

**Code Enforcement Hearing
Minutes
December 05, 2018**

Present: D. John Morgeson Jr., Special Magistrate
Debra Knutcher, City Attorney
Officer Brian Pilarski
Melani Beringer, Deputy City Clerk

1. Call to Order/Rules of Procedure

Special Magistrate D. John Morgeson Jr. called the Code Enforcement Hearing to order at 2:05 p.m. He stated that formal rules of evidence do not apply and fundamental fairness will be afforded to all. After hearing all of the relevant evidence a verbal order will be issued which will be reduced to writing and mailed to all participants. The order of the presentation will begin with the City presenting their evidence of the alleged violation(s) and then the Respondent shall present his case. All witnesses offering testimony or presenting evidence will be required to swear or affirm that the testimony they provide is the truth.

2. Administration of Oath to Defendants/Witnesses

Special Magistrate Morgeson asked that anyone who wished to testify to stand and be sworn in by the Clerk. The Clerk administered the oath.

3. Additions, Deletions, Modifications

4. Cases

- A. Case # 8-18-8195
NEW CASE Owner Information: PAULETTE ARATA
Loc. Address: 515 E. LANSDOWNE AVENUE
RE: 9-12 All fences, screen walls, and retaining walls on the premises shall be in a safe and structurally sound condition; 9-29(d)(4) Unoccupied or vacant properties shall have broken windows replaced or repaired; 10.5.6 Any dead or severely damaged plant materials, including trees, shall be replaced by the owner, tenant or agent as part of routine maintenance. 9-10 All exterior wood showing evidence of insect, animal damage, or decay shall be replaced.

Code Enforcement Officer Pilarski presented his case: Mr. Pilarski stated that the above mentioned address is a single family residential property. This property has been found in violation of Orange City Code of Ordinances, *Chapter 9 Property Maintenance, Section 9-12 Fences, screen walls, and retaining walls* on the premises shall be in a safe and structurally sound conditions; *Section 9-29 (d) (4) Abandoned or vacant property.*, shall have broken windows replaced or repaired; *Chapter 10. Development Appearance and Landscaping Standards, Section 10.5.6 Plant material maintenance*, all dead or severely damaged plant materials, including trees, shall be replaced by the owner, tenant or agent as part of routine maintenance. *Chapter 9 Property Maintenance*,

Section 9-10 Foundations, walls, roofs, and chimneys. Exterior wood showing evidence of insect, animal damage, or decay shall be replaced.

Recommendation: Staff recommends the Magistrate find the property owner in violation of the Orange City Code of Ordinance *9-12, 9-29(d) (4), 10.5.6 and 9-10* with compliance by February 2, 2019 or a fine of \$250 a day until compliance is met. Compliance can be met by fixing the fences, fixing damaged exterior wood, fixing broken windows, and replace or remove dead plants/trees.

The Magistrate closed the public hearing. Mr. Morgeson finds the Respondent is in violation of Orange City Code as cited. The Respondent shall correct the violations by taking the remedial action as set forth in the notice of violation. If Respondent fails to timely correct the violations by February 5, 2019 a fine of \$250.00 will accrue for that any such violation exists after such date. Respondent is further ordered to contact Orange City Code Enforcement to verify compliance with this order as may be necessary hereafter.

It is further ordered that the violations present a serious threat to the public health, safety and welfare and it is ordered that, by copy of this order, Orange City be notified of said condition pursuant to Sections 162.06(4) and 162.09(1), Florida Statutes.

B. Case # 6-18-8141
NON COMPLIANCE, LIEN HEARING Owner Information:
JIMMY STEVENS
Loc. Address: 346 W. UNIVERSITY AVENUE
RE: 9-8 (grass/ weeds above the 12 inch max), 9-8 (maintenance of property)

Code Enforcement Officer Pilarski presented his case: Mr. Pilarski stated that the above mentioned address has been found in violation of Orange City Code of Ordinances *Chapter 9 Property Maintenance, Section 9-8 Local Supplement to the 2012 International Property Maintenance Code*, vegetation in excess of 12', and *Section 9-9 Maintenance of property*.

Recommendation: Staff recommends the Magistrate find the property owner in violation of the Orange City Code of Ordinance as cited above and fine of \$9,000 thru this date and continuing until full compliance is met. An assessed fee of \$135.75 payable to the City of Orange City for equipment and labor related to removing debris from property adjacent to roadway. Compliance can be met by removing any yard debris, and maintaining vegetation to under 12" and maintain property on a regular schedule.

The Magistrate closed the public hearing. Mr. Morgeson ordered that based upon the foregoing findings of fact and conclusion of law, it is hereby ordered that the respondent shall correct the violations by taking the remedial action as set forth in the notice of violation. If Respondent fails to timely correct the violation by October 5, 2018 a fine \$150 will accrue for each day that the violations exist after such date. Respondent is further ordered to contact City Code Enforcement to verify compliance with this order as may be necessary hereafter.

C. Case # 11-18-8315
NEW CASE-REPEAT OFFENDER Owner Information;
LDGOCFL, LLC

Loc. Address: 676 S. VOLUSIA AVE

RE: 6-7 (Duty to place garbage in cans); 9-8 (grass/ weeds above the 12 inch max), 9-8 (maintenance of property)

Code Enforcement Officer Pilarski presented his case: Mr. Pilarski stated that the property listed above has been found in violation of Orange City Code of Ordinance, *Chapter 6, Section 6-7. Duty to place garbage in cans, Chapter 9 Property Maintenance, Section 9-8 Local supplement to the 2012 International Property Maintenance Code.*, vegetation in excess of 12”.

