



CODE ENFORCEMENT BOARD HEARING AGENDA

MONDAY
June 24, 2024 - 9:30 AM

TOWN COUNCIL CHAMBERS
4300 S. ATLANTIC AVE., PONCE INLET, FL

SUNSHINE LAW NOTICE FOR BOARD MEMBERS – Notice is hereby provided that one or more members of the Town Council or other Town Boards may attend and speak at this meeting.

A complete copy of the materials for this agenda is available at Town Hall.

1. CALL TO ORDER.
2. PLEDGE OF ALLEGIANCE.
3. ROLL CALL & DETERMINATION OF QUORUM.
4. ADOPTION OF AGENDA.
5. DISCLOSURE OF EX-PARTE COMMUNICATION. *Code Enforcement cases are quasi-judicial and receipt of any information or discussion of any case outside of the public hearing is strongly discouraged. If a board member obtains any information or discusses any case outside the public hearing process, this information must be disclosed in detail by the board member prior to the presentation of the case and may not be considered by the board member when making any decision related to the case.*
6. ADMINISTERING THE OATH TO WITNESSES: Attorney Cino
7. APPROVAL OF THE MINUTES:
 - A. May 20, 2024
8. OLD BUSINESS:
 - A. Case # 2024-324: Property Address: 112 Anchor Drive
Owner(s): Ylian Snyder & Grant Renne
Alleged Violation(s): Irrigation system without the required backflow preventor / and -or testing
 - B. Case # 2024-338: Property Address: 4329 South Atlantic Avenue
Owner(s): William Frazier
Alleged Violation(s): Irrigation system without the required backflow preventor / and -or testing
 - C. Case # 2024-366: Property Address: 47 Oceanway Drive
Owner(s): Kevin Purucker
Alleged Violation(s): Irrigation system without the required backflow preventor / and -or testing

9. NEW BUSINESS:

- A. Case # 2024-384: Property Address: 33 Beach Street
Owner(s): Robin & Linda Rance
Alleged Violation(s): Irrigation system without the required backflow preventor /
and -or testing

- B. Case # 2024-433: Property Address: 102 Rains Drive
Owner(s): Jason & Jessica Prince
alleged Violation(s): Work without permits

- C. Case # 2024-446: Property Address: 101 Old Carriage Road
Owner(s): Lucille & Bruce Lambert Charitable Foundations Inc.
c/o Lucille & Bruce Lambert
Alleged Violation(s): Work without permits & property maintenance issues
involving dwelling

10. ATTORNEY DISCUSSION.

11. BOARD/STAFF DISCUSSION.

12. ADJOURNMENT.

Next hearing date: Monday, July 22, 2024

If a person decides to appeal any decision made by the Code Enforcement Board with respect to any matter considered at a hearing, he/she will need a record of the proceedings and that for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Persons who require accommodation to attend this hearing should contact the Clerk's office at 386-236-2150 by 4:00 pm at least 48 hours in advance of the meeting to request such assistance.



Meeting Date: June 24, 2024

Agenda Item: 7-A

Report to Code Enforcement Board

Topic: May 20, 2024 Hearing Minutes

Summary:

Staff has prepared the attached set of hearing minutes for the Board's review and approval.

Suggested motion:

To approve the attached set of hearing minutes As Presented - OR - As Amended

Requested by:

Ms. Stewart, Assistant Deputy Clerk

Approved by:

Mr. Disher, Town Manager



**Town of Ponce Inlet
Code Enforcement Board
Meeting Minutes
MAY 20, 2024**

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5
6 **1. CALL TO ORDER:** The meeting was called to order at 9:30 a.m. in the Council
7 Chambers, 4300 S. Atlantic Avenue, Ponce Inlet, Florida.

8
9 **2. PLEDGE OF ALLEGIANCE:** Led by Chair Finch.

10
11 **3. ROLL CALL & DETERMINATION OF QUORUM:**

12 **Board Members Present:**

13 Ms. Richards, Seat #1

14 Mr. Van Valkenburgh, Seat #2

15 Mr. Finch, Seat #3, Chair

16 Mr. Michel, Seat #4

17 Ms. Cannon, Seat #5, Vice-Chair

18 Mr. Fuess, Alternate Seat #1 - Absent

19 Ms. Rij, Alternate Seat #2

20
21 A quorum was established with five members and one alternate present.

22
23 **Staff Members Present:**

24 Attorney Cino, Code Board Attorney

25 Mr. Dunlap, Assistant Public Works Manager

26 Mr. Hooker, Code Compliance Manager

27 Attorney Smith, Town Attorney

28 Ms. Stewart, Assistant Deputy Clerk

29
30 **4. ADOPTION OF THE AGENDA:** Vice Chair Cannon moved to adopt the agenda as
31 presented; seconded by Ms. Richards. The motion PASSED 5-0, with the following vote: Vice-
32 Chair Cannon – yes; Ms. Richards – yes; Mr. Van Valkenburgh – yes; Chair Finch - yes; Mr.
33 Michel – yes.

34
35 **5. DISCLOSURE OF EX-PARTE COMMUNICATION:** None disclosed.

36
37 **6. ADMINISTERING THE OATH TO WITNESSES:** Attorney Cino administered the
38 *Oath* to the witnesses who intended to provide testimony.

39
40 **7. APPROVAL OF THE MINUTES:**

41
42 **A. May 20, 2024 -** Chair Finch moved to adopt the minutes as presented; seconded
43 by Mr. Michel. The motion PASSED 5-0, with the following vote: Chair Finch – yes; Mr. Michel
44 – yes; Mr. Van Valkenburgh – yes; Ms. Richards - yes; Vice-Chair Cannon – yes.

45
46 **8. OLD BUSINESS:**

47
48 **A. Case # 2023-578: Property Address: 125 Ponce DeLeon Circle**

49 **Owner(s): Albert & Cyndee Jarrell**
50 **Alleged Violations(s): Unsafe Structure**
51

52 Mr. Hooker reviewed the case history and violations, noting that the case was presented to this
53 board on January 22, 2024, which found the owners in non-compliance and granted until February
54 5, 2024, to obtain the required permits. At the February 26, 2024 Code Enforcement Board hearing,
55 the Board issued an order extending time for compliance until March 5, 2024 to cure the violation.
56 At the March 25, 2024 hearing, staff informed the Board that the required permit application had
57 been submitted and requested additional time for the review process to take place. As of this date,
58 the Jarrells have applied for the required permit, and the permit is still in review with the Town's
59 engineering firm. Staff requests to extend this case to next month. Mr. Van Valkenburgh asked if
60 there was an estimated timeframe for the review. Mr. Hooker explained they are doing everything
61 to ensure the permitting process is correct and it is near the end of completion.
62

63 Vice Chair Cannon moved to find the property in non-compliance and bring back next month;
64 seconded by Chair Finch. The motion PASSED 5-0, with the following vote: Vice Chair Cannon –
65 yes; Chair Finch; Ms. Richards – yes. Mr. Van Valkenburgh – yes; Mr. Michel – yes.
66

67 **9. NEW BUSINESS:**
68

- 69 **A. Case # 2024-324; Property Address: 112 Anchor Drive**
70 **Owner(s): Ylian Snyder & Grant Renne**
71 **Alleged Violation(s): Irrigation system without the required backflow**
72 **preventor and/or testing**
73

