

CITIZENS CODE ENFORCEMENT BOARD

NOTICE OF HEARING

August 15th, 2006

Members:

Michael E. Slayton (Chairperson)

John Shelby (Vice Chairperson)

Maggie Hawk

Jay Crocker

Elliott Hoffman

Susan Ellis

Carol Kerrigan

THIS SHALL SERVE AS YOUR OFFICIAL NOTIFICATION of a hearing of the Citizens Code Enforcement Board, to be held on TUESDAY, AUGUST 15TH, 2006 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:

Michael E. Slayton, Chairperson
Citizens Code Enforcement Board

ROLL CALL

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.

APPROVAL OF MINUTES

July 18th, 2006

SWEARING OF CITY STAFF:

ADDENDUM:

OLD BUSINESS:

C2005-0571: TT of NSB, Inc. C/O New Smyrna Chrysler Jeep Dodge [Served]

Violation of §604.05 I. by failing to maintain the landscaped areas and irrigation systems in perpetuity and by permitting nine (9) replacement trees to die within the first year of planting at 1300 N. Dixie Freeway.

November 15, 2005: The Board found this case in violation and continued this case until January 17, 2006.

January 17, 2006: The Board continued this case until April 18, 2006.

April 18, 2006: The Board continued this case until July 18, 2006.

July 18, 2006: The Board continued this case until August 15, 2006.

C2006-0098: Arthur J. Sullivan, Jr.

[Served]

Violation of §38-113 of the City Code of Ordinances by permitting or causing to be permitted discarded and abandoned building materials, boat motors, machinery, waste material and trailers upon the subject property located at 306 Winefred Avenue.

Violation of §70-38 of the City Code of Ordinances by permitting or causing to be permitted discarded and abandoned building materials, boat motors, machinery, waste material, trailers, recreational equipment and a vehicle in excess of one (1) ton rated capacity obstructing and encroaching upon a public street located at 306 Winefred Avenue.

Violation of §802.03 D. of the Land Development Regulations by permitting or causing to be permitted a truck in excess of one (1) ton rated capacity to be parked in a residentially zoned district (R2) located at 306 Winefred Avenue.

Violation of §802.04 of the Land Development Regulations by permitting or causing to be permitted the storage of more than two (2) pieces of recreational vehicles upon the subject property located at 306 Winefred Avenue.

March 21, 2006: The Board continued this case until April 18, 2006.

April 18, 2006: The Board found Mr. Sullivan in violation of §38-113 of the City Code of Ordinances and §70-38 of the City Code of Ordinances. The Board continued the case regarding §802.03 D. of the Land Development Regulations until July 18, 2006. The Board found Mr. Sullivan in compliance with §802.04 of the Land Development Regulations.

July 18, 2006: The Board found Mr. Sullivan in violation of §38-113 of the City Code of Ordinances, §70-38 of the City Code of Ordinances and §802.03 D. of the Land Development Regulations and gave him until August 15, 2006 to bring the property into compliance or pay a fine of \$50.00 per day for each and every day the said violations continue.

C2006-0107: Keith G. Schultz

[Served]

Violation of §38-31 of the City Code of Ordinances by permitting or causing to be permitted storage of inoperable vehicles upon the subject property located at 2549 Crestwood Avenue.

Violation of §38-111 of the City Code of Ordinances by permitting or causing to be permitted discarded and abandoned waste material and weeds and undergrowth upon the subject property located at 2549 Crestwood Avenue.

April 18, 2006: The Board found this case in violation and gave Mr. Schultz fifteen (15) days to come into compliance or face a fine of \$50.00 per day for each and every day this case is not in compliance after May 3, 2006. The fine calculated to date totals \$650.00 for a total of thirteen (13) days.

May 16, 2006: The Board continued this case until July 18, 2006. The fine calculated to date totals \$3,150.00 for a total of seventy-six (76) days.

July 18, 2006: The Board continued this case until August 15, 2006. The fine calculated to date totals \$5,200.00 for a total of one hundred four (104) days.

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 to deteriorate to such an extent that they are no longer in good repair, no longer structurally sound and

sanitary and poses a threat to 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 exterior wood surfaces of the buildings that 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 structures to exist with structural members that 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 structures to exist with foundation walls that 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 structures to exist with exterior walls that 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 structures to exist with roofs that 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 structures to exist with exterior stairs and landing that 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 structures to exist with the interior of the buildings that 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 structures to exist with interior surfaces, including windows and doors, that 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 of all charges and gave them thirty (30) days to secure the buildings and grounds

including but not limited to: roofs, decks, windows, fencing and balconies and appear back before the Board August 15, 2006.

C2006-0276: Diana Williams

[Served]

Violation of §74-146 of the City Code of Ordinances by permitting or causing to be permitted a business operation (Diana Williams, Real Estate Agent) without having paid the occupational license tax located at Weichert Realtor®, 301 Flagler Avenue.

July 18, 2006: The Board continued this case until August 15, 2006.

NEW BUSINESS:

C2006-0164: Paul Czajkowski, TTEE

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Violation of the 1998 International Property Maintenance Code by permitting or causing to be permitted a residential structure to exist that is unsafe and unsanitary constituting a hazard to safety and health by reason of inadequate maintenance as follows located at 208 Douglas Street:

- §303.2 Permitting or causing to be permitted exterior wood surfaces to exist that have not been properly protected from the elements and decay by painting or other protective treatments.
- §303.14 Permitting or causing to be permitted windows to exist in a dwelling unit that have not been maintained in a safe, sanitary and sound working conditions.
- §303.16 Permitting or causing to be permitted exterior doors to exist that are not weathertight, watertight and rodent proof and in sound working condition.
- §604.3 Permitting or causing to be permitted an electrical system to exist in a structure that constitutes a hazard to the occupants or structure by reason of inadequate service, improper fusing, insufficient outlets, improper wiring or installation.

C2006-0514: Eva Mae Hines Kennon

[Served]

Violation of §301.3 of the International Property Maintenance Code, 1998 Edition by 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 located at 730 S Duss Street.

C2006-0516: Eva Mae Hines Kennon

[Served]

Violation of §301.3 of the International Property Maintenance Code, 1998 Edition by 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 located at 734 S Duss Street.

C2006-0518: Robert O. Cory

[Served]

Violation of §90-149 of the City Code Of Ordinances by permitting or causing to be permitted an abandoned vessel in the waterway located at the Intracoastal Waterway (Indian River) South of the South Causeway.

REPEAT BUSINESS:

DISCUSSION:

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:

Inga Campbell
Administrative Specialist
% City Hall
210 Sams Avenue
New Smyrna Beach, FL 32168-9985
Telephone: 386.424.2242
Fax: 386.424.2143