



AGENDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF PORT ORANGE

Meeting Date: Wednesday, August 9, 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

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. CEB Case No.: 17-892

Respondent: Ethel M. Morgan

Address of Violation: 709 Sheldon Circle, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 07/06/2017

Compliance: No

Cited for violation(s) - 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 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.

4. CEB Case No.: 17-534

Respondent: Morgan Whitney Capps

Address of Violation: 1161 Bayview Lane, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 07/06/2017

Compliance: No

Cited for violation(s) - 2015 Florida Building Code, Section 105 (Permits), Section 105.1 (Required) 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 42-26 (Cleanliness of property generally duty of owner), (d) Maintenance of Improved Residential Lots.

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.

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

5. CEB Case No.: 17-628

Respondent: Ocean Oaks Property LL LLC

Address of Violation: 1645 Dunlawton Ave. Bldg. 11, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 07/07/2017

Compliance: Yes

Cited for violation(s) - Chapter 3, Section 302 Exterior Property Areas of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances 302.5 Rodent Harborage

Chapter 3, Section 304 Exterior Structure of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances 304.6 Exterior walls

Chapter 3, Section 309 Pest Elimination of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances 309.2 Owner

6. CEB Case No.: 17-473

Respondent: Valerie Potter

Address of Violation: 176 Iron Gate Circle, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 06/30/2017

Compliance: No

Cited for violation(s) - Chapter 1, Section 108 Unsafe Structures and Equipment, 108.1.1 Unsafe Structures of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code.

Chapter 1, Section 108 Unsafe Structures and Equipment, 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 Land Development Code.

Chapter 3, Section 301 General, 301.3 Vacant Structures and Land of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code.

Chapter 3, Section 302 Exterior property areas, 302.8 Motor Vehicles of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code.

Chapter 3, Section 304 Exterior Structure, 304.13 Windows Skylight and door frames of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code.

Chapter 3, Section 304 Exterior Structure, 304.15 Doors of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code

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.

Chapter 70 (Traffic), Article II (Stopping, Standing Parking), Section 70-49 (Restrictions on disabled or abandoned vehicles), (c) Restrictions, 1 (a) & (b), and (2)

7. CEB Case No.: 17-622

Respondent: OR-EL 18 LLC

Address of Violation: 3741 Clyde Morris Blvd., Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 07/14/2017

Compliance: No

Cited for violation(s) - Chapter 3, Section 304 Exterior Structure of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances 304.6 Exterior Walls.

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

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

Chapter 14, Article VII, Commercial Property Maintenance Standards of the City of Port Orange Code of Ordinances Section 314 (a) (1) (2), (d) (2) (5) (6) (7), Section 14-315 (a), (b)(3), Section 317 (a) (1) (2) (3) (4), and Section 318 (d)

8. **CEB Case No.:** 16-1221

Respondent: Daryl E. Labine

Address of Violation: 120 Howes Street, Port Orange, FL 32127

Code Officer: Deborah Pearson

First Notified: 06/05/2017

Compliance: No

Cited for violation(s) - City of Port Orange Code of Ordinances Chapter 42 (Garbage, Junk, and Undergrowth), Section 42-26 (Cleanliness of property generally duty of owner), (d) Maintenance of Improved Residential Lots.

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.

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

9. **CEB Case No.:** 17-660

Respondent: Anne W Smith Arrigoni

Address of Violation: 5948 Riverside Drive, Port Orange, FL 32127

Code Officer: Deborah Pearson

First Notified: 06/08/2017

Compliance: No

Cited for violation(s) - 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.

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.

C. PUBLIC COMMENTS

D. ADJOURNMENT

ANY PERSON WHO DECIDES TO APPEAL ANY DECISION MADE BY THE **CODE ENFORCEMENT SPECIAL MAGISTRATE** WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE HE OR SHE MAY NEED TO ENSURE AT HIS OR HER OWN EXPENSE FOR THE TAKING AND PREPARATION OF A VERBATIM RECORD OF ALL TESTIMONY AND EVIDENCE OF THE PROCEEDINGS UPON WHICH THE APPEAL IS TO BE BASED. NOTE: IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS 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, 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
JULY 26, 2017

THE SPECIAL MAGISTRATE HEARING of the City of Port Orange was called to order by Special Magistrate Fuller at 9:01 a.m.

