Special Magistrate Fuller.

FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 18-0948
Respondent: Tim Gabel
Address of Violation: 817 Clear Lake Drive, Port Orange, FL 32127
Code Officer: Scott Allman
First Notified: 06/21/2018

Compliance: No

Cited for violation(s) - 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.

Deborah Pearson, Code Compliance Manager, requested a continuance of this case. Special Magistrate Fuller granted the continuance request. The case is continued until November 14, 2018.

4. **CEB Case No.:** 18-0997

Respondent: Brian R. Miles

Address of Violation: 5947 Riverwide Drive, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 06/27/2018

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 42-26 (Cleanliness of property generally-duty of owner), (h) Abutting property owner maintenance of parkages, 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. Pearson requested a dismissal as this case is in compliance. Special Magistrate Fuller granted the dismissal request.

5. **CEB Case No.:** 18-0361

Respondent: James R. & Bonnie Perry

Address of Violation: 5040 Riverside Drive, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 07/10/2018

Compliance: No

Cited for violation(s) - Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment), 108.1.1 (Unsafe Structures) of the 2018 International Property Maintenance Code as adopted per Chapter 14, Article II, of the City of Port Orange Code of Ordinances,

Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment), 108.1.5 (Dangerous Structure or Premises), (3), (4), (5), (6), (7), and (10) of the 2018 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances, and

Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.1.1 (Unsafe

Conditions), (4), (5), (7), (8), (13), of the 2018 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

Dena Joseph, Code Compliance Inspector, 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 on or before September 30, 2018 by obtaining all necessary permits to either demolish or repair the structure. Re-inspections were conducted on August 9, 2018 and October 1, 2018 and found the property remains in non-compliance.

Alan Tischler, Building Official, was sworn in by Special Magistrate Fuller and testified as to the damage to the structure. The building is uninhabitable as the roof is open to the sky and the trusses are dilapidate. There is also mold in the structure.

Ms. Joseph recommended the property owners be found in violation of the above referenced code with the violations to be corrected on or before November 14, 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 \$50.00 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 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.

Special Magistrate Fuller granted the recommendation as presented and found the property in violation. The property owner has until November 14, 2018 to obtain a permit to repair or demolish the structure or a daily fine in the amount of \$50.00 per day shall be imposed. Costs in the amount of \$34.14 were awarded to the City.

6. **CEB Case No.:** 18-1335
Respondent: John L. Anglis
Address of Violation: 71 Golden Gate Circle, Port Orange, FL 32129
Code Officer: Dennis Boehmer
First Notified: 08/16/2018

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 and

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.

Dennis Boehmer, 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 repeat violation was to be corrected immediately by mowing the entire property to include edging the sidewalk, weed eating, and blowing all yard debris/grass clippings from the roadway and sidewalk back into the yard. Re-inspections were conducted on August 28, 2018 and October 8, 2018 and found the property remains in non-compliance.

Mr. Boehmer recommended the property owners be found in repeat violation of the above referenced code. The City requested the authority to abate the violation as this is a health and safety concern. Mr. Boehmer requested any future violations under this ordinance being 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 and found the violation a repeat violation. The City has the right to abate the violations. No daily fine was recommended or awarded. Costs in the amount of \$55.56 were awarded to the City.

C. ORDER IMPOSING FINE/LIEN

7. **CEB Case No.:** 18-887

Respondent: Beacon Coast Investments HOA

Address of Violation: 5467 St. Regis Way, Port Orange, FL 32128

Code Officer: Amanda Bonin

First Notified: 03/05/2018

Compliance: No

Cited for violation(s) - City of Port Orange Land Development Code Chapter 10, Clearing, Grading, and Stormwater Management, Article 2 Stormwater Management, Section 13, Maintenance.

Ms. Pearson requested a continuance of the case. Special Magistrate Fuller granted the continuance request. The case is continued until December 12, 2018.

ADJOURNMENT – 9:28 a.m.


Special Magistrate David Fuller