



**CITY OF SOUTH DAYTONA
SPECIAL MASTER CODE ENFORCEMENT
Minutes**

August 11, 2022 at 9:00 AM
CITY COUNCIL CHAMBERS
1672 S. Ridgewood Avenue, South Daytona, Florida

SPECIAL MASTER: Attorney Matthew Branz, Esquire

STAFF:

Josh McEnany, Code Compliance Manager, Beverly Abrahamson, Code Compliance Officer, Matt Miavez, Code Compliance Officer, Becky Witte, Deputy City Clerk

I. **CALL TO ORDER:** Special Master Matthew Branz called the City of South Daytona's Special Master Code Enforcement Hearing to Order at South Daytona's City Hall, City Council Chambers, 1672 S. Ridgewood Ave, South Daytona, Florida at 9:00 am.

II. PLEDGE OF ALLEGIANCE.

Special Master Branz welcomed those in attendance to the City of South Daytona Code Enforcement Special Master hearing. He said that today's proceedings are quasi-judicial in nature. Formal rules of evidence do not apply, but fundamental due process will be observed and govern all proceedings, he explained. Mr. Branz said that all testimony is under oath and will be recorded. There is no "public comment" portion of these proceedings, and all participants must have an active role in the case such as staff, respondent, and/or a witness, he said.

Special Master Branz continued to explain that at the conclusion of each hearing, he shall issue findings of fact, based on evidence of record and conclusions of law, and shall issue an order affording the proper relief consistent with the powers granted to the Code Enforcement Special Master. The order may include a notice that it must be complied with by a specified date, and that a fine may be imposed, he said.

Special Master Branz advised that if any party decides to appeal any decision made at this meeting, they will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be based, per section 286.0105, Florida Statutes.

III. **APPROVAL OF MINUTES FOR: July 14, 2022.** Attorney Branz approved the minutes with minor modifications/corrections as provided by Deputy City Clerk.

IV. OATHS OF THE CITY OFFICIAL, RESPONDENTS AND WITNESSES:

Executed by Deputy City Clerk, Becky Witte

V. NEW BUSINESS:

Case # 21-000360

Owner: HEIDERSCHIED ROSE A

Location: 1951 PAPAYA DR , SOUTH DAYTONA FL 32119

VIOLATION(S):

1.International Property Maintenance Code 304.1, General

Comments: Mildew on exterior wall of structure.

2.International Property Maintenance Code 304.6, Exterior walls

Comments: Rotting wood on exterior wall of structure.

Status: Non-compliance

Findings of Fact, Conclusions of Law and Order

Josh McEnany, Code Compliance Manager presented the case and requested that the respondent be found in violation.

Respondent, Rose Heiderscheid (1951 Papaya Drive), was in attendance and provide testimony.

Code Compliance Manager Josh McEnany requested to continue the case to September 8, 2022.

Special Master granted the continuance.

Case # 22-000119

Owner: DAVIS HARRIETT E & NANCY A DAVIS

Location: 798 ASPEN DR, SOUTH DAYTONA FL 32119

VIOLATION(S):

1.Florida Building Code 105.1, Permit Required

Comments: Above ground swimming pool and prohibited accessory structure in rear yard.

2.International Property Maintenance Code 302.1, Sanitation

Comments: Properly dispose of all junk, trash and debris.

3.International Property Maintenance Code 302.7, Accessory structures

Comments: Fence is dilapidated.

Status: Non-compliance

Findings of Fact, Conclusions of Law and Order

Beverly Abrahamson, Code Compliance Officer presented the case and requested that the respondent be found in violation.

Respondent was not in attendance.

Special Master Branz found based on the case and testimony presented that the property is found in violation of:

1. City of South Daytona, Code of Ordinances, Article II. Building Code, Section 5-20, Adopting the Florida Building Code. Florida Building Code 105.1, Permit Required.

2. City of South Daytona, Code of Ordinances, Article IX. Housing, Section 5-189, Adopting the International Property Maintenance Code. International Property Maintenance Code Section 302.1: Exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property that such occupant occupies or controls in a clean and sanitary condition.