74 Mr. Hooker provided evidence and testimony for failure to have a backflow device installed and/or
75 testing of that backflow device. It was requested that the testing be done by April 1, 2024; a notice
76 of violation was sent May 10, 2024. This property has an irrigation meter that requires an annual
77 testing and an annual backflow. As of today's date, there has been no conversation with the owners.
78 Mr. Dunlap, Assistant Public Works Manager, is here to answer any questions. Mr. Van
79 Valkenburgh asked for background on how this testing came about. Mr. Hooker explained the
80 Code of Ordinances as well as the Florida Administrative Code require that backflows be tested
81 every other year. He explained what the backflow device is to prevent contamination to potable
82 water. Mr. Van Valkenburgh commented he has been here 25 years and never tested his. Chair
83 Finch asked for confirmation that this is for residents that use city water for irrigation purposes.
84 Mr. Hooker confirmed yes; and it is also required for a well. Mr. Van Valkenburgh asked who
85 does the testing and when it needs to be done. Mr. Hooker explained it is done by the property
86 owner every other year. Chair Finch noted he also has never done this. Mr. Hooker explained it is
87 an irrigation meter which is separate from the domestic meter for potable water; this is to ensure
88 that the irrigation meter is not seeping back into the domestic water supply. Attorney Smith
89 reiterated that it is a separate irrigation meter and noted that not everyone has one. Vice Chair
90 Cannon asked if you have one if you have a well. Mr. Dunlap explained that if the well irrigates
91 your home, you must provide a backflow device on the home meter to prevent contamination. He
92 cannot explain why the testing has not been done or enforced in the past because there is an
93 ordinance requiring it. He explained how an irrigation meter and a domestic meter work and what
94 the backflow device does. Ms. Richards asked if there was a requirement to provide the test results
95 to the Town. Mr. Hooker explained the Town outsourced that to Backflow Systems, Inc. (BSI),
96 who manages the data and will send reminders to the property owner when it is time to test. Mr.
97 Dunlap added that residential properties are required to be tested every two years and commercial
98 properties every year; it is approximately \$100 to \$150 to be tested. Ms. Rij asked where this

99 testing started and if it came from information in the water department. Mr. Dunlap explained it
100 came from the database of people that had irrigation meters. Ms. Rij requested confirmation that
101 if she were to be involved with this issue, she would have received a letter by this time. Mr. Hooker
102 explained approximately 110 property owners were notified by certified mail on December 5,
103 2023. Mr. Van Valkenburgh confirmed these cases today have either not complied or replied. Mr.
104 Hooker confirmed. Discussion continued.
105

106 Mr. Hooker stated staff is requesting an order of non-compliance, grant 19 days or until June 7,
107 2024 to comply, and to assess the \$250 administrative fee. Mr. Van Valkenburgh asked Mr.
108 Hooker to review the case documentation again. Mr. Michel suggested granting 30 days or until
109 the next meeting to comply. The Board discussed a compliance date, attempts by staff to contact
110 the property owners, how many violation notices were sent, etc. It was noted that the letter
111 indicates it may be the plumber's responsibility to provide the report to the Town, not the
112 homeowner. Mr. Hooker explained his department received numerous phone calls after the letters
113 were issued and stated his staff has been very open about the process. Staff has done everything
114 possible to contact owners to discuss this backflow issue. Mr. Michel asked how many owners
115 have complied with the order. Mr. Hooker explained 35 cases went down to seven, three of which
116 are being withdrawn. Discussion ensued regarding the certified letters sent in December and
117 actions taken since then. The Board discussed whether to assess a fine and/or the \$250
118 administrative fee. Attorney Smith clarified they are discussing two separate things: a fine is a
119 "may" impose because you cannot impose a fine until the opportunity to cure has been given; and
120 they are not discussing imposing a fine today. The \$250 administrative fee is a "shall" be imposed.
121 Attorney Smith explained that by statute the Board always has discretion because you may hear
122 facts that an administrative fee would not be just; the Board must be empowered to execute what
123 it believes is just. Chair Finch opened public comment; seeing none, he closed public comment.
124

125 Chair Finch moved to find the property in non-compliance; and granted 19 days or until June 7,
126 2024 to comply; seconded by Vice Chair Cannon. The motion FAILED 2-3, with the following
127 vote: Chair Finch – yes; Vice Chair Cannon – yes; Ms. Richards – no; Mr. Van Valkenburgh –
128 no; Mr. Michel - no.
129

130 Ms. Richards moved to find the property in non-compliance; granted 19 days or until June 7, 2024
131 to come into compliance or bring back to the next hearing on June 24, 2024; and to assess the
132 \$250 administrative fee.
133

134 Mr. Van Valkenburgh asked if a motion could be made to not start the assessment until the 19th
135 day if they do not comply. Attorney Smith explained the administrative fee cannot be imposed
136 without hearing evidence of non-compliance. Chair Finch explained his motion was to bring it
137 back at the next meeting and assess the administrative fee if they had not complied by then.
138 Discussion continued.
139

140 Mr. Van Valkenburgh seconded the motion. The motion PASSED 5-0, with the following vote: Ms.
141 Richards – yes; Mr. Van Valkenburgh – yes; Chair Finch – yes; Mr. Michel – yes; Vice Chair
142 Cannon – yes.
143

144 **B. Case # 2024-328; Property Address: 30 Inlet Point Boulevard**
145 **Owner(s): R.F. Mohl**
146 **Alleged Violation(s): Irrigation system without the required backflow**
147 **preventor and/or testing**
148

149 Staff requested this case be withdrawn.

150

151 **C. Case # 2024-332; Property Address: 35 Inlet Point Boulevard**

152 **Owner(s): Scott & Amy Garrett**

153 **Alleged Violation(s): Irrigation system without the required backflow**
154 **preventor and/or testing**

155

156 Staff requested this case be withdrawn.

157

158 **D. Case # 2024-333; Property Address: 36 Caribbean Way**

159 **Owner(s): Randhir & Nekkpal Singh**

160 **Alleged Violation(s): Irrigation system without the required backflow**
161 **preventor and/or testing**

162

163 Staff requested this case be withdrawn.

164

165 **E. Case #2024-337; Property Address: 37 Coastal Oaks Circle**

166 **Owner(s): Stacey & Steven Oshinski**

167 **Alleged Violation(s): Irrigation system without the required backflow**
168 **preventor and/or testing**

169

170 Mr. Hooker provided evidence and testimony for failure to have a backflow device installed and/or
171 testing of that backflow device. The Board reviewed and discussed the documentation presented.
172 Staff is asking for a motion of non-compliance, granting 19 days or until June 7, 2024 to secure
173 the required backflow testing, and assess the \$250 fine; failure to do so will result in the case being
174 brought back before the Board on June 24, 2024. Chair Finch opened public comment; seeing
175 none, he closed public comment.

176

177 Ms. Richards moved to find the property in non-compliance; granted 19 days or until June 7, 2024,
178 or bring back to the next hearing on June 24, 2024; and to assess the \$250 administrative fee;
179 seconded by Vice Chair Cannon. The motion PASSED 5-0, with the following vote: Ms. Richards
180 – yes; Vice Chair Cannon – yes; Mr. Van Valkenburgh – yes; Chair Finch – yes; Mr. Michel –
181 yes.

