



**AGENDA**  
**CODE ENFORCEMENT SPECIAL MAGISTRATE**  
**CITY OF PORT ORANGE**

**Meeting Date:** Wednesday, June 14, 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 - May 24, 2017

**B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)**

**3. CEB Case No.: 17-0307**

**Respondent:** Georgia Ecret / Tanglewood Estates

**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.

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.

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.

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 tree 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: 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.

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.: 17-528**

**Respondent:** Jaqueline M. & Donald A. Acosta

**Address of Violation:** 825 Upland Drive, Port Orange, FL 32127

**Code Officer:** Scott Allman

**First Notified:** 05/03/2017

Compliance: No

**Cited for violation(s)** - 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), (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(10) inches.

**5. CEB Case No.: 17-273**

**Respondent:** Elizabeth Ann Mienke & Linda L. Brandt

**Address of Violation:** 125 Niver Street, Port Orange, FL 32127

**Code Officer:** Scott Allman

**First Notified:** 05/03/2017

Compliance: Yes

**Cited for violation(s)** - City of Port Orange Code of Ordinances Chapter 42, Section 42-26. - Cleanliness of property generally-- Duty of owner (f) Garbage, waste, trash, etc., prohibited. The owner of every lot, piece and parcel of land located within the city shall keep each such lot, piece and parcel of land free and clear of garbage, waste, trash, debris and junk.

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.

6. **CEB Case No.:** 17-294

**Respondent:** Mark T & Michael Hancock

**Address of Violation:** 5329 Landis Avenue, Port Orange, FL 32127

**Code Officer:** Scott Allman

**First Notified:** 05/03/2017

Compliance: No

**Cited for violation(s)** - 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.

Chapter 42 of the City of Port Orange Code of Ordinances, 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(10) 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.

7. **CEB Case No.:** 16-1328

**Respondent:** Charles & Peggy Collins

**Address of Violation:** 5481 Pineland Ave., Port Orange, FL 32127

**Code Officer:** Scott Allman

**First Notified:** 05/10/2017

Compliance: Yes

**Cited for violation(s)** - City of Port Orange Code of Ordinances Chapter 42, Section 42-26. - Cleanliness of property generally-- Duty of owner (f) Garbage, waste, trash, etc., prohibited. The owner of every lot, piece and parcel of land located within the city shall keep each such lot, piece and parcel of land free and clear of garbage, waste, trash, debris and junk.

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.

8. **CEB Case No.:** 16-1837

**Respondent:** Robert Detko

**Address of Violation:** 408 Virginia Ave, Port Orange, FL 32127

**Code Officer:** Deborah Pearson

**First Notified:** 05/08/2017

Compliance: No

**Cited for violation(s)** - The City of Port Orange Land Development Code, Chapter 16, Section 3 Fences & Walls, (4) Design & Maintenance (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.

Chapter 42 of the City of Port Orange Code of Ordinances, 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(10) inches.(f) Garbage, waste, trash, and debris shall be removed from the entire property.

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.

### **C. ORDER IMPOSING FINE/LIEN**

9. **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: Yes

**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.

**10. 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.

**D. PUBLIC COMMENTS**

**E. 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 AN 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, [CITYCLERK@PORT-ORANGE.ORG](mailto:CITYCLERK@PORT-ORANGE.ORG), AS FAR IN ADVANCE AS POSSIBLE, BUT PREFERABLY 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 7-1-1 or 1-800-8771. UPON REQUEST BY A QUALIFIED INDIVIDUAL WITH A DISABILITY, THIS DOCUMENT WILL BE MADE AVAILABLE IN AN ALTERNATE FORMAT. IF YOU NEED TO REQUEST THIS DOCUMENT IN AN ALTERNATE FORMAT, PLEASE CONTACT THE CITY CLERK WHOSE CONTACT INFORMATION IS PROVIDED ABOVE.