3. City of South Daytona, Code of Ordinances, Article IX. Housing, Section 5-189, Adopting the International Property Maintenance Code. International Property Maintenance Code Section 302.7: Accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

Pool with electric and plumbing in violation of Florida Building Code 105.1, Permit Required, tree and rotting wood would constitute trash and debris in violation of International Property Maintenance Code Section 302.1 and fence and posts would be in violation of 302.7.

Special Master Branz ordered that the Respondent correct the violation on or before August 29, 2022. If the Respondent fails to comply with this Order, a fine of \$250.00 per day will be imposed for each day the violation continues past the date as prescribed.

A hearing to impose fine will be scheduled for September 8, 2022.

Case # 22-000140 Owner: NOVA FOUNTAIN BUSINESS
Location: 2841 S NOVA RD , SOUTH DAYTONA FL 32119

VIOLATION(S):

1.City of South Daytona Code of Ordinances 5-217 (3), Minimum standards: Nonfunctional elements

Comments: Damaged double pole sign by the road.

2.City of South Daytona Code of Ordinances 7-6(b), Doors and openings shall be closed

Comments: Garbage enclosure is rarely closed and the dumpster does not fit into the enclosure because of all the trash outside of the dumpster.

3.City of South Daytona Land Development Regulations 8.2(D), Signage Permit Required

Comments: Any sign constructed, erected, altered, moved or posted first requires a permit.

4.City of South Daytona Land Development Regulations 8.2(F)(4), Sign maintenance

Comments: Sign by the road needs to be repaired.

Status: Non-compliance

Findings of Fact, Conclusions of Law and Order

Beverly Abrahamson, Code Compliance Officer presented the case and requested that the respondent be found in violation.

Respondent's Property Manager, Justin Guild (1326 S Ridgewood Avenue, Suite 6, Daytona Beach), was in attendance and provide testimony.

Special Master Branz found based on the case and testimony presented that the property is found in violation of:

1. City of South Daytona Land Development Regulations, Sec. 7-6. - Garbage and trash storage facilities and enclosures. (b) Storage facility specifications. The doors and openings of each storage facility shall be closed except during loading and unloading. Failure to keep the storage facility doors and openings closed as prescribed shall constitute a violation of this section. Each storage facility shall have a twelve-foot-wide paved access. The storage facility and enclosure as a combined unit shall be placed directly adjacent to the lane of travel to be used by the collection vehicle. For dumpster collection, the angle of the facility with the land shall allow for a straight-line maneuvering distance of fifty-five (55) feet from the front of the screening. It shall be unlawful to access the storage facility over a yard area without a paved access.

2. City of South Daytona Land Development Regulations Section 8.2(D): Permits required. Any person wishing to construct, erect, alter, move or post a sign in the City of South Daytona shall first secure a permit after submitting plans and specifications to the community development department (hereinafter known as the "department"). An application form provided by the department shall require the applicant to include the following information: size, type, structure, heights, proximity to building, rights-of-way, streets and general location.

3. City of South Daytona Land Development Regulations Section 8.2(F)(4): The sign maintenance standard of the city is that all signs must be kept in good repair, clean, free of rust and flaking paint with unbroken sign faces and functional bulbs; it also means that all signs should be maintained in substantially the same condition as when they were erected; it also means that they shall be kept legible and complete, as well as safe and repaired in a timely manner.

Special Master Branz found the property in violation of City of South Daytona Land Development Regulations Section 8.2(D): Permits required. Any person wishing to construct, erect, alter, move or post a sign in the City of South Daytona shall first secure a permit after submitting plans and specifications to the community development department (hereinafter known as the "department"). An application form provided by the department shall require the applicant to include the following information: size, type, structure, heights, proximity to building, rights-of-way, streets and general location. He finds the property did not reach compliance by the date set by the Notice of Violation but was in compliance on the date of the Hearing.

Special Master Branz ordered that the Respondent correct the violation on or before October 1, 2022. If the Respondent fails to comply with this Order, a fine of \$250.00 per day will be imposed for each day the violation continues past the date as prescribed.

A hearing to impose fine will be scheduled for October 13, 2022.

Case # 22-000151 Owner: MCCUSKEY GEORGE H

Location: 625 AURORA ST, SOUTH DAYTONA FL 32119

VIOLATION(S):

1. International Property Maintenance Code 302.1, Sanitation

Comments: Exterior property debris

2. City of South Daytona Land Development Regulations 7.5(B)(10)(g)(4), Motor vehicle parking limitation on residential property

Comments: Vehicles parking on front yard.