182

183 **F. Case # 2024-338; Property Address: 4329 South Atlantic Avenue**

184 **Owner(s): William Frazier**

185 **Alleged Violation(s): Irrigation system without the required backflow**
186 **preventor and/or testing**

187

188 Mr. Hooker provided evidence and testimony for failure to have a backflow device installed and/or
189 testing of that backflow device. He has spoken with Mr. Frazier who confirmed he received the
190 certified letter and would make the corrections; however, as of today, no testing has been done.
191 Staff is asking for a motion of non-compliance, granting 19 days or until June 7, 2024 to secure
192 the required backflow testing, and assess the \$250 fine; failure to do so will result in the case being
193 brought back before the Board on June 24, 2024. Chair Finch opened public comment; seeing
194 none, he closed public comment. Mr. Van Valkenburgh stated he is challenged to assess the \$250
195 administrative fee since there has been communication with the owner and we do not know how
196 long it will take to get a plumber; he would recommend postponing this case to next month.

197

198 Chair Finch moved to find the property in non-compliance; granted 19 days or until June 7, 2024,
199 and bring back to the next hearing on June 24, 2024, withholding the \$250 administrative fee;
200 seconded by Mr. Michel. The motion PASSED 5-0, with the following vote: Chair Finch – yes; Mr.
201 Michel – yes; Ms. Richards – yes; Mr. Van Valkenburgh – yes; Vice Chair Cannon - yes.

202
203 **G. Case # 2024-366: Property Address: 47 Ocean Way Drive**

204 **Owner(s): Kevin Purucker**

205 **Alleged Violation(s): Irrigation system without the required backflow**
206 **preventor and/or testing**

207
208 Mr. Hooker provided evidence and testimony for failure to have a backflow device installed and/or
209 testing of that backflow device. The Board reviewed and discussed the documentation presented.
210 He has spoken with Mr. Purucker after the notice of violation was received and he indicated he
211 would take care of the testing; however, as of today, there have been no further conversations with
212 Mr. Purucker and no testing report has been submitted. Mr. Van Valkenburgh asked when Mr.
213 Hooker spoke with Mr. Purucker. Mr. Hooker stated he spoke with him in April. Chair Finch
214 opened public comment; seeing none, he closed public comment. Ms. Richards disclosed that this
215 is one of her immediate neighbors. Attorney Smith explained that is not a conflict.

216
217 Vice Chair Cannon moved to find the property in non-compliance; granted 19 days or until June
218 7, 2024, and bring back to the next hearing on June 24, 2024, withholding the \$250 administrative
219 fee; seconded by Mr. Michel. The motion PASSED 5-0, with the following vote: Vice Chair Cannon
220 – yes; Mr. Michel – yes; Ms. Richards – yes; Mr. Van Valkenburgh – yes; Chair Finch – yes.

221
222 **10. ATTORNEY DISCUSSION:** None.

223
224 **11. BOARD/STAFF DISCUSSION:**

225
226 **A. Rental Discussion** – Ms. Richards reminded the Board of the discussion held in
227 February regarding short-term rentals; she thought it would be a good idea to have another
228 discussion so that the Board understand the changes that Senate Bill 280 will bring; it is currently
229 on Governor DeSantis’s desk to be signed. He has not yet made a ruling, but if he signs it, it will
230 take effect July 1, 2024 and would require all vacation rentals to register with the state when
231 advertising on online platforms. She wanted to discuss how it would affect our permitting process
232 and our short-term rental ordinance. Attorney Smith explained that if SB 280 is signed and
233 becomes law, what the state will do and what the town will do will be interrelated but distinct
234 from one another because what the state regulates, we cannot. Because of the pre-emption issue,
235 it will not change what we are enforcing, but it gives the DBPR time to get the registry active.
236 Once it is, it will make identifying cases and getting the evidence needed to present a short-term
237 rental case easier because the state will be keeping information they are supposed to share with
238 us. He does not think we will see much change in the immediate future at the local level if the bill
239 is signed, but hopefully the DBPR will take a more active level that the legislature has directed
240 them to regarding enforcing registration; if you have a vacation rental today, you are supposed to
241 be registered because that is how the state collects tax dollars. SB 280 creates a more robust
242 process for registration and for what happens when they do not register. Ms. Richards commented
243 that her understanding is that it requires third-party platforms to register. Attorney Smith agreed
244 that it has to do with that type of advertising; they are linking those to give the state more
245 enforcement authority. Ms. Richards stated she hopes that it will help the cities track what is being
246 rented on a short-term basis. She asked how we are bringing property owners into compliance
247 without this legislation; she has had conversations with neighbors, council members, etc., and the

248 feedback is neighbors are upset and feel that the Town Council is not focused on it, and some are
249 even selling their homes. They do not feel an effort is being made to reduce the frequency of
250 short-term rentals. She feels that Mr. Mincey should be here for this discussion to explain how he
251 brings these people into compliance.
252

253 Mr. Hooker explained the Town's permitting system; noting that 90% of the time property owners
254 do not realize they need a permit, so staff will educate them on the process. If an issue continues,
255 staff will investigate and if there is reason to believe there is an active problem, records will be
256 subpoenaed and brought before the Board. Mr. Van Valkenburgh asked if staff reviews the rental
257 contracts. Mr. Hooker explained they can ask for and subpoena them. Discussion continued
258 regarding short-term rentals and how the Town can deter them. Attorney Smith explained that
259 more than probable cause is needed; a case can be bolstered by hearsay, but hard evidence is also
260 needed. Discussion continued regarding the Town's ordinance and the 28-consecutive day clause.
261 Mr. Van Valkenburgh asked if the Town receives complaints from residents regarding short-term
262 rentals. Mr. Hooker explained yes, but they are mostly isolated to the condominiums; Mr. Mincey
263 has been to one condominium every day for three weeks for documentation and been unsuccessful
264 and the neighbors are unwilling to testify. Discussion continued. Ms. Richards stated she found
265 four single-family homes listed on AirBnB yesterday for rent; her concern is there has not been a
266 violation of the short-term rental policy since October 2021. She finds it hard to believe we have
267 that type of compliance when she is hearing the opposite. Chair Finch asked what she would
268 suggest. Ms. Richards explained she provided a few suggestions to Mr. Hooker that he is
269 researching. Mr. Hooker noted one suggestion is to add a statement on the rental permit that it is
270 for 28 days; and staff has researched other internet programs. Ms. Richards, the Mayor, and the
271 Town Manager have all discussed this issue and he is just as frustrated. More discussion ensued.
272 Ms. Richards noted that a realtor has an advertisement out for a rental for a "minimum of seven
273 day" so she is not sure the message is getting across even though she knows flyers were recently
274 sent out. Mr. Hooker explained staff mailed approximately 70 letters to all the local real estate
275 agents from New Smyrna Beach to Ormond Beach; and to management and rental companies as
276 well as emails to all permit holders. In total, approximately 500 letters have gone out over the last
277 few weeks.
278

279 **12. ADJOURNMENT:** The hearing was adjourned at 11:04 a.m.
280

281 Next hearing date: Monday, June 24, 2024
282

283 Respectfully submitted by,
284

285 _____
286 Debbie Stewart, FCRM
287 Assistant Deputy Clerk



Meeting Date: June 24, 2024

Agenda Item: 8-A

Report to Code Enforcement Board

Topic: Case #2024-324
Owner(s): Ylian Snyder & Grant Renne
Property Address: 112 Anchor Drive
Violation(s): Irrigation system without the required backflow preventor and/or testing

Summary: On May 20, 2024, this case was presented to the Board. The owners were found in non-compliance and granted until June 7, 2024 to cure the violation.