PORT ORANGE CODE ENFORCEMENT  
SPECIAL MAGISTRATE MEETING MINUTES  
COUNCIL CHAMBERS  
1000 CITY CENTER CIRCLE  
MAY 24, 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: Dena Joseph, Code Compliance Inspector  
Deborah Pearson, Interim Code Enforcement-  
Manager  
Michelle Cusella, Administrative Assistant

Consideration of Minutes

Special Magistrate Fuller approved the May 10, 2017 meeting minutes as presented.

Oaths

Interim Code Enforcement- Manager, Deborah Pearson and Dena Joseph were sworn in by Special Magistrate Fuller.

**FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)**

**3. CEB Case No.: 17-175**

**Respondent:** James R. Miller

**Address of Violation:** 1084 Donnell Drive, Port Orange, FL 32129

**Code Officer:** Amanda Bonin

**First Notified:** 04/25/2017

Compliance: Yes

**Cited for violation(s)** - City of Port Orange of Ordinances Chapter 42, Section 42-26. - Cleanliness of property generally – Duty of owner(d) Maintenance of improved residential lots.

*Deborah Pearson, Interim Code Enforcement Manager, 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.*

4.     **CEB Case No.: 17-0499**  
          **Respondent:** Country Manor Assisted Living & Retirement Home, LLC  
          **Address of Violation:** 1152 Old Hammock Road, Port Orange, FL 32129  
          **Code Officer:** Dena Joseph  
          **First Notified:** 04/18/2017

**Cited for violation(s)** – Chapter 13 (Landscaping and Buffers), Section 3.5 (Opaque Fence or Wall Requirements), (a)(1) of the City of Port Orange Land Development Code.

*Dena Joseph, Code Compliance Inspector, was sworn in by Special Magistrate Fuller, and stated this property was sold on April 19, 2017. Ms. Joseph requested a dismissal as she will have to provide proper notice to the new property owners. Motion to dismiss with leave to re-file was granted by Special Magistrate Fuller.*

5.     **CEB Case No.: 17-0397**  
          **Respondent:** Jon Dalrymple  
          **Address of Violation:** 126 Barefoot Trail, Port Orange, FL 32129  
          **Code Officer:** Dena Joseph  
          **First Notified:** 04/19/2017

Compliance: Yes

**Cited for violation(s)** – Chapter 42 (Nuisances) Article II (Garbage, Junk, and Undergrowth), Section 4226 (Cleanliness of property generally duty of owner), (d) Maintenance of Improved Residential Lots of the City of Port Orange Code of Ordinances.

Chapter 42 (Nuisances) Article II (Garbage, Junk, and Undergrowth), Section 4226 (Cleanliness of property generally duty of owner), (f) Garbage, waste, trash, etc. prohibited) of the City of Port Orange Code of Ordinances.

Chapter 42 (Nuisances) Article II (Garbage, Junk, and Undergrowth), Section 4232 (Storage of Vehicles, Furniture, Etc.) of the City of Port Orange Code of Ordinances.

*Ms. Pearson, 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** – There were no cases to be heard.

**PUBLIC COMMENTS** – There were no public comments.

**ADJOURNMENT** – 9:04 a.m.

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Special Magistrate David Fuller



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 2<sup>nd</sup> 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 24<sup>th</sup> 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)

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### 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. 17-528

| Name                               | Activity                                                                                                  | Activity_Date | Status                                                                | Cost    |
|------------------------------------|-----------------------------------------------------------------------------------------------------------|---------------|-----------------------------------------------------------------------|---------|
| Jaqueline M. &<br>Donald A. Acosta | Costs to mail Notice of Repeat Violation/Notice of Hearings to 825<br>Upland Drive, Port Orange, FL 32127 | 05/04/2017    | Certified Mail Returned "unclaimed";<br>regular mail was not returned | \$14.04 |
| Clerk of Court                     | Costs to record Finding of Fact, Conclusion of Law, and Order                                             | 06/14/2017    |                                                                       | \$27.00 |
| Jaqueline M. &<br>Donald A. Acosta | Costs to mail Finding of Fact, Conclusion of Law, & Order to 825<br>Upland Drive, Port Orange, FL 32127   | 06/14/2017    |                                                                       | \$14.04 |