3. City of South Daytona Code of Ordinances 7-9, Facilities at single-family detached and duplex residential

Comments: Not shielded trash containers on property.

Status: Non-compliance

Findings of Fact, Conclusions of Law and Order

Josh McEnany, Code Compliance Manager presented the case and requested that the respondent be found in violation.

Respondent, George McCuskey (625 Aurora Street), was in attendance and provide testimony.

Special Master Branz found based on the case and testimony presented that the property is found in violation of:

1. City of South Daytona, Code of Ordinances, Article IX. Housing, Section 5-189, Adopting the International Property Maintenance Code. International Property Maintenance Code Section 302.1: Exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property that such occupant occupies or controls in a clean and sanitary condition.

2. City of South Daytona Land Development Regulations Section 7.5(B)(10)(g)(4): B. Parking control. 10. Miscellaneous parking regulations. g. Motor vehicle parking limitation on residential property 4. Primary and accessory vehicles are only allowed to be parked on the hard surface (concrete or asphalt pavement) driveway, parkage area as long as the hard surface driveway is not empty, or behind the front plane of the house. These vehicles may be parked in the side yard behind the front plane of the house of a corner lot abutting a street only if they are obscured by a six-foot-tall solid fence installed with the required setback as dictated by this Code. the ground beneath any primary or accessory vehicle parked behind the front plane of the house must be maintained in compliance with city regulations.

3. City of South Daytona Code of Ordinances 7-9, Facilities at single-family detached and duplex residential. At single-family detached and duplex residential properties, garbage and trash storage facilities, including containers for garbage and trash, shall not be allowed in the front or side yards abutting a street or in the public right-of-way except for the day of garbage/trash pickup and between 6:00 p.m. and 12:00 midnight of the preceding day. The location of such garbage and trash facilities and containers, when not set out for the day of pickup, shall be shielded or sheltered by opaque objects or structures in such a manner that they are substantially screened from view from abutting streets; examples of "shielding" or "shelter" include, but are not limited to, bushes, fences, walls, trees, buildings, and enclosures.

Special Master Branz found that the property did not reach compliance by the date set by the Notice of Violation but was in compliance on the date of the Hearing.

If the Respondent repeats the violation within the next five (5) years, the City may request that a Repeat Violation Order be signed by the Special Master at the Special Master Hearing following the occurrence of the repeat violation. Repeat violations can result in a fine as outlined and provided for by law.

Special Master ordered that the Respondent is declared to be in compliance and that pending violation proceedings before the Special Master are concluded with no fines assessed.

Case # 22-000174 **Owner:** SCHMIDT ROBERT R & JEAN M CAPPADORA
Location: 1968 MENDER CIR , SOUTH DAYTONA FL 32119

VIOLATION(S):

- 1.City of South Daytona Code of Ordinances 16-19(13)(a), Rental dwellings BTR required
Comments: Rental dwelling BTR required.
- 2.International Property Maintenance Code 302.1, Sanitation
Comments: Fence panels laying against the house.
- 3.International Property Maintenance Code 302.4, Weeds
Comments: Vines of vegetation growing up the side and rear of the house and the shrubs/plants in the front and side yards are overgrown.
- 4.International Property Maintenance Code 304.2, Protective Treatment
Comments: Staining / discoloration on the house, chimney and shed.
- 5.International Property Maintenance Code 304.3, Address Identification
Comments: House numbers are unidentifiable.

Status: Non-compliance

Findings of Fact, Conclusions of Law and Order

Beverly Abrahamson, Code Compliance Officer presented the case and requested that the respondent be found in violation.

Respondent, Robert Schmidt (1972 Menger Circle), was in attendance and provide testimony.

Special Master Branz found based on the case and testimony presented that the property is found in violation of:

1. City of South Daytona Code of Ordinances Section 16-19 (13) Rental dwellings. a. Local business tax receipt required: It shall be unlawful for any owner of residential property to rent or lease, or offer to rent or lease (throughout this subsection (13) the terms "rent" and "lease" are synonymous; as are the terms "to rent or lease" and "to offer to rent or lease") therein any dwelling or dwelling unit(s), whether single-family, duplex, triplex, multi-family, apartment, condominium, or more than one (1) room, etc., unless a current local business tax receipt therefore has been issued by the city, a copy of which is to be available at the structure in which the dwelling unit(s) is located. There is no requirement for there to be a written lease or any evidence on monetary payment to establish a rental arrangement. A rental arrangement shall be presumed to exist when someone is residing in a residential structure who is not the owner of the property and someone with an ownership interest is also not residing in said structure at the same time.
2. City of South Daytona, Code of Ordinances, Article IX. Housing, Section 5-189, Adopting the International Property Maintenance Code. International Property Maintenance Code Section 302.1: Exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property that such occupant occupies or controls in a clean and sanitary condition.
3. City of South Daytona, Code of Ordinances, Article IX. Housing, Section 5-189, Adopting the International Property Maintenance Code. International Property Maintenance Code Section 302.4: Premises and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.
4. City of South Daytona, Code of Ordinances, Article IX. Housing, Section 5-189, Adopting the International Property Maintenance Code. International Property Maintenance Code Section 304.2: Exterior surfaces, including but not limited to, doors, door and windows frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation statins shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

5. City of South Daytona, Code of Ordinances, Article IX. Housing, Section 5-189, Adopting the International Property Maintenance Code. International Property Maintenance Code Section 304.3 Premises identification. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be not less than 4 inches (102 mm) in height with a minimum stroke width of 0.5 inch (12.7 mm).

Special Master Branz ordered that the Respondent correct the violation on or before September 2, 2022. If the Respondent fails to comply with this Order, a fine of \$150.00 per day will be imposed for each day the violation continues past the date as prescribed.

A hearing to impose fine will be scheduled for September 8, 2022.

Case # 22-000181

Owner: VAN LARSON JEREMIAH

Location: 1719 Caldwell Road, South Daytona, Florida 32119

VIOLATION(S):

1. City of South Daytona Land Development Regulations 7.5(B)(10)(c)(2), Miscellaneous parking regulations MRE

Comments: HAVE BOAT AND TRAILERS MOVED BEHIND THE FRONT PLANE OF THE HOUSE

Status: Non-compliance

Findings of Fact, Conclusions of Law and Order

Josh McEnany, Code Compliance Manager presented the case and requested that the respondent be found in violation.

Respondent was not in attendance.

Special Master Branz found based on the case and testimony presented that the property is found in violation of:

1. City of South Daytona Land Development Regulations Section 7.5(B)(10)(c)(2): Major recreational vehicles and equipment including recreational vehicles, boats, and utility trailers: Major recreational equipment (MRE) may be parked or stored outdoors in a residentially zoned district provided the following conditions are met: MRE may be parked or stored in the rear yard, an enclosed garage, carport, or side yard behind the front plane of the house. The ground beneath any MRE stored behind the front plane of the house must be maintained in compliance with city regulations.

Special Master Branz ordered that the Respondent correct the violation on or before September 5, 2022. If the Respondent fails to comply with this Order, a fine of \$100.00 per day will be imposed for each day the violation continues past the date as prescribed.

A hearing to impose fine will be scheduled for September 8, 2022.

Case # 22-000184

Owner: MONTAGUE KEMP

Location: 2240 Granada Drive, South Daytona FL 32119

VIOLATION(S):

1.International Property Maintenance Code 302.7, Accessory structures
Comments: THE FENCE IS DILAPIDATED AND NOT IN GOOD CONDITION.

Status: Non-compliance

Findings of Fact, Conclusions of Law and Order

Josh McEnany, Code Compliance Manager presented the case and requested that the respondent be found in violation.

Respondent, Kemp Montague, 2230 Granada Drive with Eileen Ledger (as translator), was in attendance and provide testimony.

Special Master Branz continued the case to the September 8, 2022 hearing.