Staff will provide updated testimony and evidence regarding this case. The Board will be asked to make a decision based on that evidence and testimony.

Suggested motion: To be determined by the Board after testimony and evidence has been provided on the case.

Requested by:

Mr. Hooker, Code Compliance Manager

Approved by:

Mr. Disher, Town Manager



MEMORANDUM
TOWN OF PONCE INLET – PLANNING & DEVELOPMENT DEPARTMENT

THE TOWN OF PONCE INLET STAFF SHALL BE PROFESSIONAL, CARING, AND FAIR IN DELIVERING COMMUNITY EXCELLENCE WHILE ENSURING PONCE INLET CITIZENS OBTAIN THE GREATEST VALUE FOR THEIR TAX DOLLAR.

TO: Code Enforcement Board
THROUGH: Drew Smith, Town Attorney
FROM: David Hooker, Code Compliance Manager
DATE: June 4, 2024
DATE OF MEETING: June 24, 2024

Case Number: 2024-324
Address: 112 Anchor Drive

Alleged Violation:
Irrigation system without the required backflow prevention device and/or passing test report being filed.

Code of Ordinance
Section 78-65 – Cross Connection Control

Brief History:
In accordance with the Florida Administrative Code and the Town's adopted municipal code, it is incumbent upon the Town to safeguard the integrity of its public water supply system.

One crucial measure to ensure this protection is the installation of backflow prevention devices between individual properties and the Town's water meters.

Beginning in 2023, the Town's Public Works Department initiated a proactive effort to identify properties lacking the requisite backflow prevention devices. Therefore, on December 5, 2023, certified letters were dispatched to approximately 110 property owners, apprising them of their non-compliance regarding backflow prevention device installation and how to correct.

The certified correspondence afforded property owners a grace period until April 1, 2024—spanning 117 days—to rectify the compliance deficiency in alignment with the established regulations.

After this grace period elapsed, on April 1, 2024, the oversight of these non-compliant properties was transitioned to the purview of Code Enforcement. Formal notices of violations were issued to property owners found in violation. An additional timeframe until May 10, 2024—amounting to 39 days—was granted to facilitate compliance.

On May 20, 2024, the owner was found in violation of the cited sections of Town code. Owners were ordered to cure the violation on or before June 7, 2024. Upon failure to do so, this case is to be brought back for further adjudication.

Recommendation:

The property to be found in non-compliance and assess fine in accordance with Florida statutes Chapter 162.09.

BEFORE THE CODE ENFORCEMENT BOARD
OF THE TOWN OF PONCE INLET, FLORIDA

TOWN OF PONCE INLET, FLORIDA,
a municipal corporation,

Petitioner,

vs.

CASE NO.: 2024-324

YLIAN SNYDER and GRANT RENNE,

Respondents.

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

This cause was heard on the 20th day of May, 2024 by the Code Enforcement Board of the Town of Ponce Inlet after due notice to Respondents and a public hearing, and the Code Enforcement Board, having heard testimony and argument thereon, and being otherwise duly advised in the premises, makes the following FINDINGS OF FACT:

1. Respondents are the owners of property located at 112 Anchor Drive, Ponce Inlet, Florida, 32127 with Volusia County Parcel ID 6313-03-00-0070 (the "Subject Property").
2. On April 1, 2024, the Code Compliance Manager issued a Notice of Violation to Respondents citing a violation of Sections 78-65 of the Code of Ordinances.

BASED ON THE FOREGOING IT IS ORDERED AND ADJUDGED that:

3. Respondents are in violation of Sections 78-65 of the Code of Ordinances.
4. Respondents remain in violation after the compliance deadline
5. Respondents shall pay to the Town of Ponce Inlet the administrative costs incurred by the Town in prosecuting this case in the amount of \$250.00.
6. Respondents shall cure the violation on or before June 7, 2024.
7. This matter shall be scheduled for the Board's June hearing agenda for the Board to hear whether Respondent has cured the violation and to take any further action needed, including potential imposition of fines and administrative costs.
8. Any violation of the same code section by any Respondent within five years of the date of this Order may be prosecuted as a repeat violation pursuant to Chapter 162, Florida Statutes.

ORDERED at Ponce Inlet, Volusia County, Florida on this _____ day of May, 2024.

Peter Finch, Chairperson
Code Enforcement Board

ATTEST:

Deputy Clerk

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served upon the Respondent by U.S. Mail, First Class, the _____ day of May, 2024.

David Hooker, Code Compliance Manager



Meeting Date: June 24, 2024

Agenda Item: 8-B

Report to Code Enforcement Board

Topic: Case #2024-338
Owner(s): William Frazier
Property Address: 4329 South Atlantic Avenue
Violation(s): Irrigation system without the required backflow preventor and/or testing

Summary: On May 20, 2024, this case was presented to the Board. The owners were found in non-compliance and granted until June 7, 2024 to cure the violation.

Staff will provide updated testimony and evidence regarding this case. The Board will be asked to make a decision based on that evidence and testimony.

Suggested motion: To be determined by the Board after testimony and evidence has been provided on the case.

Requested by:

Mr. Hooker, Code Compliance Manager

Approved by:

Mr. Disher, Town Manager



Linda Rance

MEMORANDUM
TOWN OF PONCE INLET – PLANNING & DEVELOPMENT DEPARTMENT

THE TOWN OF PONCE INLET STAFF SHALL BE PROFESSIONAL, CARING, AND FAIR IN DELIVERING COMMUNITY EXCELLENCE WHILE ENSURING PONCE INLET CITIZENS OBTAIN THE GREATEST VALUE FOR THEIR TAX DOLLAR.

TO: Code Enforcement Board

THROUGH: Drew Smith, Town Attorney

FROM: David Hooker, Code Compliance Manager

DATE: June 4, 2024

DATE OF MEETING: June 24, 2024

Case Number: 2024-338
Address: 4329 South Atlantic Avenue

Alleged Violation:

Irrigation system without the required backflow prevention device and/or passing test report being filed.

Code of Ordinance

Section 78-65 – Cross Connection Control

Brief History:

In accordance with the Florida Administrative Code and the Town's adopted municipal code, it is incumbent upon the Town to safeguard the integrity of its public water supply system.

One crucial measure to ensure this protection is the installation of backflow prevention devices between individual properties and the Town's water meters.

Beginning in 2023, the Town's Public Works Department initiated a proactive effort to identify properties lacking the requisite backflow prevention devices. Therefore, on December 5, 2023, certified letters were dispatched to approximately 110 property owners, apprising them of their non-compliance regarding backflow prevention device installation and how to correct.

The certified correspondence afforded property owners a grace period until April 1, 2024—spanning 117 days—to rectify the compliance deficiency in alignment with the established regulations.

After this grace period elapsed, on April 1, 2024, the oversight of these non-compliant properties was transitioned to the purview of Code Enforcement. Formal notices of violations were issued to property owners found in violation. An additional timeframe until May 10, 2024—amounting to 39 days—was granted to facilitate compliance.

On May 20, 2024, the owner was found in violation of the cited sections of Town code. Owners were ordered to cure the violation on or before June 7, 2024. Upon failure to do so, this case is to be brought back for further adjudication

Recommendation:

The property to be found in non-compliance and assess fine in accordance with Florida statutes Chapter 162.09.

BEFORE THE CODE ENFORCEMENT BOARD
OF THE TOWN OF PONCE INLET, FLORIDA

TOWN OF PONCE INLET, FLORIDA,
a municipal corporation,

Petitioner,

vs.

