



AGENDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF PORT ORANGE

Meeting Date: Wednesday, May 10, 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 26, 2017

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 16-2004

Respondent: Robert & Margaret M Wilson

Address of Violation: 710 Larado Drive, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 04/06/2017

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 (d) Maintenance of improved residential lots.

4. **CEB Case No.:** 16-2010 (continued from 4/12/2017)

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.

5. **CEB Case No.:** 17-354

Respondent: PSM Dunlawton Square LLC

Address of Violation: 3815 Nova Road, Port Orange, FL 32127

Code Officer: Amanda Bonin

First Notified: 04/06/2017

Compliance: No

Cited for violation(s) - City of Port Orange Land Development Code Chapter 16 Miscellaneous Regulations Section 3: -Fences and walls. Modified (b) (4) Design and maintenance.

(a) All fences and walls shall be designed to comply with the architectural and landscaping requirements of this code when applicable.

(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.

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 MINUTES
COUNCIL CHAMBERS
1000 CITY CENTER CIRCLE
APRIL 26, 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: Scott Allman, Code Compliance Inspector
Dena Joseph, Code Compliance Inspector
Deborah Faircloth, Interim Code Enforcement Manager
Robin Fenwick, City Clerk

Consideration of Minutes

Special Magistrate Fuller approved the April 12, 2017 meeting minutes as amended as to Case No. 17-139 having an Affidavit of Non-Compliance filed rather than Affidavit of Compliance.

Oaths

Code Compliance Inspectors Dena Joseph and Scott Allman were sworn in by Special Magistrate Fuller, as was Deborah Faircloth, Interim Code Enforcement Manager.

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.

Dena Joseph, Code Compliance Inspector, was sworn in by Special Magistrate Fuller and requested a continuance of the case to allow time to publish and attempt to locate heirs to the property as the property owner is deceased.

Special Magistrate Fuller granted the continuance request. The case shall be noticed for June 14, 2017.

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.

Ms. Joseph testified as to the notices provided to the property owner and the condition of the property. The violation was to be corrected on or before March 31, 2017 by repairing the broken fence posts and replacing missing panels of the fence. The property remained in non-compliance until April 18, 2017. Photographs of the violations taken by Ms. Joseph (numbered as Exhibits 1-3) were submitted into evidence and admitted by Special Magistrate Fuller.

Ms. Joseph requested the property owner be found in violation of the above referenced code. The Cost Sheet in the amount of \$41.04 was submitted into evidence and admitted by Special Magistrate Fuller as Exhibit 4 with no objections.

Special Magistrate Fuller granted the request and found the property owner in violation as the repairs were not made prior to the compliance date listed in the notice. Any further violations will be considered repeat violations.

A discussion was held with Special Magistrate Fuller regarding the costs incurred in all code cases and when they are collectible. It was explained by Debbie Faircloth, Interim Code Enforcement Manager, and Robin Fenwick, City Clerk, that the City Attorney's Office has advised that the costs are not collectible until the Order Imposing Fine/Lien is entered. The Finding of Fact, Conclusion of Law, and Order is putting the property owner on notice that costs will be imposed should the property not be brought into compliance by the compliance date set by the Special Magistrate.

Special Magistrate Fuller accepted the Cost Sheet for Case no. 17-0170 and found costs in the amount of \$41.04 to be reasonable costs to be imposed should an Order Imposing Fine/Lien be entered in the future for this property under a repeat violation.

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.

Ms. Faircloth was sworn in by Special Magistrate Fuller and testified as to the notices provided to the property owner and the condition of the property. The violation was to be corrected on or before April 11, 2017 by removing and properly storing all items stored in all yards and removing a trailer from the front yard. Ms. Faircloth requested dismissal

of the violation relating to the dock repair and the trailer being parked in the front yard as it was removed within the time frame allowed in the notice. Photographs of the violations taken by Ms. Faircloth were submitted into evidence and admitted by Special Magistrate Fuller.

Ms. Faircloth requested the property owner be found in violation of the above referenced code and a fine in the amount of \$100.00 per day be imposed for each day the violation continues past May 12, 2017. The Cost Sheet in the amount of \$41.04 was submitted into evidence and admitted by Special Magistrate Fuller with no objections.

Special Magistrate Fuller granted the request and found the property owner in violation for outside storage. He also granted a \$100.00 fine to be imposed for each day the violation continues past May 12, 2017, as well as costs in the amount of \$41.04 to be imposed with the Order Setting Fine/Lien.

