

Code Enforcement Hearing
Minutes
January 06, 2021

Present: D. John Morgeson Jr., Special Magistrate
Debra Babb-Knutcher, City Attorney
Officer Carrie Long
Melani Beringer, City Clerk
Kaley Burleson, 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/her 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 instructed the audience members 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 # 09-20-08945
New Case
Owner Information: All Terrain Tractor Service
Loc. Address: 1035 Shadick Drive
RE: 11.1 (trees declared), 12.2 (storm water permit required), 5.1
(development of land without permit)

Carrie Long, Code Enforcement officer, stated that Parcel # 8011-12-00-0110 address of 1035 Shadick Drive is a vacant commercial property. This property has been found in violation of Orange City Code of Ordinances 5-1 Development of land without valid permit, 12.2 Storm water permit required and 11.1 Trees are declared beneficial resources.

Staff's Recommendation: Ms. Long stated that staff recommends the Magistrate find the property owner(s) in violation of the Orange City Code of Ordinance 5-1 Development of land without valid permit, 12.2 Storm water permit required and 11.1 Trees are declared beneficial resources. Compliance by April 6, 2021 or a fine of \$250.00 a day will accrue until compliance is met. Compliance can be met by obtaining required permitting with satisfactory routine inspections until a final of all permits is obtained.

James Crow, 949 Shadick Dr., owner of All Terrain Tractor Services stated that he is in agreeance with the code violations.

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 Respondent, ALL TERRAIN TRACTOR SERVICE, INC., 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 on or before April 15, 2021 a fine of TWO HUNDRED-FIFTY DOLLARS (\$250) will accrue for each day that any such violation exists after such date. Respondent is further ordered to contact Code Enforcement to verify compliance with this Order as may be necessary hereafter.

B. Case # Case # 09-20-08946

New Case

Owner Information: All Terrain Tractor Service

Loc. Address: 1043 Shadick Drive

RE: 11.1 (trees declared), 12.2 (storm water permit required), 5.1 (development of land without permit)

Ms. Long stated that Parcel # 8011-12-00-0110 address of 1043 Shadick Drive is a vacant commercial property. This property has been found in violation of Orange City Code of Ordinances 5-1 Development of land without valid permit, 12.2 Storm water permit required and 11.1 Trees are declared beneficial resources.

Staff's Recommendation: Ms. Long stated that staff recommends The Magistrate find the property owner(s) in violation of the Orange City Code of Ordinance 5-1 Development of land without valid permit, 12.2 Storm water permit required and 11.1 Trees are declared beneficial resources. Compliance by April 6, 2021 or a fine of \$250.00 a day will accrue until compliance is met. Compliance can be met by obtaining required permitting with satisfactory routine inspections until a final of all permits is obtained.

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 Respondent, ALL TERRAIN TRACTOR SERVICE, INC., 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 on or before April 15, 2021 a fine of TWO HUNDRED-FIFTY DOLLARS (\$250) will accrue for each day that any such violation exists after such date. Respondent is further ordered to contact Code Enforcement to verify compliance with this Order as may be necessary hereafter.

C. Case # 08-20-08925

Owner Information; Nancy Church

Loc. Address: 105 W. Elm Drive

RE: 5-2 (fence erected without permit)

Ms. Long stated that Parcel # 8015-04-00-0600 address of 105 Elm Drive is a residential property. This property has been found in violation of Orange City Code of Ordinances 5-2 Structure erected without permit (fence).

Staff's Recommendation: Ms. Long stated that staff recommends The Magistrate find the property owner(s) in violation of the Orange City Code of Ordinances 5-2 structure erected without permit with compliance by February 6, 2021 or a fine of \$250.00 a day will accrue until compliance is met. Compliance can be met by obtaining required permit with satisfactory routine inspections until a final permit is obtained.

Nancy Church, 105 Elm Drive, came forward and stated that she agrees with the code violation.

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 Respondent, NANCY CHURCH, 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 on or before February 15, 2021, a fine of TWO HUNDRED-FIFTY DOLLARS (\$250) will accrue for each day that any such violation exists after such date. Respondent is further ordered to contact Code Enforcement to verify compliance with this Order as may be necessary hereafter.

E. Case # 08-20-08927

New Case

Owner Information: **Elwood & Dorothy Grizzle,
2017 Grizzle Family Trust**

Loc. Address: 2301 E Graves Avenue

RE: 11.4 (tree removal), 12.5-2 (right of way maintenance), 8.7.11 (trailer and recreational vehicle expired tag), 9-8 (exterior property maintenance), 9-1 (grass/ weeds over 12 inches), 5-2 (structures erected without permits)

Ms. Long stated that Parcel # 8106-07-01-0010 address of 2301 E Graves Avenue is a commercial property consisting of a mobile home park. This property has been found in violation of Orange City Code of Ordinances 5-2 Structure erected without permit, 11.4 Tree removal without permit, 9-8 grass and weeds over 12 inches and 9-8 exterior property maintenance.

Staff's Recommendation: Ms. Long stated that staff recommends The Magistrate find the property owner(s) in violation of the Orange City Code of Ordinance 5-2 Structure erected without permit, 11.4 Tree removal without permit, 9-8 grass and weeds over 12 inches and 9-8 exterior property maintenance with compliance by March 6, 2021 or a fine of \$250.00 a day will accrue until compliance is met. Compliance can be met by removing erected unpermitted structures or obtaining required permit with satisfactory routine inspections until a final of permit is obtained proceeding with the PUD application, removing all trash and cut all grass/weeds above the twelve inch maximum.

Edward Diamond, Property Manager of Sunset Mobile Home Park, 2301 E. Graves Ave., came forward on behalf of the respondent. He stated that the residents of the park are not cooperating with the lawn requirements of the mobile home park. Mr. Diamond stated that the respondents are working with CNL to obtain a permit for the tree removal.

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 Respondent, ELWOOD & DOROTHY GRIZZLE FAMILY TRUST, shall correct the violations by taking the remedial

action as set forth in the notice of violation. If Respondent failed to timely correct the violations on or before March 15, 2021, a fine of TWO HUNDRED-FIFTY DOLLARS (\$250) will accrue for each day that any such violation exists after such date. Respondent is further ordered to contact Code Enforcement, to verify compliance with this Order as may be necessary hereafter.

Adjournment

There being no further cases to discuss, the hearing was adjourned at 2:32 p.m.