Total: 55.08



**NOTICE OF REPEAT VIOLATION  
AND  
NOTICE OF HEARINGS**

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CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 17-528

To: Jaqueline M. & Donald A. Acosta

Re: 825 Upland Dr

Port Orange, FL 32127

Parcel ID: 6321-04-00-1150

LEGAL DESCRIPTION: LOT 115 THE HAMLET SUB 1ST ADDITION MB 35 PGS 99-100 INC PER OR 4975 PG 1225  
PER OR 5864 PG 4185 PER D/C 5865 PG 4113 PER OR 5910 PG 1211 PER OR 5947 PGS  
4351-4352 PER OR 5952 PGS 0372-0373 PER OR 5969 PGS 2888-2890 INC

Volusia County Public Records

Volusia County, FL

An inspection of the premises on April 18, 2017, indicates that certain repeat violation(s) of the City of Port Orange Code exists.

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

- 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), (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 (10) inches.
- An inspection of the property was conducted on April 18, 2017. During that inspection, I observed a repeat violation. Re-inspections were conducted on April 26, 2017 and again on May 1, 2017. The results of those inspections, showed no compliance. See attached Finding of Fact and Conclusion of Law and Order. Case # 15-048. To correct the repeat violation, the property needs to be mowed, maintained and all high weeds trimmed.

Attachments: ☒ Copy of code

☒ Copy of Deed

☒ Copy of Tax Roll

A fine up to \$5000 per day per violation for a repeat violation may be assessed by the Special Magistrate.

The burden shall rest upon the Respondents 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** 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 **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 June 14, 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 2<sup>nd</sup> PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on July 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 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 3<sup>rd</sup> day of MAY, 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 Jaqueline M. & Donald A. Acosta, RE: 825 Upland Dr, Port Orange, FL 32127, was

☐ Hand-delivered

Recipient of hand delivered documents: \_\_\_\_\_

☒ Posted at the property

Time: 2:50 pm.

this 3<sup>rd</sup> day of MAY, 2017.

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 Jaqueline M. & Donald A. Acosta, RE: 825 Upland Dr, Port Orange, FL 32127, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 4<sup>th</sup> day of May, 2017.

Michelle Cota  
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.



**NOTICE OF VIOLATION  
AND  
NOTICE OF HEARINGS**

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**CITY OF PORT ORANGE, FLORIDA**

**SPECIAL MAGISTRATE**

CITY OF PORT ORANGE,

Petitioner

CASE NO. 17-273

To: Elizabeth Ann Mienke & Linda L Brandt  
125 Niver Street  
Port Orange, FL 32127

Re: 125 Niver Street  
Port Orange, FL 32127  
Parcel ID: 6310-07-22-0020

LEGAL DESCRIPTION: W 50 FT OF LOTS 1 2 & 3 BLK 22 ALLANDALE PER OR 4447 PG 4465  
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 five (5) days to correct. A re-inspection was done on April 26, 2017, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by **May 10, 2017**.

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

1. City of Port Orange Code of Ordinances, Chapter 42, Section 42-26 – Cleanliness of property generally-duty of owner ((f) Garbage, waste, trash, etc., prohibited. The owner of every lot, piece and parcel of land located within the city shall keep each such lot, piece and parcel of land free and clear of garbage, waste, trash, debris and junk.
  - Garbage and junk was stored in the front and side yards. Spoke with owner and explained that all garbage and junk needs to be removed.
2. City of Port Orange Code of Ordinance, 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.
  - All items stored outside need to be stored in an enclosed building or removed from the property. Owner described the items as scrap. Scrapping is prohibited in the City of Port Orange.