PRESENT: David Fuller, Special Magistrate

ALSO PRESENT: Scott Allman, Code Compliance Inspector
Dena Joseph, Code Compliance Inspector
Amanda Bonin, Code Compliance Inspector
Michelle Cusella, Sr. Administrative Assistant

Attorney Overview of Special Magistrate Code Enforcement Process

Special Magistrate Fuller provided an overview of the Code Enforcement Process to the members in the audience.

Consideration of Minutes

Special Magistrate Fuller approved the June 28, 2017 meeting minutes as presented.

Oaths

Code Compliance Inspectors Scott Allman, Amanda Bonin and Dena Joseph were sworn in by Special Magistrate Fuller.

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. CEB Case No.: 17-183

Respondent: Helen Srno

Address of Violation: 1166 N Tracy Drive, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 05/25/2017

Compliance: No

Cited for violation(s) - City of Port Orange Code of Ordinances Chapter 42, Article 2 (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. 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.

(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.

City of Port Orange Land Development Code, Chapter 16 Miscellaneous Regulations, 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.

Amanda Bonin, Code Compliance Inspector, was sworn in by Special Magistrate Fuller, and testified as to the condition of the property, as well as the notice provided to the property owner. Photos and evidence were submitted and accepted by Special Magistrate Fuller with no objections (Composite Exhibit 1). The violation was to be corrected on or before June 12, 2017 by mowing the entire property as well as trimming all high weeds and grass, cleaning up and removing all outside storage, trash, and debris, securing the house, and to either remove, repair, or replace the fence. A re-inspection conducted on June 13, 2017 and July 17, 2017 resulted in partial compliance. The yard was mowed and trimmed and the outside storage of trash and debris was picked up but the fence still needs to be repaired, replaced or removed and the house still needs to be secured.

Ms. Bonin recommended the property owners be found in violation of the above referenced code with the violations to be corrected on or before August 7, 2017 by repairing, replacing or removing the fence and securing the house. In the event 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. Accused is further ordered to contact the Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the Order. Any future violations under this ordinance shall be considered repeat violations. The Cost Sheet in the amount of \$41.04 was tendered into evidence and accepted by Special Magistrate Fuller with no objections (Exhibit 2).

Special Magistrate Fuller granted the recommendations as presented. The property owner has until August 7, 2017 to bring the property into compliance and shall notify the code officer for re-inspection. Special Magistrate Fuller also finds the property owner in partial compliance as the other violations were corrected, but if all violations are not corrected on or before August 7, 2017 it will go back into disrepair and will be considered a continuing violation and will be subject to sanctions on a further date. The costs to date of \$41.04 will be ordered, as well.

4. CEB Case No.: 17-322

Respondent: Groom Properties LLC

Address of Violation: 4678 Spruce Creek Road, Port Orange, FL 32127

Code Officer: Amanda Bonin

First Notified: 05/25/2017

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.

City of Port Orange Code of Ordinances Chapter 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. As used in this section, driveways shall be constructed of the following materials: 1. Concrete or paved materials; 2. Non-paved materials, excluding grass and dirt, provided that loose materials such as gravel, bark or cypress mulch are effectively contained within a border of concrete, railroad ties, or other rigid materials; or 3. Concrete paver strips paver blocks, or other semi-pervious materials.

City of Port Orange Code of Ordinances Chapter 70-49. – Restrictions on disabled or abandoned vehicles (C) Restrictions (1) No disabled or abandoned vehicle shall remain on residentially-zoned or agriculturally-zoned private property unless such vehicle is: (a) Within a completely enclosed garage; or (b) Parked in a carport, parking space or city approved parking area and covered solely with a standard vehicle cover in good repair, so long as any portion of the vehicle which is not covered is not in a state of disrepair.