CASE NO.: 2024-338

WILLIAM FRAZIER,

Respondents.

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

This cause was heard on the 20th day of May, 2024 by the Code Enforcement Board of the Town of Ponce Inlet after due notice to Respondents and a public hearing, and the Code Enforcement Board, having heard testimony and argument thereon, and being otherwise duly advised in the premises, makes the following FINDINGS OF FACT:

1. Respondents are the owners of property located at 4329 South Atlantic Avenue, Ponce Inlet, Florida, 32127 with Volusia County Parcel ID 6313-01-00-0060 (the "Subject Property").
2. On April 1, 2024, the Code Compliance Manager issued a Notice of Violation to Respondents citing a violation of Sections 78-65 of the Code of Ordinances.

BASED ON THE FOREGOING IT IS ORDERED AND ADJUDGED that:

3. Respondent is in violation of Sections 78-65 of the Code of Ordinances.
4. Respondent remains in violation after the compliance deadline.
5. Respondent shall cure the violation on or before June 7, 2024.
6. This case shall be brought back before the Code Enforcement Board at its June hearing date to hear whether Respondent has cured the violation and to consider any further and additional action needed, including potential imposition of fines and administrative costs.
7. Any violation of the same code section by any Respondent within five years of the date of this Order may be prosecuted as a repeat violation pursuant to Chapter 162, Florida Statutes.

ORDERED at Ponce Inlet, Volusia County, Florida on this _____ day of May, 2024.

Peter Finch, Chairperson
Code Enforcement Board

ATTEST:

Deputy Clerk

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served upon the Respondent by U.S. Mail, First Class, the _____ day of May, 2024.

David Hooker, Code Compliance Manager



Meeting Date: June 24, 2024

Agenda Item: 8-C

Report to Code Enforcement Board

Topic: Case #2024-366
Owner(s): Kevin Purucker
Property Address: 47 Oceanway Drive
Violation(s): Irrigation system without the required backflow preventor and/or testing

Summary: On May 20, 2024, this case was presented to the Board. The owners were found in non-compliance and granted until June 7, 2024 to cure the violation.

Staff will provide updated testimony and evidence regarding this case. The Board will be asked to make a decision based on that evidence and testimony.

Suggested motion: To be determined by the Board after testimony and evidence has been provided on the case.

Requested by:

Mr. Hooker, Code Compliance Manager

Approved by:

Mr. Disher, Town Manager



MEMORANDUM
TOWN OF PONCE INLET – PLANNING & DEVELOPMENT DEPARTMENT

THE TOWN OF PONCE INLET STAFF SHALL BE PROFESSIONAL, CARING, AND FAIR IN DELIVERING COMMUNITY EXCELLENCE WHILE ENSURING PONCE INLET CITIZENS OBTAIN THE GREATEST VALUE FOR THEIR TAX DOLLAR.

TO: Code Enforcement Board

THROUGH: Drew Smith, Town Attorney

FROM: David Hooker, Code Compliance Manager

DATE: June 4, 2024

DATE OF MEETING: June 24, 2024

Case Number: 2024-366
Address: 47 Oceanway Drive

Alleged Violation:

Irrigation system without the required backflow prevention device and/or passing test report being filed.

Code of Ordinance

Section 78-65 – Cross Connection Control

Brief History:

In accordance with the Florida Administrative Code and the Town's adopted municipal code, it is incumbent upon the Town to safeguard the integrity of its public water supply system.

One crucial measure to ensure this protection is the installation of backflow prevention devices between individual properties and the Town's water meters.

Beginning in 2023, the Town's Public Works Department initiated a proactive effort to identify properties lacking the requisite backflow prevention devices. Therefore, on December 5, 2023, certified letters were dispatched to approximately 110 property owners, apprising them of their non-compliance regarding backflow prevention device installation and how to correct.

The certified correspondence afforded property owners a grace period until April 1, 2024—spanning 117 days—to rectify the compliance deficiency in alignment with the established regulations.

After this grace period elapsed, on April 1, 2024, the oversight of these non-compliant properties was transitioned to the purview of Code Enforcement. Formal notices of violations were issued to property owners found in violation. An additional timeframe until May 10, 2024—amounting to 39 days—was granted to facilitate compliance.

On May 20, 2024, the owner was found in violation of the cited sections of the Town code. Owners were ordered to cure the violation on or before June 7, 2024. Upon failure to do so, this case is to be brought back for further adjudication.

Recommendation:

The property to be found in non-compliance and assess fine in accordance with Florida statutes Chapter 162.09.

BEFORE THE CODE ENFORCEMENT BOARD
OF THE TOWN OF PONCE INLET, FLORIDA

TOWN OF PONCE INLET, FLORIDA,
a municipal corporation,

Petitioner,

vs.

CASE NO.: 2024-366

KEVIN PURUCKER,

Respondents.

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

This cause was heard on the 20th day of May, 2024 by the Code Enforcement Board of the Town of Ponce Inlet after due notice to Respondent and a public hearing, and the Code Enforcement Board, having heard testimony and argument thereon and being otherwise duly advised in the premises, makes the following FINDINGS OF FACT:

1. Respondent is the owner of property located at 47 Oceanway Drive, Ponce Inlet, Florida, 32127 with Volusia County Parcel ID 6430-18-00-0200 (the "Subject Property").
2. On April 1, 2024, the Code Compliance Manager issued a Notice of Violation to Respondent citing a violation of Sections 78-65 of the Code of Ordinances.

BASED ON THE FOREGOING IT IS ORDERED AND ADJUDGED that:

3. Respondent is in violation of Sections 78-65 of the Code of Ordinances.
4. Respondent remains in violation after the compliance deadline.
5. Respondent shall cure the violation on or before June 7, 2024.
6. This case shall be brought back before the Code Enforcement Board at its June hearing date to hear whether Respondent has cured the violation and to consider any further and additional action needed, including potential imposition of fines and administrative costs.
7. Any violation of the same code section by any Respondent within five years of the date of this Order may be prosecuted as a repeat violation pursuant to Chapter 162, Florida Statutes.

ORDERED at Ponce Inlet, Volusia County, Florida on this _____ day of May, 2024.

Peter Finch, Chairperson
Code Enforcement Board

ATTEST:

Deputy Clerk

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served upon the Respondent by U.S. Mail, First Class, the _____ day of May, 2024.

David Hooker, Code Compliance Manager



Meeting Date: June 24, 2024

Agenda Item: 9-A

Report to Code Enforcement Board

Topic: Case #2024-324
Owner(s): Ylian Snyder & Grant Renne
Property Address: 112 Anchor Drive
Alleged Violation(s): Irrigation system without the required backflow preventor and/or testing

Summary: Staff will provide testimony and evidence regarding the following case. The Board will be asked to make a decision based on that evidence and testimony.

Suggested motion: To be determined by the Board after testimony and evidence has been provided on the case.

Requested by:

Mr. Hooker, Code Compliance Manager

Approved by:

Mr. Disher, Town Manager



MEMORANDUM
TOWN OF PONCE INLET – PLANNING & DEVELOPMENT DEPARTMENT

THE TOWN OF PONCE INLET STAFF SHALL BE PROFESSIONAL, CARING, AND FAIR IN DELIVERING COMMUNITY EXCELLENCE WHILE ENSURING PONCE INLET CITIZENS OBTAIN THE GREATEST VALUE FOR THEIR TAX DOLLAR.

