



AGENDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF PORT ORANGE

Meeting Date: Wednesday, April 26, 2017

Time: 9:00 AM

Type of Meeting: Regular

Location: Council Chambers
City Hall, 1000 City Center Circle

A. CALL TO ORDER

1. Attorney Overview of Special Magistrate Code Enforcement Process
2. Consideration of Minutes - April 12, 2017

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. CEB Case No.: 17-0307

Respondent: 814190 Mobile Home Attachments d/b/a
Tanglewood Estates Lot 292

Address of Violation: 292 Bern Street, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 03/21/2017

Compliance: No

Cited for violation(s) - Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment), 108.1 (General), 108.1.1 (Unsafe Structures) and 108.1.3 (Structure Unfit for Human Occupancy) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances:

108.1.1 (Unsafe Structures): An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum standards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

108.1.3 (Structure Unfit for Human Occupancy): A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of

the structure or to the public.

Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.1 General, 304.1.1 (Unsafe Conditions), (7), (8) and (9) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances:

304.1 (General): The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

304.1.1 (Unsafe Conditions): The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings:

7) Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks, or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.

8) Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects

9) Flooring and flooring components with defects that effect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or are incapable of supporting all nominal loads and resisting all load effects. Inspection revealed exterior holes in walls and roof structure along with weak floors with holes underneath the carpeting. Home is not structurally sound as there is still a tree laying on the unit since October's hurricane.

Chapter 3 (General Requirements), Section 305 (Interior Structure), 305.1 (General) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances:

305.1 (General): The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure that they occupy or control in a clean and sanitary condition.

Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of Property Generally-Duty of Owner, (d) Maintenance of Improved Residential Lots of the City of Port Orange Code of Ordinances: The owner of an improved lot in a residential zone with lot sizes of one acre or less shall keep such lot free and clear of all fallen trees and limbs. All weeds, grass and undergrowth shall be cut to a height not exceeding ten inches.

Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-32 (Storage of vehicles, furniture, etc.) of the City of Port Orange Code of Ordinances.

Chapter 42 (Nuisances), Article V (Unsafe Conditions), Division 3 (Abatement of

Unsafe Structures) of the City of Port Orange Code of Ordinances.

4. **CEB Case No.:** 17-0170

Respondent: Armeen Executive Center COA

Address of Violation: 731 Dunlawton Avenue, Port Orange, FL 32129

Code Officer: Dena Joseph

First Notified: 03/21/2017

Compliance: No

Cited for violation(s) - Chapter 16 (Miscellaneous Regulations), Section 3 (Fences and Walls), (b) General Provisions, (4) Design and maintenance, (b) & (d) of the City of Port Orange Land Development Code:

(b) All fences shall be maintained in their original upright condition.

(d) Missing boards, pickets, or posts shall be replaced in a timely manner with material of the same type and quality.

5. **CEB Case No.:** 16-1996

Respondent: George Workman

Address of Violation: 5711 Riverside Drive, Port Orange, FL 32127

Code Officer: Deborah Faircloth

First Notified: 03/22/2017

Compliance: No

Cited for violation(s) - 2014 Florida Building Code 5th Edition, Section 105.1 as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances - Failure to obtain a building permit.

City of Port Orange Code of Ordinances, Chapter 42, Section 42-32 Storage of vehicles, furniture, etc.

City of Port Orange Code of Ordinances, Chapter 70, Section 70-36 Stopping, standing or parking prohibited in specified places (a) except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic control device, no person shall: (1) Stop, stand or park a motor vehicle or trailer: (d) on any other portion of the front yard of a residential lot, except on approved driveways.

6. **CEB Case No.:** 16-1774

Respondent: Eugene Gentile

Address of Violation: 477 Leslie Drive, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 03/21/2017

Compliance: No

Cited for violation(s) - Chapter 42 (Nuisances) of the City of Port Orange Code of Ordinances, Article II, (Garbage, Junk & Undergrowth), Section 42-26, (Cleanliness of Property Generally Duty of Owner), (f) Garbage, waste, trash, etc. prohibited.

Chapter 3, Section 302 Exterior Property Areas, 302.7 Accessory structures of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances (All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair).

C. PUBLIC COMMENTS

D. ADJOURNMENT

ANY PERSON WHO DECIDES TO APPEAL ANY DECISION MADE BY THE **CODE ENFORCEMENT SPECIAL MAGISTRATE** WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE HE OR SHE MAY NEED TO ENSURE AT HIS OR HER OWN EXPENSE FOR THE TAKING AND PREPARATION OF A VERBATIM RECORD OF ALL TESTIMONY AND EVIDENCE OF THE PROCEEDINGS UPON WHICH THE APPEAL IS TO BE BASED. NOTE: IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ANY ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT THE CITY CLERK FOR THE CITY OF PORT ORANGE, 1000 CITY CENTER CIRCLE, PORT ORANGE, FLORIDA 32129, TELEPHONE NUMBER 386-506-5563, WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING DATE; IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 1-800-955-8771.

