

**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.

**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 April 24, 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.

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

5. Respondents must correct the violation by installing permanent fencing that completely surrounds and secures the pool.

6. The work will require permits from the City of Flagler Beach.

7. Accordingly, the Respondents are allowed fifteen (15) days from the date of this Order to obtain a permit to install the missing portions of fence necessary to adequately secure the pool.

8. Additionally, the Respondents are allowed thirty (30) days from the date of this Order to complete the installation of the missing portions of fence necessary to adequately secure the pool.

9. The undersigned has been advised that the residents of the Subject Property may be waiting for the neighboring property that is under construction to install the missing portion of fence. This order does not mandate who must perform the work; however, if the work is not permitted and completed in the times allowed by this Order, fines will be imposed against the Respondents.

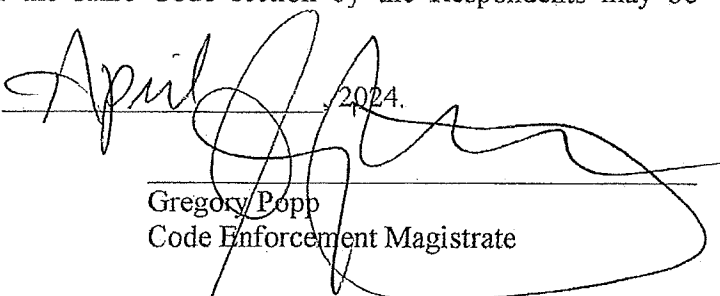
10. If either requirement of this order is not completed by the time allowed in this Order, a fine of \$250.00 per day shall accrue for each day beginning April 24, 2024 Respondents remain in violation of this Order.

11. Respondents shall pay the costs incurred by the City in prosecuting this case in the amount of \$24.00 within thirty (30) days of the date of this Order. Respondents may contact Michelle Ficocello at (386) 517-2000 ext. 231 to make arrangements for payment.

12. This matter shall be scheduled and noticed for a status hearing at the regular May hearing date and the Respondents shall attend such hearing in person or by telephone.

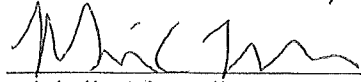
13. Any future violations of the same Code section by the Respondents may be prosecuted as repeat violations.

**ORDERED** on this 26<sup>th</sup> day of April, 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 26<sup>th</sup> day of April, 2024.



Michelle, Ficocello,  
Clerk to the Special Magistrate

# City of Flagler Beach

800 SOUTH DAYTONA AVENUE / PO BOX 70

Flagler Beach, FL 32136

(386) 517-2000

Invoice For Enforcement: EEN24-0024

Print Date: 04/26/2024


TURNER THOMAS T & MONZELL

Pay by Account In Full



Pay by Account In Full

\$ 24.00

		Invoice No	Invoice Date	CO Number	Address	Amount Due
		00071816	04/26/24	EEN24-0024	1816 S DAYTONA AVE	\$ 24.00
Fee Details:	Quantity	Description			Amount Cost	Balance
	1.000	REGULAR MAILING			\$ .64	\$ 0.64
	1.000	REGULAR MAILING			\$ .64	\$ 0.64
	1.000	REGULAR MAILING			\$ .64	\$ 0.64
	1.000	Certified Mailings			\$7.36	\$ 7.36
	1.000	Certified Mailings			\$7.36	\$ 7.36
	1.000	Certified Mailings			\$7.36	\$ 7.36
Total Amount Due					\$ 24.00	