Christine DiNardo, property manager, was sworn in by Special Magistrate Fuller and testified she manages this property and states she called Deborah Pearson, Code Compliance Manager, to have help with the tenants of this property to comply with said violations. The property management company has tried numerous times to ask the tenants to remove all cars, parts, and equipment from the lawn and driveway without compliance. She believes since the notice they have made their best effort, they have complied with all requests and states the only thing she saw left on the lawn was a hose which she didn't believe was a violation. She asked Special Magistrate to dismiss the case or to find it in compliance as she witnessed all violations were corrected as of July 25, 2017.

Ms. Bonin testified as to the condition of the property as well as the notice provided to the property owner and submitted photos and evidence (Composite Exhibit 1). The Cost Sheet in the amount of \$41.04 was tendered into evidence and accepted by Special Magistrate Fuller with no objections (Exhibit 2). The violation was to be corrected on or before June 3, 2017 by having all vehicles parked in the driveway and be properly tagged and operable unless parked in an enclosed garage or covered with an approved car cover. All outside storage, including but not limited to car parts, tools, and equipment, needs to be removed and stored in an enclosed building. Re-inspections conducted on June 8, 2017, July 9, 2017, and July 25, 2017 found the property remained in non-compliance.

Ms. Bonin recommended the property owners be found in violation of the above referenced code with the violations to be corrected on or before August 7, 2017 by having all vehicles parked in the driveway and be properly tagged and operable unless parked in an enclosed garage or covered with an approved car cover. As well as, all outside storage, including but not limited to car parts, tools, and equipment, needs to be removed and stored in an enclosed building. If the accused does not comply with this Order,

a fine of \$100 be imposed for each day the violation continues past August 7, 2017. The accused is further ordered to contact the Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the Order. Any future violations under this ordinance shall be considered repeat violations. As per Chapter 2, Section 2-214, Code of Ordinances costs shall be paid to the City of Port Orange. The costs to date are \$41.04.

Special Magistrate Fuller found the property in compliance as of the hearing date, but found the property not in compliance by the compliance date of June 12, 2017. Any future violations will be considered repeat violations. The costs to date of \$41.04 will be ordered, as well.

5. CEB Case No.: 16-1991

Respondent: Ann B. Hendrix

Address of Violation: 6 Coconut Row, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 06/16/2017

Compliance: Yes

Cited for violation(s) - 2015 Florida Building Code, Section 105 (Permits), Section 105.1 (Required) as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Failure to Obtain a Building Permit: Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any required impact-resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

Scott Allman, Code Compliance Inspector, was sworn in by Special Magistrate Fuller and on behalf of Dena Joseph requested a dismissal of the case as it is in compliance with the notice provided to the property owner. Motion to dismiss was granted by Special Magistrate Fuller.

6. CEB Case No.: 17-0499

Respondent: Eleanor B. Ade TR and Ronald J. Ade TR

Address of Violation: 1152 Old Hammock Road, Port Orange, FL 32129

Code Officer: Dena Joseph

First Notified: 06/08/2017

Compliance: No

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.

Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner, (c) Maintenance of commercial and industrial zoned lots of the City of Port Orange Code of Ordinances.

Mr. Allman on behalf of Dena Joseph 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.

7. CEB Case No.: 17-0608

Respondent: Thomas W. Jones

Address of Violation: 705 Herbert Street, Port Orange, FL 32129

Code Officer: Dena Joseph

First Notified: 05/30/2017

Compliance: Yes

Cited for violation(s) - Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Maintenance 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 sized of one acre or less shall keep such lot free and clear of all fallen trees and limbs. All weeds, grass and undergrowth shall be cut to a height not exceeding ten inches.

Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-32 (Storage of vehicles, furniture, etc.) of the City of Port Orange Code of Ordinances: 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 II (Garbage, Junk and Undergrowth), Section 42-26 (Maintenance of property generally-duty of owner), (f) Garbage, waste, trash, etc., prohibited to the City of Port Orange Code of Ordinances: 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.

