

**BEFORE THE CODE ENFORCEMENT MAGISTRATE FOR THE  
CITY OF FLAGLER BEACH, FLORIDA**

CITY OF FLAGLER BEACH,

Petitioner,

vs.

CASE NUMBER EEN 24-0024

THOMAS T. TURNER and  
MONZELL TURNER,

Respondents.

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**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER**

**THIS MATTER** having come before the Code Enforcement Magistrate for the City of Flagler Beach, Florida on May 22, 2024 after due notice to Respondents and the undersigned having received evidence and heard testimony under oath thereupon issues the following Findings of Fact and Order:

**FINDINGS OF FACT**

1. The property subject to this proceeding is located at 1816 S Daytona Avenue, Flagler Beach, Florida, and has Flagler County Tax Parcel ID 18-12-32-2750-00270-0050 (the "Subject Property").
2. Thomas T. Turner and Monzell Turner are the record owners of the Subject Property.
3. On April 2, 2024, the Code Enforcement Officer for the City of Flagler Beach properly served a Notice of Violation on Respondent. Said Notice of Violation cited a violation of Section 303.2 of the International Property Maintenance Code, as adopted by the City of Flagler Beach, related to swimming pool enclosures.
4. Specifically, there is a swimming pool in the rear yard of the Subject Property and one side of the rear yard currently does not have a fence. Plastic construction fencing has been erected to create a temporary barrier; however, the construction fencing is not a code compliant barrier and has been the only obstacle on that side of the fence for several months.
5. On April 26, 2024, the undersigned entered an Order requiring Respondents to obtain a permit to install the missing portions of fence necessary to secure the pool within fifteen

days of April 26, 2024 and requiring Respondents to complete the fence installation within thirty days of April 26, 2024.

6. Respondents have not applied for permits, obtained permits, or installed the necessary portions of fence.

7. The undersigned also ordered Respondents to attend the May 22, 2024 hearing either in person or by telephone.

8. Respondents did not attend the hearing and have made no effort to communicate with the Code Enforcement Officer regarding this violation.

**BASED UPON THE FOREGOING, IT IS ORDERED:**

9. As of May 22, 2024 fines in this case have accrued to \$7,250.00 and continue to accrue at the rate of \$250.00 per day until the violation is cured.

10. The City shall schedule and notice this matter for a Hearing to Impose Fines and Create Lien to be held at the regular hearing date in June.

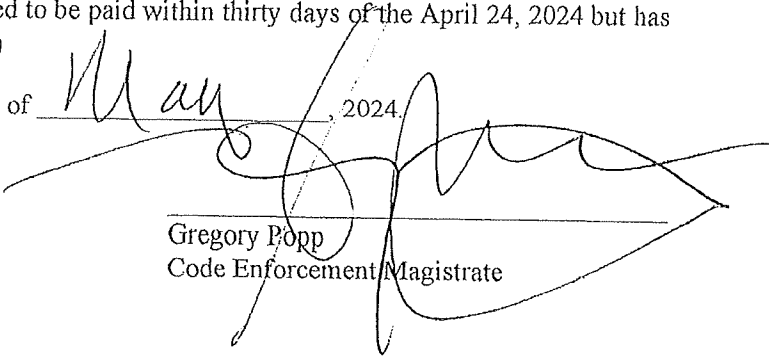
11. Unless the Respondents shall have taken prompt and decisive action to address this violation that represents a public safety hazard, the undersigned shall impose all fines accrued as of that date, which fines, once imposed, will constitute a lien against the Subject Property.

12. If Respondents take prompt and decisive action to remedy the violation, the undersigned will consider such actions in any request for abatement or reduction of the fines accrued.

13. Respondents are reminded that pursuant to Chapter 162, Florida Statutes, they are legally required to notify any potential purchasers of the Subject Property of this code enforcement action.

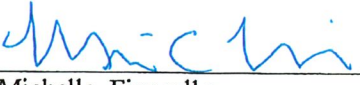
14. Respondents remain responsible the City's costs incurred in prosecution in the amount of \$24.00, which was required to be paid within thirty days of the April 24, 2024 but has yet to be paid.

**ORDERED** on this 23<sup>rd</sup> day of May, 2024.

  
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Gregory Popp  
Code Enforcement Magistrate

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing has been served upon Respondent by Certified and Regular Mail to Respondents at 1816 S Daytona Avenue, Flagler Beach, Florida 32136 and 10696 Mountain Laurel Way, Union, Kentucky 41091, on this 23<sup>rd</sup> day of May, 2024.

  
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Michelle, Ficocello,  
Clerk to the Special Magistrate