

CITIZENS CODE ENFORCEMENT BOARD

NOTICE OF HEARING

MAY 20, 2008

Members:

Carol Kerrigan (Chairperson)
John Shelby (Vice Chairperson)
Michael Slayton
Jay Crocker
P.J. (Pat) Arvidson
Keith Gerhartz
Ken Taylor

THIS SHALL SERVE AS YOUR OFFICIAL NOTIFICATION of a hearing of the Citizens Code Enforcement Board, to be held on TUESDAY, MAY 20TH, 2008 at 4:30 P.M. in the **DEBERRY ROOM, 3RD FLOOR, UTILITIES COMMISSION, 200 CANAL STREET,** New Smyrna Beach, Florida, for consideration of the following:

Carol Kerrigan, Chairperson
John Shelby, Vice Chairperson
Citizens Code Enforcement Board

I. ROLL CALL:

II. DISCLOSURE OF EX PARTE COMMUNICATIONS:

Members of the Citizens Code Enforcement Board are asked to please disclose, for the record, the substance of any ex parte communications that have occurred prior to this public hearing.

III. APPROVAL OF MINUTES:

April 15th, 2008

IV. SWEARING OF CITY STAFF:

V. CASES IN COMPLIANCE WITH THE BOARD'S ORDER:

C2007-0396: Joey Price 605 Downing [SERVED]

Permitting or causing to be permitted a building to exist that has not been maintained in good repair, is no longer structurally sound and sanitary and poses a threat to the public health, safety and welfare in violation of §108.1.1 of the International Property Maintenance Code, 1998 Edition.

August 21, 2007: The Board found the property in non-compliance and continued the case the 16th day of October 2007.

October 16, 2007: The Board continued this case until the 13th day of November 2007.

November 13, 2007: The Board continued this case until the 15th day of January 2008.

January 15, 2008: The Board gave Joey Price until the 20th day of May 2008 to bring the property into compliance or face a fine of \$250.00/day for each and every day Mr. Price fails to comply.

C2007-0691: Tiro Beachwear, Inc. Saxon Dr. – vacant lot [SERVED]

Permitting or causing to be permitted weeds and undergrowth upon the subject property in violation of §38-111. of the City Code of Ordinances.

March 18, 2008: The Board found Tiro Beachwear, Inc. in non-compliance and gave the owner until the 2nd day of April to bring the property into compliance or face a fine of \$100/day.

C2007-0813: Carol C. Lukban 213 Crawford Road [SERVED]

A) Permitting or causing to be permitted construction without the required permits in violation of §26.171. of the City Code of Ordinances.

B) Permitting or causing to be permitted business operation (2 or more rental units)

without having paid the business license tax in violation of §74-146 of the City Code of Ordinances.

- C) Permitting or causing to be permitted an accessory structure to exist that has not been maintained in good repair in violation of §302.7 of the International Property Maintenance Code, 1998 Edition.

February 19, 2008: The Board made the motion to continue this case until the 18th day of March, 2008.

March 18, 2008: The Board made a motion to find the property in non-compliance and gave Ms. Lukban until the 15th day of April to comply with the Board's order or face a fine of \$100/day.

C2008-0124: Charles Sutherland 400 Lincoln Ave. [SERVED]

Permitting or causing to be permitted construction without the required building permit in violation of §26-171. of the City Code Of Ordinances.

April 15, 2008: The Board found the property in violation and gave the respondent until the 15th day of May to get the required permit(s) or face a fine of \$250 per day for each and every day the permit(s) have not been obtained.

VI. OLD BUSINESS:

C2006-0139: Ocean Palms Beach Club, Inc. [SERVED]

Violation of §303.1 of the International Property Maintenance Code, 1998 Edition by permitting or causing to be permitted the exterior of the buildings have not been maintained in good repair, is no longer structurally sound and sanitary and poses a threat to the public health, safety and welfare located at 2601 S Atlantic Avenue.

Violation of §303.2 of the International Property Maintenance Code, 1998 Edition by permitting or causing to be permitted the exterior wood surfaces of the buildings have not been protected from the elements and decay by painting or other protective covering or treatment located at 2601 S Atlantic Avenue.

Violation of §303.4 of the International Property Maintenance Code, 1998 Edition by permitting or causing to be permitted structural members have deteriorated and are no longer capable of supporting the imposed dead and live loads located at 2601 S Atlantic Avenue.

Violation of §303.5 of the International Property Maintenance Code, 1998 Edition by permitting or causing to be permitted the foundation walls are no longer plumb and have open cracks located at 2601 S Atlantic Avenue.

Violation of §303.6 of the International Property Maintenance Code, 1998 Edition by permitting or causing to be permitted the exterior walls have not been kept free from

holes, breaks, loose or rotting materials and maintained weatherproof and properly coated to prevent deterioration located at 2601 S Atlantic Avenue.

Violation of §303.7 of the International Property Maintenance Code, 1998 Edition by permitting or causing to be permitted the roofs have not been maintained which causes the interior to be exposed to the elements including rain that is causing deterioration to the interior of the building located at 2601 S Atlantic Avenue.