Alen Garrett, Greatbirch Dr. Ocoee, District Manager for Dollar General, stated he has been in contact with the store managers. Mr. Garrett stated that the property has been addressed as of this morning.

The Magistrate noted that these violations have been in effect since 2015. This is considered a repeat violation. The City has asked that this be recognized as a repeat violation.

Mr. Garrett stated that the property has been addressed as of this morning and will be brought into compliance by December 12, 2018.

Recommendation: Staff recommends the Magistrate find the property owners in violation of the Orange City Code of Ordinances as cited above, with a compliance date of December 12, 2018 or a fine of \$250 a day until compliance is met. Compliance can be met by cleaning up any debris or trash on property, and trim weeds/grass/vegetation to under 12” requirement and address these concerns on a regular basis.

The Magistrate closed the public hearing. Mr. Morgeson found the Respondent is in violation of the above stated ordinance. Mr. Morgeson ordered that the respondents correct the violations by taking the remedial action as set forth in the notice of violation. If Respondent fails to timely correct the violations by December 12, 2018, a fine of \$250 will accrue for any such violation that exists after such date. Respondent is further ordered to contact City Code Enforcement to verify compliance with this Order as may be necessary hereafter.

D. CASE# 9-18-8240

NEW CASE Owner Information: ORA FUEL LLC

Loc. Address: 885 S. Volusia Ave

RE: 5-2 (Work without a permit)

Code Enforcement Officer Pilarski presented his case: Mr. Pilarski stated that the above stated property has been found in violation of *Orange City Code of Ordinances, Chapter 5, Buildings, Housing and Structural Requirements, Section 5-2 Local supplement to the Florida Building Code.*, and *Section 105.1 Permits Required (FBC)* work without a permit.

Recommendation: Staff recommends the Magistrate find the property owners in violation of the Orange City Code of Ordinance cited above. Compliance can be met by obtaining any and all permits and inspections for work that has commenced, and to be completed, March 05, 2019 or a fine of \$150 per day until compliance is met after that date.

The Magistrate closed the public hearing. Mr. Morgeson found the Respondent is in violation of the above stated Ordinance. He ordered that Respondent shall correct the violation by taking the

remedial action as set forth in the Notice of Violation. If respondent fails to timely correct the violation by March 05, 2019 a fine of \$150 will accrue until compliance is met. Respondent is further ordered to contact Orange City Code Enforcement to verify compliance with this order.

E. CASE# 8-18-8209

NEW CASE Owner Information: PAAVOLA JOUKO

Loc. Address: 150 Miller Rd

RE: 9-17(B) (Accumulations constituting public nuisance)

Code Enforcement Officer Pilarski presented his case: Mr. Pilarski stated that the above stated property has been found in violation of *Orange City Code of Ordinance Article III. – Exterior Premises and Vacant Land, Charter 9, Section 9-17 (B) Accumulations of vegetation prohibited.* constituting a public nuisance.

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Recommendation: Staff recommends the Magistrate find the property owners in violation of the Orange City Code of Ordinance cited with a compliance date of December 12, 2018 or a fine of \$150 a day until compliance is met. Compliance can be met by cleaning up any and all garbage/debris/trash from the property.

Robert Scott, Fire Marshall, came forward to state that the fires set on the property were indeed a threat to the community.

The Magistrate closed the public hearing. Mr. Morgeson found the Respondent is in violation of the above stated ordinance. Based upon the foregoing findings of fact and conclusion of law, it is hereby ordered that Respondent shall correct the violation by taking the remedial action as set forth in the notice of violation. If Respondent fails to timely correct the violation by December 12, 2018 a fine of \$150 will accrue until compliance is met. Respondent is further ordered to contact City Code Enforcement to verify compliance with this order.

F. Case# 5-18-8097

NONCOMPLIANCE/LIEN HEARING Owner

Information: SHERYL LYNN BAUDER

Loc. Address: 314 E. Cherokee Ave

RE: 12.5-2(a) (Right of way maintenance); 9-8 9-8 (grass/weeds above the 12 inch max); 9-8 (Maintenance of property)

Code Enforcement Officer Pilarski presented his case: *Chapter 9 Property Maintenance, Section 9-8 Local Supplement to the 2012 International Property Maintenance Code*, vegetation in excess of 12', and *Chapter 12.5 Right-of-way Maintenance Section 12.5-2(a)*.

Recommendation: Staff recommends the Magistrate find the property to be in non-compliance and impose a lien against the property for \$8,400 as of this date and accruing at \$150 a day until the property comes into full compliance. Compliance can be met by cleaning up and yard debris and/or trash, maintaining grass, weed, vegetation to within 12" and maintain the right of way on a regular basis.

The Magistrate closed the public hearing. Mr. Morgeson ordered that an administrative fine is imposed for 58 days of non-compliance beginning October 9, 2018 through and including December 5, 2018 for a total amount currently owed of \$8,700 against respondent and which amount will continue to increase daily until verification of compliance has been established.

Debra Knutcher, City Attorney came forward and noted that in reference to case number # 8-18-8195. The City is not establishing a precedent of not assessing fines from the date that the repeat violation was first noticed. Ms. Knutcher noted that she has not had an opportunity to communicate with Officer Pilarski about the repeat violation.

The Magistrate responded that there was no assumption for that to be the case.

It was decided to postpone the Code meeting in December due to the holiday.

Adjournment

There being no further cases to discuss, the hearing was adjourned at 3:00 p.m.