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).

Scott Allman, Code Compliance Inspector, was sworn in by Special Magistrate Fuller and testified as to the notices provided to the property owner and the condition of the property. The violation was to be corrected on or before April 23, 2017 by removing the wooden carport that has collapsed and repairing or removing the damaged metal shed from the property. Photographs of the violations taken by Mr. Allman were submitted into evidence and admitted by Special Magistrate Fuller with no objections.

Mr. Allman requested the property owner be found in violation of the above referenced code. The Cost Sheet in the amount of \$41.04 was submitted into evidence and admitted by Special Magistrate Fuller with no objections. He also requested the property be deemed as a health and safety concern and allow the City of Port Orange the option to abate the violation. No fines were requested.

Special Magistrate Fuller granted the request and found the property owner in violation. The violation shall be abated on or before May 15, 2017 or the City shall have the option to abate the violation as it is found that the violation is a health and safety concern. Reasonable costs, currently in the amount of \$41.04, as well as abatement costs, shall be imposed under the Order Imposing Fine/Lien.

PUBLIC COMMENTS – There were no public comments.

ADJOURNMENT – 9:39 a.m.

Special Magistrate David Fuller

Case Cost Sheet Log

Case No. 16-2004

Name	Activity	Activity_Date	Status	Cost
Robert & Margaret M Wilson	Cost to mail Notice of Violation/Notice of Hearings to 710 Larado Drive, Port Orange, FL 32129 (via regular and certified mail)	04/10/2017	Both returned "vacant"	\$14.04
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law, & Order	05/10/2017		\$27.00
Robert & Margaret M Wilson	Cost to mail Finding of Fact, Conclusion of Law & Order to 710 Larado Drive, Port Orange, FL 32129	05/10/2017		\$14.04

Total: 55.08



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 16-2004

To: Robert & Margaret M Wilson
710 Larado Drive
Port Orange, FL 32129

Re: 710 Larado Drive
Port Orange, FL 32129

Parcel ID: 6305-05-02-0480

LEGAL DESCRIPTION: LOT 48 LAURELWOOD MOBILE ESTATES UNIT II MB 34 PG 147 PER OR 5001 PG 2437-2440
INC

Volusia County Public Records
Volusia County, FL

An inspection of the premises on February 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 two weeks to correct. A re-inspection was done on March 29, 2017, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by April 20, 2017.

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

City of Port Orange Code of Ordinances Chapter 42, Article 2, Section 42-26. - Cleanliness of property generally—Duty of owner (d) Maintenance of improved residential lots. 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. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than ten inches within such natural areas.

The entire yard needs to be mowed and maintained on a regular basis.

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 May 10, 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 \$ 14.04 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 **May 10, 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) 506-5616.

DATED this 6th day of April, 2017.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Amanda Bonin
Amanda Bonin

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Robert & Margaret M Wilson 710 Larado Drive Port Orange, FL 32129, RE: 710 Larado Drive Port Orange, FL 32129, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

Time: approx. 11:25 Am

this 6th day of April, 2017.

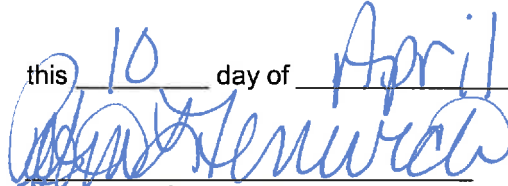
Amanda Bonin
Amanda Bonin

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Robert & Margaret M Wilson 710 Larado Drive Port Orange, FL 32129, RE: 710 Larado Drive Port Orange, FL 32129, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 10 day of April, 2017.


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. 16-2010 (continued from 4/12/2017)

Name	Activity	Activity_Date	Status	Cost
Irena Miller Crouch	Costs to mail- regular/certified - Notice of Violation and Notice of Hearing to PO Box 290565, Port Orange, FL 32127	03/24/2017	Certified mail returned with signature of Irena Crouch	\$7.02
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law, & Order	05/10/2017		\$27.00
Irene Crouch	Mailing Finding of Fact, Conclusion of Law, & Order	05/10/2017		\$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. 16-2010

To: Irena Miller Crouch
PO BOX 290565
Port Orange, FL 32127

Re: 232 N Brighton Drive
Port Orange, FL 32127
Parcel ID: 6321-01-05-0050

LEGAL DESCRIPTION: LOT 5 CAMBRIDGE SUB UNIT V MB 33 PG 140 PER OR 2360 PG 1043
Volusia County Public Records
Volusia County, FL

An inspection of the premises on December 20, 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 1, 2017.