PORT ORANGE CODE ENFORCEMENT
SPECIAL MAGISTRATE MEETING MINUTES
COUNCIL CHAMBERS
1000 CITY CENTER CIRCLE
APRIL 12, 2017

THE SPECIAL MAGISTRATE HEARING of the City of Port Orange was called to order by Special Magistrate Fuller at 9:00 a.m.

PRESENT: David Fuller, Special Magistrate

ALSO PRESENT: Amanda Bonin, Code Compliance Inspector
Debbie Faircloth, Interim Code Enforcement Manager
Robin Fenwick, City Clerk

Consideration of Minutes

Special Magistrate Fuller approved the November 21, 2016 and March 22, 2017 meeting minutes as presented.

Oaths

Code Compliance Inspector Amanda Bonin and Interim Code Enforcement Manager Debbie Faircloth were sworn in by Special Magistrate Fuller.

FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 16-2010
Respondent: Irena Miller Crouch
Address of Violation: 232 N. Brighton Drive, Port Orange, FL 32127
Code Officer: Amanda Bonin
First Notified: 03/09/2017

Compliance: No

Cited for violation(s) - Chapter 42 Nuisances Section 42-26 (d) Maintenance of improved residential lots.

Chapter 3, Section 309 Pest Elimination of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances 309.1 Infestation.

Amanda Bonin, Code Compliance Inspector, was sworn in by Special Magistrate Fuller, and advised that a letter was received from the property owner requesting a continuance. The property owner is in the process of cleaning up the property and Ms. Bonin agreed with the continuance of the case until May 10, 2017 to allow time for

completion of the work needing to be done as approximately 90% of the work is complete. Motion to continue was granted by Special Magistrate Fuller.

4. **CEB Case No.:** 16-1870

Respondent: Sharon D. Chaney and Donna J. Stanley

Address of Violation: 748 Herbert Street, Port Orange, FL 32129

Code Officer: Dena Joseph

First Notified: 03/02/2017

Compliance: No

Cited for violation(s) - Chapter 58 (Streets, Sidewalks, and Other Public Places), Article II (Construction in Rights of Way), Section 58-32 (Exemptions), (1) of the City of Port Orange Code of Ordinances:

The following activities shall be exempt from the requirement to obtain a permit under this article: (1) Installation of mailboxes, except mailboxes constructed of masonry or similar material or by methods more elaborate than a single post.

Deborah Faircloth, Interim Code Compliance Manager, was sworn in by Special Magistrate Fuller, and requested a dismissal of the case. It will be re-noticed at a later date. Motion to dismiss with leave to re-file was granted by Special Magistrate Fuller.

5. **CEB Case No.:** 17-0242

Respondent: John H. Clark & Barbara J. Clark

Address of Violation: 301 Lafayette Street, Port Orange, FL 32129

Code Officer: Dena Joseph

First Notified: 02/24/2017

Compliance: Yes

Cited for violation(s) - 1. Chapter 70 (Traffic), Article II (Stopping, Standing and Parking), Section 70-47 (Parking of Commercial vehicles on residential premises), (a), (b) (1), (2) & (3) and (c) (1) of the City of Port Orange Code of Ordinances:

(a) For the purpose of this section, "commercial vehicle" means any vehicle designed, intended, or used for transportation of people or goods as part of a business, except for rental vehicles designed for temporary personal use.

(b) No commercial vehicle shall be parked on residential premises except for the following:

(1) A vehicle making deliveries to or servicing a dwelling unit.

(2) One vehicle, one-ton capacity or less, per dwelling unit which is used by a resident of the dwelling unit as part of a full-time job and which leaves the

premises on weekdays.

(3) Any vehicle stored within a completely enclosed garage. When a vehicle is stored pursuant to this paragraph the vehicle engine or associated equipment engine shall not be operated between the hours 9:00 p.m. and 7:00 a.m.

(c) No commercial vehicles shall be parked on the right-of-way adjoining residential premises.

(1) A vehicle servicing or making deliveries to a dwelling unit may stop on the roadway temporarily for the purpose of servicing a dwelling unit or while actually engaged in loading and unloading of merchandise or passengers.

(2) Chapter 16 (Miscellaneous Regulations), Section 1 (Accessory Uses & Structures), (e) Outside Storage (1) Residential Uses (a) and (b) of the City of Port Orange Land Development Code:

(a) Outside storage of materials and equipment shall be restricted to the rear yard area and screened by an opaque fence or hedge so that such materials are not visible from any public right-of-way or adjoining lot and

(b) Materials and equipment such as appliances, unlicensed or inoperable motor vehicles, motor vehicle parts, and equipment and materials used as part of a business conducted off-site shall not be stored outside.

Ms. Faircloth requested a dismissal of the case as it is in compliance with the notice provided to the property owner. Motion to dismiss was granted by Special Magistrate Fuller.

6. CEB Case No.: 17-0219

Respondent: Nath Florida Franchise Group, Burger King 3926

Address of Violation: 3811 Nova Road, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 02/27/2017

Compliance: Yes

Cited for violation(s) - Chapter 15 (Signs), Section 3 (General Provisions), (d) Construction and Maintenance Standards, (1) Code Compliance, (2) Copy, (3) Structure, (4) Damage and (5) Safety of the City of Port Orange Land Development Code:

(1) All signs shall be constructed and maintained in accordance with the provisions and requirements of the building code, electrical code, and all other applicable codes, ordinances or requirements.

(2) Damaged faces or structural members shall be replaced in a timely manner.

(3) Electrical systems, fasteners, and the sign and structure as a whole shall be maintained at all times in a safe condition.

Ms. Faircloth requested a dismissal of the case as it is in compliance with the notice provided to the property owner. Motion to dismiss was granted by Special Magistrate Fuller.

ORDER IMPOSING FINE/LIEN

7. CEB Case No.: 16-1483

Respondent: Circle K Stores, Inc.

Address of Violation: 4040 Nova Road, Port Orange, FL 32127

Code Officer: Deborah Faircloth

First Notified: 02/15/2017

Compliance: Yes

Cited for violation(s) - City of Port Orange Code of Ordinances, Chapter 14, Article VII Commercial Property Maintenance Standards, Section 14-313 Inspections, enforcement, appeals (b), Section 14-314 Landscaping and buffers - Maintenance criteria, Section 14.315 Replacement criteria, Section 14-317 Parking, sidewalk and driveway areas (2), Section 14-318 Other property improvements; maintenance criteria (b) Signs (d) Trash, litter and debris.

Ms. Faircloth requested a dismissal of the case as it is in compliance with the Finding of Fact, Conclusion of Law, & Order. Motion to dismiss was granted by Special Magistrate Fuller.

8. CEB Case No.: 17-139

Respondent: Eva Ivie

Address of Violation: 27 Golden Gate Circle, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 02/02/2017

Compliance: No

Cited for violation(s) - City of Port Orange Code of Ordinances Chapter 42, Article 2, Section 42-26. Cleanliness of property generally - Duty of owner. (f)

City of Port Orange Code of Ordinances Chapter 42, Article 2, Section 42-32. Storage of vehicles, furniture, etc.

Ms. Bonin requested an Order Setting Fine/Lien as the property is still not in compliance as ordered by the Special Magistrate on March 8, 2017. Costs in the amount of \$93.32

were presented on the Cost Sheet and requested to be awarded to the City. Corrective action was to be taken by March 20, 2017. It was cleaned up prior to the deadline but then was immediately brought back into non-compliance and remains in non-compliance due to outside storage of personal property. She also requested a fine in the amount of \$100.00 per day be imposed for non-compliance.

The Cost Sheet was accepted by Special Magistrate Fuller into evidence as Exhibit 1 and the Affidavit of Compliance was accepted as Exhibit 2. Special Magistrate Fuller found the property in non-compliance and awarded a fine in the amount of \$100.00 per day from the compliance date of March 20, 2017 and ongoing until the property is brought into compliance, as well as costs in the amount of \$93.32 as a lien against the property. The lien will be capped based on City Ordinance.

PUBLIC COMMENTS – There were no public comments.

ADJOURNMENT – 9:17 a.m.

Special Magistrate David Fuller

Case Cost Sheet Log

Case No. 17-0307

Name	Activity	Activity_Date	Status	Cost
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law, & Order	04/26/2017		\$27.00
814190 Mobile Home Attachments d/b/a Tanglewood Estates Lot 292 and Georgia Ecret	Cost to mail Finding of Fact, Conclusion of Law, & Order to 292 Bern Street, Port Orange, FL 32127 (via regular and certified mail)	04/26/2017		\$7.02

Total: 34.02



NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 17-0307

To: 814190 Mobile Home Attachments
DBA Tanglewood Estates Lot 292

Georgia Ecret
Owner of Mobile Home
292 Bern Street
Port Orange, FL 32127

Re: 292 Bern Street
Port Orange, FL 32127
Parcel ID: 6310-13-01-00100292
Volusia County Public Records
Volusia County, FL

I Dena Joseph, have been designated by Marvin Dryden, Building Official for Case 17-0307, to determine the condition of this structure.

This property has been deemed an unsafe structure by the Building Official Marvin Dryden.
The relief sought is demolition of the unsafe structure.

An inspection of the premises on March 9, 2017 indicates that certain violation(s) of the City of Port Orange Code exists.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by April 23, 2017 by demolishing/removing the mobile home, cleaning up all trash and waste on site, mowing the yard and removing all fallen trees, limbs, etc. and removing all outside stored items on site.

Briefly stated, the property is in violation of the following:

1. Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment), 108.1 (General), 108.1.1 (Unsafe Structures) and 108.1.3 (Structure Unfit for Human Occupancy) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances:

108.1.1 (Unsafe Structures): An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum standards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

108.1.3 (Structure Unfit for Human Occupancy): A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

- Inspection revealed that the mobile home is in deplorable shape. There is an abundance of trash inside the unit along with feces on the floor and rotting food in the refrigerator. Due to holes in the walls, neighbors are seeing large rats coming from the unit. There are large holes in the roof structure as well.

2. Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.1 General, 304.1.1 (Unsafe Conditions), (7), (8) and (9) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances:

304.1 (General): The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

304.1.1 (Unsafe Conditions): The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings:

- 7) Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks, or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.
- 8) Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects
- 9) Flooring and flooring components with defects that effect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or are incapable of supporting all nominal loads and resisting all load effects.
 - Inspection revealed exterior holes in walls and roof structure along with weak floors with holes underneath the carpeting. Home is not structurally sound as there is still a tree laying on the unit since October's hurricane.
3. Chapter 3 (General Requirements), Section 305 (Interior Structure), 305.1 (General) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances:

305.1 (General): The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the structure that they occupy or control in a clean and sanitary condition.

 - Inside of the structure is very unsanitary. There is feces in areas inside the structure, rotting food in the refrigerator, trash and debris and items strewn all over the unit. There is evidence of roaches and rats inside as well. These issues pose a danger to the public health, safety and welfare of the surrounding neighbors.
4. Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of Property Generally-Duty of Owner, (d) Maintenance of Improved Residential Lots of the City of Port Orange Code of Ordinances: The owner of an improved lot in a residential zone with lot sizes of one acre or less shall keep such lot free and clear of all fallen trees and limbs. All weeds, grass and undergrowth shall be cut to a height not exceeding ten inches.
5. Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-32 (Storage of vehicles, furniture, etc.) of the City of Port Orange Code of Ordinances: No owner of property within the city shall permit the storage of vehicles or parts of vehicles, furniture, appliances or other personal property upon the premises, except in an enclosed building
6. Chapter 42 (Nuisances), Article V (Unsafe Conditions), Division 3 (Abatement of Unsafe Structures) of the City of Port Orange Code of Ordinances.
 - The Building Official, Marvin Dryden, has personally inspected the mobile home and deems the mobile home to be unsafe due to the aforementioned damage. Pursuant to the ordinance, the unit shall be demolished by either interested party.

Attachments: ☒ Copy of code ☒ Copy of Deed ☒ Copy of Tax Roll

Failure to comply after this date may result in the commencement of appropriate code enforcement action and/or possible fine of up to \$1,000.00 per day for a first violation, \$5,000.00 per day per violation for a repeat violation, and up to \$15,000.00 per violation if the code enforcement board or special magistrate finds the violation to be irreparable or irreversible in nature.

If the violation is corrected and then recurs, or if the violation is not corrected by the specified time for correction by the Code Compliance Inspector, the case shall be presented to the **Special Magistrate** on the date set forth below, even if the violation has been corrected prior to this scheduled hearing.

The burden shall rest upon the Respondent to request a re-inspection by the Code Compliance Inspector to determine whether the property is in compliance.

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

**NOTICE: A FINE AND COSTS MAY BE IMPOSED AT THIS HEARING.
PLEASE GOVERN YOURSELF ACCORDINGLY.**

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the Special Magistrate April 26, 2017, at 9:00 a.m., or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special**

Magistrate may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

If the violation is not corrected within the time specified for correction ordered by the **Special Magistrate**, then a certified copy of an order imposing a fine may be recorded in the public records of the county and once recorded, it SHALL CONSTITUTE A LIEN against the property upon which the violation was found to exist and upon any other real or personal property owned by the violator. If said lien remains unpaid for more than ninety days, the City may seek to foreclose on said lien.

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$ 7.02 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on April 26, 2017, enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement ~~Special Magistrate on June 28, 2017, at 9:00 a.m.~~, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

For further information regarding this matter, you may contact the undersigned Code Compliance Inspector at (386) 506- 5645.