TO: Code Enforcement Board

THROUGH: Drew Smith, Town Attorney

FROM: David Hooker, Code Compliance Manager

DATE: May 13, 2024

DATE OF MEETING: May 20, 2024

Case Number: 2024-384
Address: 33 Beach Street

Alleged Violation:
 Irrigation system without the required backflow prevention device and/or passing test report being filed.

Code of Ordinance
 Section 78-65 – Cross Connection Control

Brief History:
 In accordance with the Florida Administrative Code and the Town's adopted municipal code, it is incumbent upon the Town to safeguard the integrity of its public water supply system.

One crucial measure to ensure this protection is the installation of backflow prevention devices between individual properties and the Town's water meters.

Beginning in 2023, the Town's Public Works Department initiated a proactive effort to identify properties lacking the requisite backflow prevention devices. Therefore, on December 5, 2023, certified letters were dispatched to approximately 110 property owners, apprising them of their non-compliance regarding backflow prevention device installation and how to correct.

The certified correspondence afforded property owners a grace period until April 1, 2024—spanning 117 days—to rectify the compliance deficiency in alignment with the established regulations.

After this grace period elapsed, on April 1, 2024, the oversight of these non-compliant properties was transitioned to the purview of Code Enforcement. Formal notices of violations were issued to property owners found in violation. An additional timeframe until May 10, 2024—amounting to 39 days—was granted to facilitate compliance.

On Wednesday, May 20, 2024, staff finally reached Mr. Rance via a phone call to advise him of the letters that were sent to his home. Mr. Rance advised that he did not receive any of the letters, but advised that he would get the required permit and/or testing. Mr. Rance requested a few weeks for compliance.

On June 4, 2024, after no further communication with Mr. Rance, Staff posted the property of the Notice of Violation/Hearing in accordance with FS 162.

Recommendation:

The property to be found in non-compliance and assess fine in accordance with Florida statutes Chapter 162.09.



Town of Ponce Inlet

4300 S. Atlantic Avenue
Ponce Inlet, FL 32127

(386) 236-2182

Case Number: **CODE2024-000384**

Case Type: **Code Enforcement**

Date Case Established: **03/27/2024**

Compliance Deadline: **05/10/2024**

Violation Notice

Owner/Violator: Robin & Linda Rance

Mailing Address

33 Beach Street
Ponce Inlet, Florida 32127

Notice of Violation for the following location:

Address

33 Beach Street
PONCE INLET, FL 32127

Parcel

6429-04-00-0020

This violation letter is to inform you that staff has observed a violation at the property in which according to the Volusia County Property Appraiser's Office, this property is owned by you in the Town of Ponce Inlet.

On December 5, 2023, a certified letter was sent to you addressing the violation of no backflow preventor device and / or passing test report being filed, on your irrigation system as required by Town code and state law. This letter granted you until April 1, 2024 to have your property in compliance with the adopted regulations. As of today's date, your property remains in violation.

The violation and how to correct are:

1 – Irrigation system without required backflow prevention device and/or passing test report being filed.

How to Correct:

Item Number 1

a. have a licensed plumbing contractor or licensed irrigation contractor secure a building permit for the installation backflow device and have it tested to ensure compliance.

b. or have the irrigation meter removed from the system

You are hereby cited with the following sections of code.

Code of Ordinance

Section 78-65 – Cross Connection Control

(a) The town hereby adopts Recommended Practice for Backflow Prevention and Cross-Connection Control Manual (M-14), Third Edition, and subsequent editions, which is incorporated by reference. A copy of the manual is on file in the office of the town clerk.

(b) Cross connection, as defined by Rule 62-550.200, Florida Administrative Code, is prohibited. However, a person who owns or manages a public water system may interconnect to another public water system if that system is operated and maintained in accordance with this chapter. Any person making, or allowing to be made, such cross connection to the town water system shall be subject to the penalties of sections 1-11 and 78-65(k) of this Code or may be brought before the code enforcement board, at the option of the town.



Town of Ponce Inlet

4300 S. Atlantic Avenue
Ponce Inlet, FL 32127

(386) 236-2182

Case Number: **CODE2024-000384**

Case Type: **Code Enforcement**

Date Case Established: **03/27/2024**

Compliance Deadline: **05/10/2024**

Violation Notice

(c) The town adopts by reference the Town of Ponce Inlet "Cross Connection Control Program Manual", 2008 version, as may be updated and amended from time to time. The manual adopts procedures to detect and prevent cross connections that create or may create a potential danger to public health. The town's Cross Connection Control Program Manual reflects accepted practices of the American Water Works Association (AWWA) guidelines as set forth in the Association's Manual M-14, Recommended Practice for Backflow Prevention and Cross Connection Control, Third Edition.

(d) The public works director, or any employee so authorized by the director, shall have the right to enter any property serviced by the utility for the purpose of inspection for cross connections. In so doing, the director or the authorized employee shall first seek the permission of a person of suitable age and discretion therein or in control of the premises. Failure to grant such permission shall be deemed as a rebuttable presumption of a violation and shall provide the person seeking such permission with probable

cause to seek an inspection warrant pursuant to F.S. § 933.30 et seq. Upon written notice to the owner or manager, repeated failure to allow the public works director or any employee so authorized by the director to access the property for the purpose of inspection for cross connection may result in the discontinuance of potable water service to the premises until the inspection has taken place.

(e) Except as otherwise provided in the town's Cross Connection Control Program Manual, all new construction for which a building permit is issued, except for single-family residential or town houses no higher than two stories with individual meters, shall have installed on all potable water and fire protection system lines a backflow prevention device acceptable under the AWWA Manual M-14 and of a size and design determined to be appropriate by the public works director or designee. All construction, whether commercial or residential, shall have such device installed by a licensed plumbing contractor. The device shall be installed on private property, at the service connection, before any potential "take-offs", and at the property owner's expense.

(f) Except as otherwise provided in the town's Cross Connection Control Program Manual, backflow prevention devices acceptable under AWWA Manual M-14 shall be installed on existing commercial, condominiums, or multi-family residential master meters connected to the town's potable water system by a licensed plumbing contractor, and such installation shall be tested by a certified backflow prevention tester approved by the public works director at the following times:

- (1) At the time of any site or building modification requiring site plan review and approval; or
- (2) At the time of any plumbing modification requiring a plumbing permit; or
- (3) At the time of annexation of an existing property connected to the town's potable water system; or
- (4) At the time of meter installation or replacement; or
- (5) At the time an inspection reveal a cross connection which creates or may create a danger to public health; or
- (6) At the time it is determined that a potential hazard exists and a backflow prevention device is warranted.

(g) *Irrigation systems.* Backflow prevention devices acceptable under AWWA Manual M-14 shall be installed by a licensed plumbing contractor or licensed irrigation contractor under a plumbing permit issued for construction and connection of an irrigation system to the town's potable water system.



Town of Ponce Inlet

4300 S. Atlantic Avenue
Ponce Inlet, FL 32127

(386) 236-2182

Case Number: **CODE2024-000384**

Case Type: **Code Enforcement**

Date Case Established: **03/27/2024**

Compliance Deadline: **05/10/2024**

Violation Notice

Backflow prevention devices acceptable under AWWA Manual M-14 shall be installed on existing irrigation system connections to the town's potable water system, and such installation shall be tested by a certified backflow prevention tester approved by the public works director, at the following times:

- (1) At the time of any irrigation system modifications requiring a plumbing permit; or
- (2) At the time of irrigation meter installation or replacement; or
- (3) At the time an inspection reveals a cross connection which creates or may create a danger to public health; or
- (4) At the time it is determined that a potential hazard exists and a backflow prevention device is warranted.