VI. OLD BUSINESS:

Case # 22-000162

Owner: BARNES MICHAEL

Location: 1917 JAMES STREET, SOUTH DAYTONA

VIOLATION(S):

1.International Property Maintenance Code 304.7, Roofs and drainage

Comments: Tarp must be removed from roof

2.International Property Maintenance Code 302.1, Sanitation

Comments: North side of property must be cleaned up. Trash, junk stored on premises

3.International Property Maintenance Code A101.1 , Temporary Storm Shutter

Comments: Wood on window next to AC must be removed

Status: Request Order Imposing Fine/Lien

Josh McEnany, Code Compliance Manager presented that this case came on for public hearing before the Special Master on July 14, 2022, pursuant to the Special Master's Order, titled Findings of Facts, Conclusion of Law and Order, dated July 14, 2022, the property was found in violation.

Based on the testimony and evidence received, the Special Master finds that the property was not in compliance by August 10, 2022. The property remains in violation and accordingly, a fine of \$250.00 per day for violation of the following shall be imposed:

1. City of South Daytona, Code of Ordinances, Article IX. Housing, Section 5-189, Adopting the International Property Maintenance Code. International Property Maintenance Code Section 304.7: The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and down spouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.
2. City of South Daytona, Code of Ordinances, Article IX. Housing, Section 5-189, Adopting the International Property Maintenance Code. International Property Maintenance Code Section 302.1: Exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property that such occupant occupies or controls in a clean and sanitary condition.
3. City of South Daytona, Code of Ordinances, Article IX. Housing, Section 5-189, Adopting the International Property Maintenance Code. International Property Maintenance Code, Appendix A, BOARDING STANDARD, A101.1 General. Windows and doors shall be boarded in an approved

manner to prevent entry by unauthorized persons and shall be painted to correspond to the color of the existing structure. Openings such as doors, windows or other apertures may be temporarily protected up to seven (7) days prior to the projected landfall of any named storm or weather system. Temporary protection must be removed within fourteen (14) days after the storm threat has passed. Materials used to protect or cover the opening can be any material approved for use by the then current edition of the Florida Building Code.

These fines shall begin August 11, 2022 and continue to accrue against the property 1917 James Street, South Daytona, FL 32119 until said property is brought into compliance.

Case # 22-000126 Owner: A P ENTERPRISES OF DAYTONA LLC
Location: 2710 RIDGEWOOD AVENUE, SOUTH DAYTONA

VIOLATION(S):

- 1.City of South Daytona Code of Ordinances 5-217 (1), Minimum standards: Fresh appearance
Comments: Property must be pressure washed and painted to reflect a fresh appearance. Including gas pumps
- 2.City of South Daytona Code of Ordinances 5-217 (7), Minimum standards: Neat and fresh appearance
Comments: Garbage enclosure needs replaced with a vinyl fencing or repairs to existing with consistent material and color. Further, signage is rusting as well as concrete barricades around property. Please have painted
- 3.City of South Daytona Code of Ordinances 5-217 (8), Minimum standards: Parking areas and Vacant lots
Comments: Parking lot must be free of trash debris and weeds
- 4.City of South Daytona Code of Ordinances 5-217 (9), Minimum standards: Landscaping
Comments: Landscaping throughout property must be maintained by cutting mowing edging and trimming on a regular schedule.
- 5.International Property Maintenance Code 302.8, Motor vehicles
Comments: Vehicle on property is in operable with expired tag. Please have the vehicle removed from the property.

Status: Request Order Imposing Fine/Lien

Josh McEnany, Code Compliance Manager presented that this case came on for public hearing on June 16, 2020, pursuant to the Special Master's Order, titled Findings of Facts, Conclusion of Law and Order, dated June 16, 2020, where the property was found in violation. An Order Imposing Fines has not been recorded.

Respondent Rajesh Jani (2710 S. Ridgewood Avenue) was in attendance and provided testimony.

Based on the testimony and evidence received, the Special Master finds that the property was in Compliance by July 19, 2022.

Special Master Branz declared the property to be in compliance and that pending violation proceedings before the Special Master are concluded.

Respondent Rajesh Jani (2710 S. Ridgewood Avenue) requested a Fine Reduction. After the parties agreement to have this issue heard, constituting due notice, the Special Master heard testimony.

Special Master Branz reduced the fine from \$3,500.00 to \$350.00 to be paid on or before September 15, 2022.

NEW BUSINESS (moved to end of agenda)

Property Owners arrived. Special Master recapped the findings of fact for Case # 22-000119

Owner: DAVIS HARRIETT E & NANCY A DAVIS, Location: 798 ASPEN DR, SOUTH DAYTONA FL 32119

VIOLATION(S):

1. Florida Building Code 105.1, Permit Required

Comments: Above ground swimming pool and prohibited accessory structure in rear yard.