Chapter 70 (Traffic), Article II (Stopping, Standing and Parking), Section 70-48 (Parking of recreational vehicles and equipment on residential premises), (c), (1), (2) and (3) and (e) of the City of Port Orange Code of Ordinances.

Mr. Allman on behalf of Dena Joseph 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.

8.CEB Case No.: 17-0405

Respondent: Stanley Blacker

Address of Violation: 1101 Viking Drive, Port Orange, FL 32129

Code Officer: Dena Joseph

First Notified: 05/30/2017

Compliance: Yes

Cited for violation(s) - 2015 Florida Building Code, Section 105 (Permits), Section 105.1 (Required) as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Failure to Obtain a Building Permit: Any owner or authorized agent who intends to construct,

enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any required impact-resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

Mr. Allman on behalf of Dena Joseph 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.

9. CEB Case No.: 17-0307

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

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

Code Officer: Dena Joseph

First Notified: 03/21/2017

Compliance: Yes

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

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

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

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

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

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

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

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

9) Flooring and flooring components with defects that effect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or are incapable of supporting all nominal loads and resisting all load effects.

Inspection revealed exterior holes in walls and roof structure along with weak floors with holes underneath the carpeting. Home is not structurally sound as there is still a tree laying on the unit since October's hurricane.

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

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

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

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

Chapter 42 (Nuisances), Article V (Unsafe Conditions), Division 3 (Abatement of Unsafe Structures) of the City of Port Orange Code of Ordinances.

Mr. Allman on behalf of Dena Joseph 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.

10. CEB Case No.: 16-1798

Respondent: Michael Alan Elwell

Address of Violation: 5801 Alstrum Drive, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 06/15/2017

Compliance: Yes

Cited for violation(s) - 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.

Mr. Allman 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.

11. CEB Case No.: 17-016

Respondent: Mohamed A. Sharaf

Address of Violation: 726 Central Park Blvd., Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 05/31/2017

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, (d) Maintenance of Improved Residential Lots.

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.

Mr. Allman 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.

12. CEB Case No.: 17-543

Respondent: Rhonda L. Plumb

Address of Violation: 1415 Breaks Way, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 05/25/2017

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.

City of Port Orange Code of Ordinance, Chapter 70, Sec. 70-36. Stopping, standing or parking prohibited in specified places. (a)(1)(k)

Mr. Allman 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.

C. ORDER IMPOSING FINE/LIEN

13. CEB Case No.: 16-1774

Respondent: Eugene Gentile

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

Code Officer: Scott Allman

First Notified: 03/21/2017

Compliance: Yes

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

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

Mr. Allman requested a dismissal of the case as it is in compliance with the notice provided to the property owner and will provide an affidavit of compliance. Motion to dismiss was granted by Special Magistrate Fuller.

14. CEB Case No.: 17-274

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: Yes

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.

Mr. Allman requested a dismissal of the case as it is in compliance with the notice provided to the property owner and will not seek costs and provided an affidavit of compliance. Motion to dismiss was granted by Special Magistrate Fuller.

15. 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.

Mr. Allman requested an Order Imposing Fine/Lien to be set as the property was not in compliance on or before June 23, 2017 as ordered in the previous hearing on June 14, 2017 by the Special Magistrate. The cost sheet for mailing and recording costs in the amount of \$113.12 was tendered and admitted into evidence as well as the abatement vendor invoice for \$225.00 with total costs of \$338.12.

Special Magistrate Fuller found the property in non-compliance and awarded the mailing, recording and abatement costs in the amount of \$338.12 to the City.

D. PUBLIC COMMENTS - There were no public comments.

E. ADJOURNMENT – 9:39 a.m.

Special Magistrate Fuller

Case Cost Sheet Log

Case No. 17-892

Name	Activity	Activity_Date	Status	Cost
Ethel M. Morgan	Cost to mail Notice of Violation/Notice of Hearings to 709 Sheldon Circle, Port Orange, FL 32127	07/07/2017	Regular and Certified mail returned as "vacant"	\$7.02
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law & Order	08/09/2017		\$27.00
Ethel M. Morgan	Cost to mail Finding of Fact, