

**Code Enforcement Hearing
Minutes
March 03, 2021**

Present: D. John Morgeson Jr., Special Magistrate
Officer Carrie Long
Kaley Burleson, Deputy City Clerk

Telephonically Present: Debra Babb-Knutcher, City Attorney

1. Call to Order/Rules of Procedure

Special Magistrate D. John Morgeson Jr. called the Code Enforcement Hearing to order at 2:00 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 Deputy Clerk. The Deputy Clerk administered the oath.

3. Additions, Deletions, Modifications

4. Cases

- A. Case # 09-20-8949
New Case
Owner Information: Robert Boyd
Loc. Address: 531 Lakeview Avenue
RE: 5-2 unsafe structure, 5-2 permit required, 9-8 grass/ weeds

Carrie Long, Code Enforcement officer, stated that Parcel # 8011-08-28-0032, address of 531 Lakeview Avenue, is a residential property with a single family residence. This property has been found in violation of Orange City Code of Ordinances 5-2 (105.1) Permit required for renovations or demolition, 5-2 (115.1) Unsafe structures and 9-8 (302.4) Grass/weeds above the allotted 12 inch maximum.

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 (105.1), 5-2 (115.1) and 9-8 (302.4) with compliance by March 10, 2021 for Ordinance 9-8 and June 03, 2021 for either of the 5-2 Ordinances or a fine of \$250 a day will accrue until compliance is met. Compliance can be

met by obtaining required permitting with satisfactory routine inspections and all grass and weeds to be cut below the allotted 12 inch maximum.

Robert Boyd, 356 W. French Avenue, owner of 531 Lakeview Avenue, came forward to state that he had the misfortune of a tree falling on the home located at 531 Lakeview Avenue. Mr. Boyd stated that he did not have adequate insurance and had to hire a contractor to remove the tree from the structure.

Mr. Boyd reported that he hired a contractor (Sunshine Construction and Restoration, Inc.) to repair the structure. Mr. Boyd stated that the contractor has contacted him and stated that they were having trouble obtaining a permit due to the structure not being built to current code requirements. He stated that the contractor recommended to demolish and completely rebuild the structure or to sell the property. Mr. Boyd stated that the property is currently under a sales contract with a possible closing date of March 12, 2021.

Mr. Morgeson inquired if the buyer was aware of today's proceedings. Mr. Boyd replied that the buyer is aware and the property is being sold "as-is".

Mr. Boyd stated that he has been working on correcting the high grass and weeds.

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, Robert H. Boyd, shall correct the violation of grasses, weeds and vegetation in excess of twelve inches (12") by taking the remedial action as set forth in the notice of violation. If Respondent fails to timely correct the violation on or before March 12, 2021, a fine of ONE HUNDRED DOLLARS (\$100) will accrue for each day that the violation exists after such date. Respondent is further ordered to contact Officer Carrie Long, Orange City Code Enforcement Officer, at (386) 775-5476, to verify compliance with this Order as may be necessary hereafter.

Mr. Morgeson ordered that based upon the foregoing Findings of Fact and Conclusion of Law, it is hereby ORDERED that Respondent, Robert H. Boyd, shall correct the violations regarding Unsafe Structure and obtaining necessary Permits as required, as more fully set out above, by taking the remedial action as set forth in the notice of violation. If Respondent fails to timely correct these violations on or before June 3, 2021, Petitioner shall schedule a hearing before the Magistrate at the earliest opportunity, to consider the imposition and amount of any fine to otherwise be assessed if compliance has not been timely achieved by Respondent, or his successor. Respondent is further ordered to contact Officer Carrie Long, Orange City Code Enforcement Officer, at (386) 775-5426, to verify compliance with this Order as may be necessary hereafter.

Adjournment

There being no further cases to discuss, the hearing was adjourned at 2:29 p.m.