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 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 **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 June 14, 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 2<sup>nd</sup> PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on **July 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 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 3<sup>rd</sup> day of MAY, 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 Elizabeth Ann Mienke & Linda L Brandt, 125 Niver Street, Port Orange, FL 32127

RE: 125 Niver Street, Port Orange, FL 32127, was

☐ Hand-delivered

Recipient of hand delivered documents: \_\_\_\_\_

☒ Posted at the property

this 3<sup>rd</sup> day of MAY, 2017.

Time: approx. 2:30 pm

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 Elizabeth Ann Mienke & Linda L Brandt, 125 Niver Street, Port Orange, FL 32127, RE: 125 Niver Street, Port Orange, FL 32127, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 4<sup>th</sup> day of May, 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. 17-294

| Name                     | Activity                                                                                              | Activity_Date | Status                                                       | Cost    |
|--------------------------|-------------------------------------------------------------------------------------------------------|---------------|--------------------------------------------------------------|---------|
| Mark T & Michael Hancock | Cost to mail Notice of Violation/Notice of Hearings to 90 Kermit Watson Blvd., Relton, SC, 29627      | 05/04/2017    | Certified Mail was signed for; regular mail was not returned | \$14.04 |
| Clerk of Court           | Costs to record Finding of Fact, Conclusion of Law, and Order                                         | 06/14/2017    |                                                              | \$27.00 |
| Mark T & Michael Hancock | Costs to mail Finding of Fact, Conclusion of Law, & Order to 90 Kermit Watson Blvd., Relton, SC 29627 | 06/14/2017    |                                                              | \$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. 17-294

To: Mark T & Michael Hancock  
90 Kermit Watson Blvd.  
Relton, SC 29627

Re: 5329 Landis Avenue  
Port Orange, FL 32127

Parcel ID: 6310-07-23-0170

LEGAL DESCRIPTION: LOTS 17 & 18BLK 23 ALLANDALE MB 4 PG 146 PER OR 4721 PG 3334PER OR 5497 PG 0111  
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 ten days to correct. A re-inspection was done on April 27, 2017, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by May 19, 2017.

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

1. 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.
  - All items stored outside on property must be properly stored as outlined in the above ordinance.
2. City of Port Orange Code of Ordinances, Chapter 42, 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 property needs to be mowed and maintained and all high weeds and undergrowth cut back to comply with the city ordinance as 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 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 **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 **June 14, 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 2<sup>nd</sup> PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on July 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 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 3rd day of May, 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 Mark T & Michael Hancock, 90 Kermit Watson Blvd., Relton, SC 29627, RE: 5329 Landis Avenue, Port Orange, FL 32127, was

☐ Hand-delivered

☒ Posted at the property

Recipient of hand delivered documents: \_\_\_\_\_

Time: approx. 2:40 pm

this 3rd day of May, 2017.

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 Mark T & Michael Hancock, 90 Kermit Watson Blvd., Relton, SC 29627, RE: 5329 Landis Avenue, Port Orange, FL 32127.

☒ Posted at City Hall

☒ Sent via certified and regular

this 4<sup>th</sup> day of May, 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.



**NOTICE OF VIOLATION  
AND  
NOTICE OF HEARINGS**

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**CITY OF PORT ORANGE, FLORIDA**

**SPECIAL MAGISTRATE**

CITY OF PORT ORANGE,

Petitioner

CASE NO. 16-1328

To: Collins, Charles & Peggy  
P.O. Box 768  
Alpharetta, GA 30009

Re: 5481 Pineland Ave.  
Port Orange, FL 32127

Parcel ID: 6315-04-08-0110

LEGAL DESCRIPTION: LOT 11 BLK 8 COMMONWEALTH MOMILE ESTATES FIRST ADD MB 29 PG 47 PER OR 4843  
PG 2088 PER OR 5461 PG 3459

Volusia County Public Records

Volusia County, FL

An inspection of the premises on 10/17/16, 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 11/14/16, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by May 25, 2017.