DATED this 21st day of March, 2017.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Dena Joseph
Dena Joseph, Code Enforcement Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to: Georgia Ecret, Mobile Home Owner, 292 Bern Street, Port Orange, FL 32127 RE: 292 Bern Street, Port Orange, FL 32127, was

☒ Hand-delivered Recipient of hand delivered documents: Susan Hall - Asst. Mgr. 1:35 PM
Hand-delivered Tanglewood Mobile Estates Office: 518 Hives Street
Hand-delivered Address for Tanglewood Office: _____
Last known resident of property: Geoffrey Meade - son of owner
hand delivered on 3/23/17 @ 11:50 am
Current address for resident: _____

☒ Posted at the property

Time: approx. 12:05 PM

Posting date → this 21st day of March, 2017.

Dena Joseph
Dena Joseph, Code Enforcement Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Georgia Ecret, Mobile Home Owner, 292 Bern Street, Port Orange, FL 32127 RE: 292 Bern Street, Port Orange, FL 32127 was

☒ Posted at City Hall
☐ Sent via certified and regular

this 24th day of March, 2017.

Frances Gosnell
Secretary, Special Magistrate

RIGHT TO APPEAL

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE **SPECIAL MAGISTRATE** WITH RESPECT TO ANY MATTER CONSIDERED AT THE MEETING OR HEARING, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS, AND, FOR SUCH PURPOSE HE OR SHE MAY NEED TO ENSURE AT HIS OR HER OWN EXPENSE FOR THE TAKING AND PREPARATION OF A VERBATIM RECORD OF ALL TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

ACCOMMODATIONS

IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ANY ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT THE CITY CLERK FOR THE CITY OF PORT ORANGE, 1000 CITY CENTER CIRCLE, PORT ORANGE, FLORIDA 32129, TELEPHONE NUMBER 386-506-5563, WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING DATE; IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 1-800-955-8771.



Volusia County Property Appraiser

Larry Bartlett, J.D.

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Parcel Information: 6310-13-01-00100292 2017 Working Tax Roll Last Updated: 03-12-2017

Owner Name and Address

Alternate Key	4780734	Parcel Status	Active Parcel (Tangible Personal Property)
Short Parcel ID	6310-13-01-00100292	Mill Group	402 Port Orange
Full Parcel ID	10-16-33-13-01-0010 0292	2016 Final Mill Rate	20.05190
Created Date	02 AUG 1985		
NAICS	814190 MOBILE HOME ATTACHMENTS		
DBA	TANGLEWOOD ESTATES LOT 292		

Ownership Type	Ownership Percent
Owner Name	ECRET GEORGIA
Owner Name/Address 1	
Owner Address 2	292 BERN ST
Owner Address 3	PORT ORANGE FL
Owner Zip/Postal Code	32127
Situs Address	292 BERN ST PORT ORANGE

History of Values

Year	Just Value	Assessed	Exemptions	Taxable
2016	1,820	1,820	0	0
2015	1,820	1,820	0	0

[Display Value History](#)

Parcel Notes (Click button below to display Parcel Notes)

[Display Notes](#)

Total Values

City Econ Dev/Historic	0		
Just Value	1,820	Previous Just Value	1,820
Assessed	1,820	Previous Assessed	1,820
Exemption Value	0	Previous Exemption Value	0
Taxable Value	0	Previous Taxable Value	0

[MapIT](#)
[PALMS](#)
[Map Kiosk](#)

MapIT: Your basic parcel record search including lot dimensions.

PALMS: Basic parcel record searches with enhanced features.

Map Kiosk: More advanced tools for custom searches on several layers including parcels.



Tag: Title Office
due to it being a mobile home

Case Cost Sheet Log

Case No. 17-0170

Name	Activity	Activity_Date	Status	Cost
Armeen Executive Center COA	Cost to mail Notice of Violation/Notice of Hearings to 6125 Del Rio Drive, Port Orange, FL 32127 (via regular and certified mail)	03/23/2017	Both returned "unclaimed"	\$7.02
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law, & Order	04/26/2017		\$27.00
Armeen Executive Center COA	Cost to mail Finding iof Fact, Conclusion of Law, & Order to 6125 Del Rio Drive, Port Orange, FL 32127 (via regular and certified mail)	04/26/2017		\$7.02

Total: 41.04



NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 17-0170

~~To: Armeen Executive Center COA~~
~~Property Owner~~
~~6125 Del Rio Drive~~
~~Port Orange, FL 32127~~

Re: 731 Dunlawton Avenue

Port Orange, FL 32129

Parcel ID: 6337-52-00-0001

LEGAL DESCRIPTION: COMMON AREA FOR ARMEEN EXECUTIVE CENTER CONDO PER OR 5495 PG 3195

Volusia County Public Records

Volusia County, FL

An inspection of the premises on **February 7, 2017**, indicates that certain violation(s) of the City of Port Orange Code exists.

Property owner was notified of the violations noted below and given 10 days to correct. A re-inspection was done on **March 17, 2017**, resulting in non-compliance.