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

City of Port Orange Code of Ordinances Chapter 42 Nuisances Section 42-26 (d) Maintenance of improved residential lots. 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. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than ten inches within such natural areas.

The entire property needs to be mowed and all high weeds and grass trimmed. The back yard is extremely overgrown and in need of routine maintenance. This is visible from other neighboring properties.

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. Structures shall be kept free from insect and rodent infestation. Structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent re-infestation.

There is a large bee hive on the outside of the home will need to be removed. The bees can either be safely removed or exterminated. The hive is hanging off of the back of the home which is also visible from neighboring properties.

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 12, 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 12, 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 **May 24, 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) 506-5616.

DATED this 9th day of March, 2017.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Amanda Bonin
Amanda Bonin

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Irena Miller Crouch 232 N Brighton Drive Port Orange, FL 32127, RE: 232 N Brighton Drive Port Orange, FL 32127, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

this 9th day of March, 2017.

Time: approx. 1:20pm

Amanda Bonin
Amanda Bonin

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Irena Miller Crouch PO BOX 290565 Port Orange, FL 32127, RE: 232 N Brighton Drive Port Orange, FL 32127, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 10 day of March, 2017.

Frances Gossnell
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. 17-354

Name	Activity	Activity_Date	Status	Cost
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law, & Order	05/10/2017		\$27.00
PSM Dunlawton Square LLC	Cost to mail Finding of Fact, Conclusion of Law & Order to 3300 Publix Corporate Parkway, Lakeland, FL 33811	05/10/2017		\$14.04

Total: \$41.04



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 17-354

To: PSM Dunlawton Square LLC
Re: 3815 Nova Road
Port Orange, FL 32127

c/o John A. Attaway Jr.
3300 Publix Corporate Parkway
Lakeland, FL 33811

Parcel ID: 6309-00-06-0010

LEGAL DESCRIPTION: 9 16 33 IRREG PARCEL IN GOVT LOT 6 BEING W 821.44 FT ON N/L E OF NOVA RD OF S 941.81 FT OF N 1514.73 FT S OF ST RD 415 MEAS ON E/L OF GOVT LOT 6 & ALSO BEING 263.75 FT ON MOST SOUTHERLY LINE EXC NEW R/W FOR ST RD 5A MEAS 245 FT ON NOVA RD & MEAS 63.31 FT ON S/L & MEAS 9.31 FT ON N/L PER OR 3208 PG 0728 PER OR 5593 PGS 2973-2976 INC PER OR 6081 PGS 3374 THRU 3379 PER OR 6236 4411-4414 PER OR 6236 PGS 4415-4419 PER OR 6236 PGS 4422-4428 PER OR 7303 PG 1592

Volusia County Public Records
Volusia County, FL

An inspection of the premises on March 1, 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 fourteen days to correct. A re-inspection was done on March 15, 2017, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by April 17, 2017.

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

City of Port Orange Land Development Code Chapter 16 Miscellaneous Regulations Section 3: - Fences and walls. Modified (b) (4) Design and maintenance.

(a) All fences and walls shall be designed to comply with the architectural and landscaping requirements of this code when applicable.

(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.

The fence behind the building that separates the commercial and residential properties needs to be repaired and replaced where needed. There are several areas the fence has fallen or is missing. This is a requirement of the City of Port Orange and needs to be corrected within the time frame listed above.

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 May 10, 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 \$ 0.70215 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 **May 10, 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) 506-5616.

DATED this 10th day of April, 2017.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: _____

Amanda Bonin

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to PSM Dunlawton Square LLC Re: 3815 Nova Road Port Orange, FL 32127, RE: 3815 Dunlawton Avenue Port Orange, FL 32127, was

☐ Hand-delivered

Recipient of hand delivered documents: Ryan Snicker

Assistant
grocery
manager

☐ Posted at the property

this 10th day of April, 2017.

Time: approx. 11:50 am

Amanda Bonin
Amanda Bonin

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to John A. Attaway Jr. 3300 Publix Corporate Parkway Lakeland, FL 33811, RE: 3815 Dunlawton Avenue Port Orange, FL 32127, was

☒ Posted at City Hall

☐ Sent via certified and regular

this 7 day of April, 2017.

Robert H. H. H. H. H.
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.