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

1. The City of Port Orange Code of Ordinances, Chapter 42, Section 42-26 Cleanliness of property generally-Duty of Owner (f) Garbage, waste, trash, etc., prohibited. The owner of every lot, piece and parcel of land located within the city shall keep each such lot, piece and parcel of land free and clear of garbage, waste, trash, debris and junk.
  - Remove all garbage, junk, trash and debris in yard and on carport.
2. The 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.
  - All outside stored items shall be removed or stored inside an enclosed building including the unregistered, inoperable blue pickup truck parked on the lanai. Please remove and properly park. You may buy an approved custom truck cover for the vehicle if it is removed from the lanai and properly parked. Tarps are not acceptable covers.

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** 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 **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 June 14, 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 2<sup>nd</sup> PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on July 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 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 10<sup>th</sup> day of May, 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 Collins, Charles & Peggy, P.O. Box 768, Alpharetta, GA 30009, RE: 5481 Pineland Avenue, Port Orange, FL 32127, was

☐ Hand-delivered

☒ Posted at the property

Recipient of hand delivered documents: \_\_\_\_\_

this 10<sup>th</sup> day of May, 2017.

Time: approx. 11:50 am

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 Collins, Charles & Peggy, P.O. Box 768, Alpharetta, GA 30009, RE: 5481 Pineland Avenue, Port Orange, FL 32127, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 11<sup>th</sup> day of May, 2017.



Secretary, Special Magistrate

CC: Charles & Peggy Collins  
PO Box 1101  
New Smyrna Beach, FL 32170

Email to: office@collinsservice.com

#### 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. 16-1837

| Name           | Activity                                                                                                | Activity_Date | Status | Cost    |
|----------------|---------------------------------------------------------------------------------------------------------|---------------|--------|---------|
| Clerk of Court | Costs to record Finding of Fact, Conclusion of Law, & Order to 408 Virginia Ave., Port Orange, FL 32127 | 06/14/2017    |        | \$27.00 |
| Robert Detko   | Cost to mail Finding of Fact, Conclusion of Law, & Order to 408 Virginia Ave., Port Orange, FL 32127    | 06/14/2017    |        | \$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. 16-1837

To: Robert Detko  
408 Virginia Ave.  
Port Orange, FL 32127

Re: 408 Virginia Ave.  
Port Orange, FL 32127  
Parcel ID: 6303-15-00-0061

LEGAL DESCRIPTION: S 45 FT OF LOT 6 & N 15 FT OF LOT 7 RESUB BLK M VIRGINIA HGTS PORT ORANGE MB 19  
PG 236 PER OR 4431 PG 2774  
Volusia County Public Records  
Volusia County, FL

An inspection of the premises on November 11, 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 five days to correct. A re-inspection was done on November 23, 2016, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by May 28, 2017.

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

1. The City of Port Orange Land Development Code, Chapter 16, Section 3 Fences & Walls, (4) Design & Maintenance (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.
  - All broken, damaged, missing pickets, panels, and gates shall be repaired or replaced.
2. The City of Port Orange Code of Ordinances, Chapter 42, Section 42-26 Cleanliness of property generally-Duty of Owner (d)The owner of an improved lot ...with 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.(f) Garbage, waste, trash, etc., prohibited. The owner of every lot, piece and parcel of land located within the city shall keep each such lot, piece and parcel of land free and clear of garbage, waste, trash, debris and junk.
  - Entire property is to be mowed, all undergrowth cut back, and all yard debris removed. Additionally, any garbage, junk, trash, and debris shall be removed from the entire property.
3. The 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.

The unregistered, inoperable van, wheelchair, and any other personal property shall be stored in an enclosed building or out of view behind an opaque fence.

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** 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 **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 \$\_\_\_\_\_ 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 June 14, 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 2<sup>nd</sup> PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on August 9, 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 8th day of May, 2017.

CITY OF PORT ORANGE, FLORIDA  
**SPECIAL MAGISTRATE**

By: Deborah Pearson  
Deborah Pearson

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Robert Detko, 408 Virginia Ave., Port Orange, FL 32127, RE: 408 Virginia Ave., Port Orange, FL 32127, was  
☒ Hand-delivered Recipient of hand delivered documents: Robert Detko-owner  
☐ Posted at the property

Time: approx. 2:20 pm

this 8th day of May, 2017.