(h) Maintenance of backflow prevention devices.

(1) All backflow prevention devices shall be inspected and tested by a certified backflow prevention device tester with the cost of inspection and testing to be paid for by the owner of the property required to have such devices. Inspection and testing shall be made on an annual basis.

(2) Any such tester shall have attended and successfully completed the Training, Research, and Education for Environmental Occupations (TREEO) certification program for backflow prevention device testers at the University of Florida, or an equivalent program as determined by the public works director, and shall keep current and keep on file with the public works director a copy of such certificate.

(3) Each owner responsible for the inspection and maintenance of his own backflow prevention device shall file each year a statement from a certified tester that the device has been inspected and that it is working properly. Such statement shall be filed no later than one year from the date of filing the previous statement.

Failure to comply with this section may result in the disconnection of the premises from the town water system until such time as the required statement is provided. If a statement is not received from the owner on or before the required date, a notice will be sent to the owner by the town allowing a reasonable time for the inspection and testing of the device to be completed. If no inspection or service documentation has been received by the town from the owner after the time set for such inspection and testing, the Town may disconnect service of the premises from the town water system.

(i) *Special provision for tank truck, developers.* Water used to fill tank trucks, such as pest control vehicles, from town approved sources shall be measured through a town approved meter, such approved meter shall be supplied by the town. A reduced pressure or air gap separation backflow prevention device shall be installed on any fill line being utilized. Tank truck owners shall have their backflow prevention devices checked annually by a state certified backflow prevention tester and shall provide proof of such testing to the town at the time the meter is issued. The backflow testing certificate shall not exceed one year from the previous test date, or connection to a town source shall be denied.

(j) The town council may, by resolution, establish fees for implementation of this section.

(k) *Violations and liability.*



Town of Ponce Inlet

4300 S. Atlantic Avenue
Ponce Inlet, FL 32127

(386) 236-2182

Case Number: **CODE2024-000384**

Case Type: **Code Enforcement**

Date Case Established: **03/27/2024**

Compliance Deadline: **05/10/2024**

Violation Notice

(1) It is unlawful for any person, entity, or customer to cause an illegal cross connection with the town's water or wastewater system. Any person, entity, or customer in violation of any of the provisions of this section shall become liable to the town for any expense, loss, or damage incurred by the town by reason of such violation, including any attorney's fees.

(2) In the event any prohibited cross connection is discovered, the public works director shall take the following action:

- a. Direct the immediate discontinuance of potable water service to the site until the contaminant source is eliminated; or
- b. Direct the immediate elimination of the cross connection by the installation of a backflow prevention device acceptable under the AWWA Manual M-14.

(3) Any inspector, town officer, employee, special magistrate, or member of the code enforcement board, if any, who is or may be charged with or involved in the enforcement of this section, in the discharge of such duties, shall not thereby be personally liable, and is, to the extent permitted by law, hereby relieved from all and protected by the town against any personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of such duties. (Ord. No. 2005-03, § 1, 4-20-2005; Ord. No. 2008-04, § 1, 5-21-2008)

Compliance Date: May 10, 2024

If you are unable to meet the required compliance date, this case will be referred to the Town's Code Enforcement Board for a hearing scheduled for June 24, 2024, at 9:30 a.m. located at 4300 South Atlantic Avenue, Ponce Inlet, Florida.

If you are found to be in violation of the cited sections of Town code, a daily fine of up to \$250 per day may be imposed. Furthermore, an administrative fee of \$250 shall also be imposed.

Both these charges will be recorded into the public records of Volusia County and will constitute a lien of your property, as well as any other property that is owned by you in the state of Florida in accordance with Florida statutes 162.09(3).

If you have any questions related to this matter, please do not hesitate Mr. Fred Griffith, Public Works Director at 386-322-6729.

Kindest Regards,

David Hooker, CEP
Code Compliance Manager

Certified Mail
9589-0710-5270-1429-4724-44



Meeting Date: June 24, 2024

Agenda Item: 9-B

Report to Code Enforcement Board

Topic: Case #2024-433
Owner(s): Jason David Prince & Jessica Morlok-Prince
Property Address: 102 Rains Drive
Alleged Violation(s): Work without permits

Summary: Staff will provide testimony and evidence regarding the following case. The Board will be asked to make a decision based on that evidence and testimony.

Suggested motion: To be determined by the Board after testimony and evidence has been provided on the case.

Requested by:

Mr. Hooker, Code Compliance Manager

Approved by:

Mr. Disher, Town Manager



MEMORANDUM
TOWN OF PONCE INLET – PLANNING & DEVELOPMENT DEPARTMENT

THE TOWN OF PONCE INLET STAFF SHALL BE PROFESSIONAL, CARING, AND FAIR IN DELIVERING COMMUNITY EXCELLENCE WHILE ENSURING PONCE INLET CITIZENS OBTAIN THE GREATEST VALUE FOR THEIR TAX DOLLAR.

TO: Code Enforcement Board
THROUGH: Drew Smith, Town Attorney
FROM: Travis Mincey, Rental Housing Inspector
DATE: June 4, 2024
DATE OF MEETING: June 24, 2024

Case Number: 2024-433
Address: 102 Rains Dr

Alleged Violation:
Work without permits.

Florida Building Code
105.1 Required

Brief History:
On April 24, 2024, construction was observed taking place at the residence. A permit check revealed that no active permits were issued for the property.

Workers led staff to the rear yard where a deck was being constructed and siding was removed from the home.

On April 26, 2024, a Notice of Violation / Hearing was issued with a compliance date of May 17, 2024.

As of June 4, 2024, no permit application has been submitted, nor any contact has been made by the ownership.

Recommendation:
The property to be found in non-compliance and assess fine in accordance with Florida statutes Chapter 162.09.



Town of Ponce Inlet
4300 S. Atlantic Avenue
Ponce Inlet, FL 32127

(386) 267-6676

Case Number: **CODE2024-000433**

Case Type: **Code Enforcement**

Date Case Established: **04/26/2024**

Compliance Deadline: **05/17/2024**

Violation Notice

Owner: Jason David Prince & Jessica Morlok-Prince

Mailing Address

307 Blossom Ln
West Palm Beach, FL 33404

Notice of Violation for the following location:

Address

102 Rains Dr
PONCE INLET, FL 32127

Parcel

643703000110

This violation letter is to inform you that staff has observed a violation at that the property, which according to the Volusia County Property Appraisers Office, is owned by you located in Ponce Inlet, Florida

The violation and how to correct are:

- 1-Rear deck constructed without permits.
- 2-Siding removed from home.

How to correct:

Item number 1- Secure permit from the town for installation of deck and obtain necessary inspection.

Item number 2- Secure permit from the town for replacement of homes exterior siding and obtain necessary inspection.

You are hereby cited with the following adopted sections of Town Code.

**Florida Building Code
105.1 Required.**

Any *owner* or owner's authorized agent who intends to construct, enlarge, alter, *repair*, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, *repair*, remove, convert or replace any impact-resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the *building official* and obtain the required *permit*.