*This correspondence will serve as official notification that the below stated violation(s) must be corrected by **March 31, 2017**.*

Briefly stated, the property is in violation of the following:

1. Chapter 16 (Miscellaneous Regulations), Section 3 (Fences and Walls), (b) General Provisions, (4) Design and maintenance, (b) & (d) of the City of Port Orange Land Development Code:
 - (b) All fences shall be maintained in their original upright condition.
 - (d) Missing boards, pickets, or posts shall be replaced in a timely manner with material of the same type and quality.
 - Initial inspection conducted on February 7, 2017 after receiving a complaint through the city manager's office. Inspection revealed fence panels off the fence and leaning or lying on the ground. I made contact with the property manager on or around February 15, 2017 and was told that someone would be there on that date to make the repairs to the fence. I conducted a re-inspection on March 17, 2017 and the fence is still not in compliance with city ordinances.
 - In order to correct the violation, the fence must be repaired or areas replaced so that the fence is in its original upright condition.

Attachments: ☒ Copy of code ☒ Copy of Deed ☒ Copy of Tax Roll

Failure to comply after this date may result in the commencement of appropriate code enforcement action and/or possible fine of up to \$1,000.00 per day for a first violation, \$5,000.00 per day per violation for a repeat violation, and up to \$15,000.00 per violation if the code enforcement board or special magistrate finds the violation to be irreparable or irreversible in nature.

If the violation is corrected and then recurs, or if the violation is not corrected by the specified time for correction by the Code Compliance Inspector, the case shall be presented to the **Special Magistrate** on the date set forth below, even if the violation has been corrected prior to this scheduled hearing.

The burden shall rest upon the Respondent to request a re-inspection by the Code Compliance Inspector to determine whether the property is in compliance.

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

**NOTICE: A FINE AND COSTS MAY BE IMPOSED AT THIS HEARING.
PLEASE GOVERN YOURSELF ACCORDINGLY.**

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the Special Magistrate April 26, 2017 at 9:00 a.m., or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

If the violation is not corrected within the time specified for correction ordered by the **Special Magistrate**, then a certified copy of an order imposing a fine may be recorded in the public records of the county and once recorded, it SHALL CONSTITUTE A LIEN against the property upon which the violation was found to exist and upon any other real or personal property owned by the violator. If said lien remains unpaid for more than ninety days, the City may seek to foreclose on said lien.

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$ 7.02 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on April 26, 2017, enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on June 14, 2017 at 9:00 a.m., or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

For further information regarding this matter, you may contact the undersigned Code Compliance Inspector at (386) 506- 5645.

DATED this 21st day of March, 2017.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Dena Joseph
Dena Joseph, Code Compliance Inspector

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Armeen Executive Center COA, Property Owner, 6125 Del Rio Drive, Port Orange, FL 32127, RE: 731 Dunlawton Avenue, Port Orange, FL 32129, was

☐ Hand-delivered Recipient of hand delivered documents: _____

☒ Posted at the property

Time: approx. 12:02 PM

this 21st day of March, 2017.

Dena Joseph
Dena Joseph, Code Compliance Inspector

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Armeen Executive Center COA, Property Owner, 6125 Del Rio Drive, Port Orange, FL 32127, RE: 731 Dunlawton Avenue, Port Orange, FL 32129, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 23 day of March, 2017.

Frances Gonzalez
Secretary, Special Magistrate

RIGHT TO APPEAL

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE **SPECIAL MAGISTRATE** WITH RESPECT TO ANY MATTER CONSIDERED AT THE MEETING OR HEARING, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS, AND, FOR SUCH PURPOSE HE OR SHE MAY NEED TO ENSURE AT HIS OR HER OWN EXPENSE FOR THE TAKING AND PREPARATION OF A VERBATIM RECORD OF ALL TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

ACCOMMODATIONS

IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ANY ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT THE CITY CLERK FOR THE CITY OF PORT ORANGE, 1000 CITY CENTER CIRCLE, PORT ORANGE, FLORIDA 32129, TELEPHONE NUMBER 386-506-5563, WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING DATE; IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 1-800-955-8771.

Case Cost Sheet Log

Case No. 16-1996

Name	Activity	Activity_Date	Status	Cost
George Workman	Cost to mail Notice of Violation/Notice of Hearings to 2131 Orange Street, Port Orange, FL 32128 (via regular and certified mail)	03/23/2017	Certified mail returned "unclaimed"	\$7.02
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law, & Order	04/26/2017		\$27.00
George Workman	Cost to mail Finding of Fact, Conclusion of Law, & Order to 2131 Orange Street, Port Orange, FL 32128 (via regular and certified mail)	04/26/2017		\$7.02

Total: 41.04



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 16-1996

To: Mr. George Workman
2131 Orange St.
Port Orange, FL 32128

Re: 5711 Riverside Drive
Port Orange, FL 32127
Parcel ID: 6314-03-04-0080

LEGAL DESCRIPTION: LOT 8 BLK 4 & RIP RTS HARBOR OAKS UNIT 1 MB 10 PG 145 & 146 INC PER OR 4209 PG 4841
Volusia County Public Records
Volusia County, FL

An inspection of the premises on December 9, 2016, indicates that certain violation(s) of the City of Port Orange Code exists.