Deborah Pearson  
Deborah Pearson

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Robert Detko, 408 Virginia Ave., Port Orange, FL 32127, RE: 408 Virginia Ave., Port Orange, FL 32127, was  
☒ Posted at City Hall  
☐ Sent via certified and regular

this 9th day of May, 2017.

Michelle Ch...  
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.



**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 5<sup>th</sup> 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 2<sup>nd</sup> 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.

**CITY OF PORT ORANGE, FLORIDA  
CODE ENFORCEMENT SPECIAL MAGISTRATE  
CASE NO. 16-1996**

CITY OF PORT ORANGE,  
a Florida municipal corporation,

**Petitioner,**

GEORGE WORKMAN  
5711 Riverside Drive  
Port Orange, FL 32128  
PARCEL ID: 6314-03-04-0080

**Respondent.**

**FINDING OF FACT, CONCLUSION OF LAW AND ORDER**  
**(THIS DOES NOT CONSTITUTE A LIEN)**

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on April 26, 2017, after due notice to the Respondent(s), and the Special Magistrate having heard testimony under oath, received evidence and heard argument from Staff thereupon issues its Findings of Fact, Conclusions of Law, and Order, as follows:

**FINDINGS OF FACT:**

A. Respondent(s), GEORGE WORKMAN, (hereinafter referred to as "Respondent(s)", whose mailing address is 2131 ORANGE ST., PORT ORANGE, FL 32128, is/are the owner(s) of the property located at 5711 Riverside Drive Port Orange, FL 32128, and more particularly described as:

LOT 8 BLK 4 & RIP RTS HARBOR OAKS UNIT 1 MB 10 PG 145 & 146 INC PER OR 4209 PG 4841

B. A building permit was required but not obtained before the repair to the dock located at the property, removal of all items stored outside in the driveway and on the side of the home needs to be clean up and the trailer parked in the front yard needs to be removed. This condition was first observed at the real property described above on December 9, 2016; re-inspections were made on January 4, 2017 and April 25, 2017 and confirmed the condition as being the same. Respondent(s) received notice via regular and certified mail and posting at City Hall on March 23, 2017, as well as posting on the property on March 22, 2017, that the aforesaid conditions constituted a violation of 2014 Florida Building Code 5<sup>th</sup> Edition, Section 105.1 as adopted per Chapter 14, Article 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., and 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, and was to be corrected by April 11, 2017.

C. At the time of this hearing, the violations cited above: [☒] continue to exist, or [☐] remained noncompliant until \_\_\_\_\_ [Date].

D. ☐ The condition described above presents a serious threat to the public health, safety and welfare or is irreparable or irreversible.

**CONCLUSION OF LAW:**

Respondent(s), by reason of the foregoing, has/have violated the above referenced code relating to outside storage only, in that the Respondent(s) failed, on or before the date set in the notice of violation, to remedy the conditions as stated is therefore subject to the provisions of the City of Port Orange Municipal Code 2.207. The trailer has been removed and the permit for the dock repair was resolved.

**ORDER:**

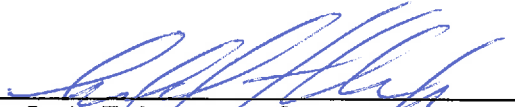
A. Respondent(s) shall correct the aforesaid violation by removing or properly storing all outside stored items including but not limited to windows, sinks, lumber, ladders, pipes, etc. on or before May 12, 2017 ("Compliance Date"). In the event that the property is not brought into compliance on or before the Compliance Date, and/or not maintained in a state of compliance, a daily fine of \$100.00 per day will be assessed for each day the property is in violation beyond the Compliance Date. If paragraph D. above is checked and the Respondent(s) has/have not abated the condition by the Compliance Date, then notice of the violation will be given to the City Council. The City Council may repair the condition and charge the Respondent(s) with the reasonable costs of the repairs. Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the Special Magistrate may impose additional fines to cover all costs incurred by the city in enforcing its codes and all costs or repairs pursuant to sub section (a)." The cost to date is \$41.04 as indicated on the cost sheet submitted into evidence. The Respondent(s) will be responsible for these costs and any additional costs incurred with follow-up inspections and other costs associated with this case if the property is not brought into compliance by the Compliance Date or until its conclusion. Any future violations under this ordinance shall be considered repeat violations.