Town of Ponce Inlet
4300 S. Atlantic Avenue
Ponce Inlet, FL 32127

(386) 267-6676

Case Number: **CODE2024-000433**

Case Type: **Code Enforcement**

Date Case Established: **04/26/2024**

Compliance Deadline: **05/17/2024**

Violation Notice

Compliance Date: 05/17/2024

If you are unable to meet the required compliance date, this case will be referred to the Town's Code Enforcement Board for a hearing scheduled for June 24, 2024, at 9:30 A.M., located at 4300 South Atlantic Avenue, Ponce Inlet, Florida 32127.

If you are found to be in violation of the cited sections of Town Code, a daily fine of up to \$250 per day may be imposed. Furthermore, an administrative fee of \$250 shall also be imposed.

Both these charges will be recorded into the public records of Volusia County and will constitute a lien pf your property, as well as any other property that you own in the state of Florida in accordance with Florida Statutes 162.09(3).

If you have any questions related to this matter, please feel free to contact my office.

Kind Regards,

Travis Mincey
Rental Housing Inspector

Certified Mail:

7018-2290-0001-0055-3898 West Palm Beach, FL 33404

7018-2290-0001-0055-3881 Ponce Inlet, FL 32127



Meeting Date: June 24, 2024

Agenda Item: 9-C

Report to Code Enforcement Board

Topic: Case #2024-446
Owner(s): Lucille and Bruce Lambert Charitable Foundation
Property Address: 101 Old Carriage Road
Alleged Violation(s): Property maintenance issues involving dwelling

Summary: Staff will provide testimony and evidence regarding the following case. The Board will be asked to make a decision based on that evidence and testimony.

Suggested motion: To be determined by the Board after testimony and evidence has been provided on the case.

Requested by:

Mr. Hooker, Code Compliance Manager

Approved by:

Mr. Disher, Town Manager



MEMORANDUM
TOWN OF PONCE INLET – PLANNING & DEVELOPMENT DEPARTMENT

THE TOWN OF PONCE INLET STAFF SHALL BE PROFESSIONAL, CARING, AND FAIR IN DELIVERING COMMUNITY EXCELLENCE WHILE ENSURING PONCE INLET CITIZENS OBTAIN THE GREATEST VALUE FOR THEIR TAX DOLLAR.

TO: Code Enforcement Board

THROUGH: Drew Smith, Town Attorney

FROM: Travis Mincey, Rental Housing Inspector

DATE: June 4, 2024

DATE OF MEETING: June 24, 2024

Case Number: 2024-446
Address: 101 Old Carriage Rd

Alleged Violation:
 Property Maintenance issues involving dwelling.

Florida Building Code
 105.1 Required

International Property Maintenance Code
 102.2 Maintenance
 304.15 Doors
 304.6 Exterior Walls

Brief History:
 While conducting a Rental Property Maintenance Inspection, violations of both the Florida Building Code and International Property Maintenance Code were observed.

A permit check revealed that recent plumbing work including re-piping of the kitchen drains had occurred without the necessary permit or inspection. During the inspection additional violations of the International Property Maintenance Code were observed.

Those items included open gaps to the exterior of the home in the kitchen and garage areas. Also noted was an incorrectly sized door installed in the garage.

Once completing the required inspection, a copy of the inspection report was forwarded to property representatives.

Following the staff report a Notice of Violation / Hearing was issued on April 26, 2024, with a compliance date of May 24, 2024.

On May 31, 2024, the Rental Housing Inspector was contacted by a representative of the property to discuss the details of the violations and how to cure them.

As of June 4, 2024, a permit application has not been received by the town.

Recommendation:

The property to be found in non-compliance and assess fine in accordance with Florida statutes Chapter 162.09.



Town of Ponce Inlet
4300 S. Atlantic Avenue
Ponce Inlet, FL 32127

(386) 267-6676

Case Number: **CODE2024-000446**

Case Type: **Code Enforcement**

Date Case Established: **04/26/2024**

Compliance Deadline: **05/24/2024**

Violation Notice

Owner: Lucille and Bruce Lambert Charitable Foundation Inc

Mailing Address

2100 Powhatan St
Falls Church, VA 22043

Notice of Violation for the following location:

Address

101 OLD CARRIAGE RD
PONCE INLET, FL 32127

Parcel

631301000450

This violation letter is to inform you that staff has observed a violation at that the property, which according to the Volusia County Property Appraisers Office, is owned by you located in Ponce Inlet, Florida

The violation(s) and how to correct are as follows:

- 1-Kitchen plumbing work completed without required permit and inspection.
- 2-Side entry door is not correct size leaving gap.
- 3-Exterior walls open, visible gap to exterior of home.

How to correct:

Item number 1- Secure permit for completed plumbing work. Secure necessary inspection from the town.

Item number 2- Secure permit for replacement of side entry door. Secure necessary inspection from the town.

Item number 3- Following a plumbing inspection, hole in wall must be patched.

Once repairs are complete, please contact the town's code division so that a reinspection of the property can occur.



Town of Ponce Inlet

4300 S. Atlantic Avenue
Ponce Inlet, FL 32127

(386) 267-6676

Case Number: **CODE2024-000446**

Case Type: **Code Enforcement**

Date Case Established: **04/26/2024**

Compliance Deadline: **05/24/2024**

Violation Notice

You are hereby cited with the following adopted sections of Town Code.

Florida Building Code

105.1 Required.

Any *owner* or owner's authorized agent who intends to construct, enlarge, alter, *repair*, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, *repair*, remove, convert or replace any impact-resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the *building official* and obtain the required *permit*.

International Property Maintenance Code

102.2 Maintenance.

Equipment, systems, devices and safeguards required by this code or a previous regulation or code under which the *structure* or *premises* was constructed, altered or repaired shall be maintained in good working order. An *owner*, *owner's* authorized agent, *operator* or *occupant* shall not cause any service, facility, equipment or utility that is required under this section to be removed from, shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. The requirements of this code are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the *owner* or the *owner's* authorized agent shall be responsible for the maintenance of buildings, structures and *premises*.

International Property Maintenance Code

304.15 Doors.

Exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door.

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*.



Town of Ponce Inlet
4300 S. Atlantic Avenue
Ponce Inlet, FL 32127

(386) 267-6676

Case Number: **CODE2024-000446**

Case Type: **Code Enforcement**

Date Case Established: **04/26/2024**

Compliance Deadline: **05/24/2024**

Violation Notice

Compliance Date: 05/24/2024

If you are unable to meet the required compliance date, this case will be referred to the Town's Code Enforcement Board for a hearing scheduled for June 24, 2024, at 9:30 A.M., located at 4300 South Atlantic Avenue, Ponce Inlet, Florida 32127.

If you are found to be in violation of the cited sections of Town Code, a daily fine of up to \$250 per day may be imposed. Furthermore, an administrative fee of \$250 shall also be imposed.

Both these charges will be recorded into the public records of Volusia County and will constitute a lien of your property, as well as any other property that you own in the state of Florida in accordance with Florida Statutes 162.09(3).

If you have any questions related to this matter, please feel free to contact my office.

Kind Regards,

Travis Mincey
Rental Housing Inspector

Certified Mail:

7018-2290-0001-0055-3843

2100 Powhatan St Falls Church, VA 22043

7018-2290-0001-0055-3850

5204 Bradwood St Springfield, VA 22151

7018-2290-0001-0055-3867

4339 S Peninsula Dr Ponce Inlet, FL 32127

7018-2290-0001-0055-3874

101 Old Carriage Rd Ponce Inlet, FL 32127