Property owner was notified of the violations noted below and given fifteen days to correct. A re-inspection was done on January 4, 2017, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by April 11, 2017.

Briefly stated, the property is in violation of the following:

- **2014 Florida Building Code 5th Edition, Section 105.1 as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances Failure to Obtain a Building Permit** (A permit must be obtained before construction.)
A building permit was required before the repair to the dock located at this property. **An after-the-fact permit for the dock repair must be applied for, approved and inspected to be in compliance.**
- **City of Port Orange Code of Ordinances, Chapter 42, Section 42-32 Storage of vehicles, furniture, etc.**
No owner of property within the city shall permit the storage of vehicles or parts of vehicles, furniture, appliances or other personal property upon the premises, except in an enclosed building. **Remove all items stored outside in the driveway and on the side of the home to an enclosed building.**
- **City of Port Orange Code of Ordinances, Chapter 70, Section 70-36 Stopping, standing or parking prohibited in specified places(a)Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic control device, no person shall:(1)Stop, stand or park a motor vehicle or trailer:(k) On any other portion of the front yard of a residential lot, except on approved driveways.**

Attachments: ☒ Copy of code

☒ Copy of Deed

☒ Copy of Tax Roll

Failure to comply after this date may result in the commencement of appropriate code enforcement action and/or possible fine of up to \$1,000.00 per day for a first violation, \$5,000.00 per day per violation for a repeat violation, and up to \$15,000.00 per violation if the code enforcement board or special magistrate finds the violation to be irreparable or irreversible in nature.

If the violation is corrected and then recurs, or if the violation is not corrected by the specified time for correction by the Code Compliance Inspector, the case shall be presented to the **Special Magistrate** on the date set forth below, even if the violation has been corrected prior to this scheduled hearing.

The burden shall rest upon the Respondent to request a re-inspection by the Code Compliance Inspector to determine whether the property is in compliance.

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

**NOTICE: A FINE AND COSTS MAY BE IMPOSED AT THIS HEARING.
PLEASE GOVERN YOURSELF ACCORDINGLY.**

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate April 26, 2017, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

If the violation is not corrected within the time specified for correction ordered by the **Special Magistrate**, then a certified copy of an order imposing a fine may be recorded in the public records of the county and once recorded, it SHALL CONSTITUTE A LIEN against the property upon which the violation was found to exist and upon any other real or personal property owned by the violator. If said lien remains unpaid for more than ninety days, the City may seek to foreclose on said lien.

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$ 7.02 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **April 26, 2017**, enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on **June 7, 2017, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

For further information regarding this matter, you may contact the undersigned Code Compliance Inspector at (386) 506-5644.

DATED this 22nd day of March, 2017.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Deborah Faircloth
Deborah Faircloth

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Mr. George Workman, 2131 Orange St., Port Orange, FL 32128, RE: 5711 Riverside Drive, Port Orange, FL 32127, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

Time: approx. 2:00 pm

this 22nd day of March, 2017.

Deborah Faircloth
Deborah Faircloth

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Mr. George Workman, 2131 Orange St., Port Orange, FL 3212, RE: 5711 Riverside Drive, Port Orange, FL 32127, was
☒ Posted at City Hall
☒ Sent via certified and regular

this 23 day of March, 2017.

Frances Gosnell
Secretary, Special Magistrate

RIGHT TO APPEAL

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE **SPECIAL MAGISTRATE** WITH RESPECT TO ANY MATTER CONSIDERED AT THE MEETING OR HEARING, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS, AND, FOR SUCH PURPOSE HE OR SHE MAY NEED TO ENSURE AT HIS OR HER OWN EXPENSE FOR THE TAKING AND PREPARATION OF A VERBATIM RECORD OF ALL TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

ACCOMMODATIONS

IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ANY ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT THE CITY CLERK FOR THE CITY OF PORT ORANGE, 1000 CITY CENTER CIRCLE, PORT ORANGE, FLORIDA 32129, TELEPHONE NUMBER 386-506-5563, WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING DATE; IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 1-800-955-8771.