B. The Findings of Fact and Conclusions of Law set forth in the Order of the Special Magistrate constitute a final administrative order which may be appealed by filing a notice of appeal with the Circuit Court within 30 days of the signing of this order.

C. A certified copy of this Order may be recorded in the public records of Volusia County, Florida, and shall thereafter constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property. The findings in this Order shall be binding upon Respondent(s) and if the violation concerns real property, any subsequent purchasers, successors in interest, or assigns pursuant to the City of Port Orange Municipal Code 2.207. Failure to comply with this Order shall result in the issuance of an Order Imposing Fine and Lien. The Order Imposing Fine and Lien shall not constitute a lien until a certified copy of said Order is recorded pursuant to Section 162.09(3), Florida Statutes.

DONE AND ORDERED this 25 day of April, 2017.

Attest:   
Secretary, Code Enforcement Special Magistrate

By:   
Code Enforcement Special Magistrate

I HEREBY ACKNOWLEDGE AND AGREE that the foregoing findings are true and accurate to the best of my knowledge.

*Deborah Faircloth*

Code Compliance Inspector

I HEREBY CERTIFY that a true and correct copy of the foregoing Findings of Fact, Conclusion of Law, and Order have been furnished to Respondent(s), GEORGE WORKMAN, 2131 ORANGE ST., PORT ORANGE, FL 32128 by Certified and Regular Mail this 26 day of April, 2017.

*Robin L. Fenwick*

Secretary, Code Enforcement Special Magistrate



CITY OF PORT ORANGE, FLORIDA  
I HEREBY CERTIFY the foregoing is a true copy  
of the original filed in this office.

This document has/has not been redacted pursuant to Florida Law.

This 26 day of April, 2017.  
By: *Robin L. Fenwick*

/s/ Robin L. Fenwick

## 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<br>Square LLC | Cost to mail Finding of Fact, Conclusion of Law & Order to 3300 Publix<br>Corporate Parkway, Lakeland, FL 33811 | 05/10/2017    | Certified Mail was signed for;<br>regular mail was not returned | \$7.02  |
| Clerk of Court              | Costs to record Order Imposing Fine/Lien                                                                        | 06/14/2017    |                                                                 | \$44.00 |
| John A. Attaway Jr.         | Cost to mail Order Imposing Fine/Lien to 3300 Publix Corporate Parkway,<br>Lakeland, FL 33811                   | 06/14/2017    |                                                                 | \$7.02  |

Total: 85.04



**NOTICE OF VIOLATION  
AND  
NOTICE OF HEARINGS**

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**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 2<sup>nd</sup> 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  
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 Snider

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.

**CITY OF PORT ORANGE, FLORIDA  
CODE ENFORCEMENT SPECIAL MAGISTRATE  
CASE NO. 17-354**

CITY OF PORT ORANGE,  
a Florida municipal corporation,

**Petitioner,**

PSM Dunlawton Square, LLC  
3815 Nova Road, Port Orange, FL 32127  
PARCEL ID: 6309-00-06-0010

**Respondent.**

/

**FINDING OF FACT, CONCLUSION OF LAW AND ORDER**  
**(THIS DOES NOT CONSTITUTE A LIEN)**

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on May 10, 2017, after due notice to the Respondent(s), and the Special Magistrate having heard testimony under oath, received evidence and heard argument from Staff thereupon issues its Findings of Fact, Conclusions of Law, and Order, as follows:

**FINDINGS OF FACT:**

**A.** Respondent(s), PSM Dunlawton Square, LLC, (hereinafter referred to as "Respondent(s)", whose mailing address is 3300 Publix Corporate Parkway, Lakeland, FL 33811, is/are the owner(s) of the property located at 3815 Nova Road, Port Orange, FL 32127, and more particularly described as:

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

**B.** The fence behind the building that separates the commercial and residential properties needs to be repaired and replaced where needed. This condition was first observed at the real property described above on March 1, 2017; re-inspections were made on March 15, 2017 and confirmed the condition as being the same. Respondent(s) received notice via hand delivery, posted on the property and City Hall on April 7, 2017, that the aforesaid conditions constituted a violation of Chapter 16 Miscellaneous Regulations Section 3: - Fences and walls. Modified (b) (4) Design and maintenance, and was to be corrected by April 17, 2017.

**C.** At the time of this hearing, the violations cited above: ☒ continue to exist, or ☐ remained noncompliant until \_\_\_\_\_ [Date].

D. ☐ The condition described above presents a serious threat to the public health, safety and welfare or is irreparable or irreversible.

**CONCLUSION OF LAW:**

Respondent(s), by reason of the foregoing, has/have violated the above referenced code, in that the Respondent(s) failed, on or before the date set in the notice of violation, to remedy the conditions as stated is therefore subject to the provisions of the City of Port Orange Municipal Code 2.207.

**ORDER:**

A. Respondent(s) shall correct the aforesaid violation by repairing/replacing the fence where missing/dilapidated, that separates the commercial and residential properties behind the building on or before May 26, 2017. ("Compliance Date"). In the event that the property is not brought into compliance on or before the Compliance Date, and/or not maintained in a state of compliance, a daily fine of \$100 per day will be assessed for each day the property is in violation beyond the Compliance Date. If paragraph D. above is checked and the Respondent(s) has/have not abated the condition by the Compliance Date, then notice of the violation will be given to the City Council. The City Council may repair the condition and charge the Respondent(s) with the reasonable costs of the repairs. Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the Special Magistrate may impose additional fines to cover all costs incurred by the city in enforcing its codes and all costs or repairs pursuant to sub section (a)." The cost to date is \$41.04 as indicated on the cost sheet submitted into evidence. The Respondent(s) will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion. Any future violations under this ordinance shall be considered repeat violations.

B. The Findings of Fact and Conclusions of Law set forth in the Order of the Special Magistrate constitute a final administrative order which may be appealed by filing a notice of appeal with the Circuit Court within 30 days of the signing of this order.

C. A certified copy of this Order may be recorded in the public records of Volusia County, Florida, and shall thereafter constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property. The findings in this Order shall be binding upon Respondent(s) and if the violation concerns real property, any subsequent purchasers, successors in interest, or assigns pursuant to the City of Port Orange Municipal Code 2.207. Failure to comply with this Order shall result in the issuance of an Order Imposing Fine and Lien. The Order Imposing Fine and Lien shall not constitute a lien until a certified copy of said Order is recorded pursuant to Section 162.09(3), Florida Statutes.

**DONE AND ORDERED** this 10th day of May, 2017.

Attest: \_\_\_\_\_  
Secretary, Code Enforcement Special Magistrate

By: \_\_\_\_\_  
Code Enforcement Special Magistrate

**I HEREBY ACKNOWLEDGE AND AGREE** that the foregoing findings are true and accurate to the best of my knowledge.

\_\_\_\_\_

Code Compliance Inspector

**I HEREBY CERTIFY** that a true and correct copy of the foregoing Findings of Fact, Conclusion of Law, and Order have been furnished to Respondent(s), PSM Dunlawton Square, LLC c/o John A. Attaway Jr., 3300 Publix Corporate Parkway, Lakeland, FL 33811 by Certified and Regular Mail this 10<sup>th</sup> day of May, 2017.

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Secretary, Code Enforcement Special Magistrate