Violation of §303.11 of the International Property Maintenance Code, 1998 Edition by permitting or causing to be permitted the exterior stairs and landing are no longer structurally sound located at 2601 S Atlantic Avenue.

Violation of §304.1 of the International Property Maintenance Code, 1998 Edition by permitting or causing to be permitted the interior of the building is no longer structurally sound and unsanitary located at 2601 S Atlantic Avenue.

Violation of §304.3 of the International Property Maintenance Code, 1998 Edition by permitting or causing to be permitted the interior surfaces, including windows and doors, are no longer in good, clean and sanitary condition located at 2601 S Atlantic Avenue.

July 18, 2006: The Board found Ocean Palms Beach Club, Inc. in violation and gave them 30-days to secure the buildings and grounds including but not limited to: roofs, decks, windows, fencing and balconies and continued this case to the August 15, 2006 hearing.

August 15, 2006: The Board continued this case to the October 17, 2006, hearing for review.

October 17, 2006: The Board continued this case to the January, 16, 2007, hearing for review.

January 16, 2007: The Board made a motion to give Ocean Palms Beach Club, Inc. until the February 20, 2007 hearing to secure the buildings and grounds including but limited to roofs, decks, windows, fencing, balconies, soffits and to contract with a professional pest control company to remove and treat vermin issues, as well as submit a report on their plan of action to either renovate or demolish the structure with representation from the City Building Department to provide and concur with the feasibility of the plan of action and a timeline to be completed or face a fine of \$250.00 per day for each and every day this property remains in violation.

February 20, 2007: The Board found the subject property had been brought into substantial compliance such that the \$250.00 per day fine would not be imposed. The Board referred the case to the Building Department for enforcement through the Unsafe or Dilapidated Structures Ordinance and the Building and Trades Board.

November 13, 2007: The Board gave Ocean Palms Beach Club, Inc. 3 weeks to obtain the permits or face a \$250.00 fine per day for each day they do not have the permit. The Board gave Ocean Palms Beach Club, Inc. 150 days from 11/13/07 today to secure the violations or face a fine of \$250.00 per day for each and every day the violations exist.

April 15, 2008: The Board continued the case per the respondent's request until the 20th day of May, 2008.

Fine Totals:

Nine thousand seven hundred and fifty dollars (\$9,750.00) for a total of 39 days, April 11 – May 20, 2008.

C2007-0003: Clariece Everett 507 N. Duss Street [POSTED]

Permitting or causing to be permitted a vacant structure to exist, which has not been maintained in a clean, safe, secure, and sanitary condition thereby adversely affecting the public health and safety, in violation of §301.3 of the International Property Maintenance Code, 1998 Edition.

January 15, 2008: The Board found the subject property in non-compliance and gave the respondent until the 7th day of March, 2008 to bring the property into compliance or face a fine of \$250.00/day for each and every day the violation exist.

April 15, 2008: The Board continued the case until the 20th day of May, 2008.

Fine Totals:

Eighteen thousand five hundred dollars (\$18,500.00) for a total of 74 days, March 8 – May 20, 2008.

NEW BUSINESS:

C2007-0178: Sunset Marine 100 Donlon Drive St. [SERVED]

Permitting or causing to be permitted construction (boat dock cover) without the required permit in violation of §26-171. of the City Code of Ordinances.

C2007-0179: Sunset Marine 101 Due East [SERVED]

Permitting or causing to be permitted construction (boat dock cover) without the required permit in violation of §26-171. of the City Code of Ordinances.

C2007-0595: Sean & Jessica Pichelman 2504 S. Atlantic Ave. [SERVED]

Permitting or causing to be permitted a business operation (2 or more rental units) without having paid the business license tax in violation of §74-146. of the City Code of Ordinances.

Case withdrawn by City staff.

C2008-0259: Carol Ann Felber, Etal 700 Wayne Avenue [POSTED]

Permitting or causing to be permitted construction (installation of windows and enclosed garage) without the required permits in violation of §26-171. of the City Code of Ordinances.

C2008-0264: Frederick Reid, Jr. 602 N. Atlantic Ave., Bldg. 2 [SERVED]

Permitting or causing to be permitted an occupied building to exist with electrical outlets and fixtures, electrical wiring and equipment that has not been properly maintained and connected to a power source in violation of §304 of the Standard Housing Code, 1997 Edition.

REPEAT BUSINESS:

None

DISCUSSION:

Code Board Procedures

ADJOURNMENT:

Pursuant to Florida statute 286.0105, if an individual decides to appeal any decision made by the Citizens Code Enforcement Board with respect to any matter considered at this hearing, a record of the proceedings will be required and the individual will need to ensure that a verbatim transcript of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based. Such person must provide a method for recording the proceedings.

In accordance with the Americans with Disabilities Act (ADA), persons needing assistance to participate in any of these proceedings should contact the Administrative Specialist of the Citizens Code Enforcement Board listed below prior to the hearing:

Claudia Soulie
Administrative Specialist
% City Hall
210 Sams Avenue
New Smyrna Beach, FL 32168-9985
Telephone: 386.424.2265
Fax: 386.424.2148