Case Cost Sheet Log

Case No. 16-1774

Name	Activity	Activity_Date	Status	Cost
Eugene Gentile	Cost to mail Notice of Violation/Notice of Hearings to 477 Leslie Drive, Port Orange, FL 32127 (via regular and certified mail)	03/21/2017	Both returned "vacant" (envelopes marked "VAC Deceased")	\$7.02
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law, & Order	04/26/2017		\$27.00
Eugene Gentile	Cost to mail Finding of Fact, Conclusion of Law & Order to 477 Leslie Drive, Port Orange, FL 32127 (via regular and certified mail)	04/26/2017		\$7.02

Total: 41.04



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 16-1774

To: Eugene Gentile

Re: 477 Leslie Dr

Port Orange, FL 32127

Parcel ID: 6315-09-00-0190

LEGAL DESCRIPTION: LOTS 19 & 20 SPRUCE CREEK VILLAGE SUB MB 33 PG 36 PER OR 3644 PG 1844 PER OR 7179 PG 4296 PER OR 7301 PG 3023

Volusia County Public Records

Volusia County, FL

An inspection of the premises on November 3, 2016, indicates that certain violation(s) of the City of Port Orange Code exists.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by April 23, 2017.

Briefly stated, the property is in violation of the following:

1. Chapter 42 (Nuisances) of the City of Port Orange Code of Ordinances, Article II, (Garbage, Junk and Undergrowth), Section 42-26, (Cleanliness of Property Generally Duty of Owner), (f) Garbage, waste, trash, etc., prohibited.

An inspection of the property was conducted on November 3, 2016. At the time of the inspection, I observed a wooden car-port that has collapsed. An e-mail was sent to Birdsey Property Solutions (property preservation company) to notify them of the damaged car-port. To correct the violation, the debris from the collapsed car-port must be removed from the property.

2. Chapter 3, Section 302 Exterior Property Areas, 302.7 Accessory structures of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances. (All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair).

An inspection of the property was conducted on November 3, 2016. At the time of the inspection, I observed a damaged metal shed on the back of the property. An e-mail was sent to Birdsey Property Solutions (property preservation company) to notify them of the damaged shed. To correct the violation, the shed must be repaired or removed from the property.

Attachments: ☒ Copy of code

☒ Copy of Deed

☒ Copy of Tax Roll

Failure to comply after this date may result in the commencement of appropriate code enforcement action and/or possible fine of up to \$1,000.00 per day for a first violation, \$5,000.00 per day per violation for a repeat violation, and up to \$15,000.00 per violation if the code enforcement board or special magistrate finds the violation to be irreparable or irreversible in nature.

If the violation is corrected and then recurs, or if the violation is not corrected by the specified time for correction by the Code Compliance Inspector, the case shall be presented to the **Special Magistrate** on the date set forth below, even if the violation has been corrected prior to this scheduled hearing.

The burden shall rest upon the Respondent to request a re-inspection by the Code Compliance Inspector to determine if the property is in compliance.

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

**NOTICE: A FINE AND COSTS MAY BE IMPOSED AT THIS HEARING.
PLEASE GOVERN YOURSELF ACCORDINGLY.**

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate** April 26, 2017, at 9:00 a.m., or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

If the violation is not corrected within the time specified for correction ordered by the **Special Magistrate**, then a certified copy of an order imposing a fine may be recorded in the public records of the county and once recorded, it SHALL CONSTITUTE A LIEN against the property upon which the violation was found to exist and upon any other real or personal property owned by the violator. If said lien remains unpaid for more than ninety days, the City may seek to foreclose on said lien.

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$ 7.02 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on April 26, 2016, enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on June 28, 2017, at 9:00 a.m., or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

For further information regarding this matter, you may contact the undersigned Code Compliance Inspector at (386) 506-5641.

DATED this 21 day of MARCH, 2017.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: J. Scott Allman
J. Scott Allman

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Eugene Gentile, RE: 477 Leslie Dr, Port Orange, FL 32127, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

this 21 day of MARCH, 2017.

Time: approx. 11:45 a.m.

J. Scott Allman
J. Scott Allman

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Eugene Gentile, RE: 477 Leslie Dr, Port Orange, FL 32127, was

☐ Posted at City Hall

☒ Sent via certified and regular

this 21st day of March, 2017.

Frances Gosnell
Secretary, Special Magistrate

RIGHT TO APPEAL

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE **SPECIAL MAGISTRATE** WITH RESPECT TO ANY MATTER CONSIDERED AT THE MEETING OR HEARING, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS, AND, FOR SUCH PURPOSE HE OR SHE MAY NEED TO ENSURE AT HIS OR HER OWN EXPENSE FOR THE TAKING AND PREPARATION OF A VERBATIM RECORD OF ALL TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

ACCOMMODATIONS

IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ANY ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT THE CITY CLERK FOR THE CITY OF PORT ORANGE, 1000 CITY CENTER CIRCLE, PORT ORANGE, FLORIDA 32129, TELEPHONE NUMBER 386-506-5563, WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING DATE; IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 1-800-955-8771.