2. International Property Maintenance Code 302.1, Sanitation

Comments: Properly dispose of all junk, trash and debris.

3. International Property Maintenance Code 302.7, Accessory structures

Comments: Fence is dilapidated.

Status: Non-compliance

Findings of Fact, Conclusions of Law and Order

Respondents Representative (tenants) Candance Beach and Thomas Davis (798 Aspen Drive) provided testimony.

The Special Master ordered that the Respondent correct the violations of all except Florida Building Code 105.1, Permit Required on or before October 1, 2022. If the Respondent fails to comply with this Order, a fine of \$100.00 per day will be imposed for each day the violation continues past the date as prescribed. If the Respondent fails to comply with this Order, the City is authorized to begin abatement proceedings as outlined below. A hearing to impose fines will be scheduled for October 13, 2022.

The Special Master hereby orders that the Respondent correct Florida Building Code 105.1, Permit Required on or before August 29, 2022. If the Respondent fails to comply with this Order, a fine of \$250.00 per day will be imposed for each day the violation continues past the date as prescribed. If the Respondent fails to comply with this Order, the City is authorized to begin abatement proceedings as outlined below. A hearing to impose fines will be scheduled for September 8, 2022.

Case # 22-000187

Owner: CONFIDENTIAL DATA F.S.119.071

Location: 2930 LANTERN DR , SOUTH DAYTONA FL 32119

VIOLATION(S):

1. International Property Maintenance Code 302.1, Sanitation

Comments: No outside storage of ladders, lawn equipment, planting materials, etc.

2. International Property Maintenance Code 304.2, Protective Treatment

Comments: Exterior walls are required to be maintained with a clean appearance.

3. International Property Maintenance Code 304.6, Exterior walls

Comments: Exterior walls are required to be maintained with a clean appearance.

4. International Property Maintenance Code 308.1, Accumulated rubbish or garbage

Comments: No outside storage of ladders, lawn equipment, planting materials, etc.

Status: Non-compliance

Findings of Fact, Conclusions of Law and Order

Josh McEnany, Code Compliance Manager explained the property record is exempt from public records and the Volusia County Property Appraiser was able to send the notice via certified mail. The hearing notice and notice of violation was also posted on site.

Beverly Abrahamson, Code Compliance Officer presented the case and requested that the respondent be found in violation.

Respondent was not in attendance.

Special Master Branz found based on the case and testimony presented that the property is found in violation of:

1. City of South Daytona, Code of Ordinances, Article IX. Housing, Section 5-189, Adopting the International Property Maintenance Code. International Property Maintenance Code Section 302.1: Exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property that such occupant occupies or controls in a clean and sanitary condition.
2. City of South Daytona, Code of Ordinances, Article IX. Housing, Section 5-189, Adopting the International Property Maintenance Code. International Property Maintenance Code Section 304.2: Exterior surfaces, including but not limited to, doors, door and windows frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation statins shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.
3. City of South Daytona, Code of Ordinances, Article IX. Housing, Section 5-189, Adopting the International Property Maintenance Code. International Property Maintenance Code 308.1, Accumulated rubbish or garbage. Exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage.
4. City of South Daytona, Code of Ordinances, Article IX. Housing, Section 5-189, Adopting the International Property Maintenance Code. International Property Maintenance Code 304.6 Exterior walls. Exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.
5. City of South Daytona, Code of Ordinances, Article IX. Housing, Section 5-189, Adopting the International Property Maintenance Code. International Property Maintenance Code Section 302.7: Accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

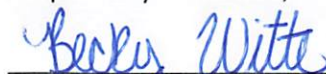
Special Master Branz ordered that the Respondent correct the violations on or before September 2, 2022. If the Respondent fails to comply with this Order, a fine of \$100.00 per day will be imposed for each day the violation continues past the date as prescribed.

A hearing to impose fine will be scheduled for September 8, 2022.

IX. **NEXT MEETING:** September 8, 2022

X. **ADJOURNMENT.** Hearing adjourned at 11:37 am.

Respectfully submitted,



Becky Witte, Deputy City Clerk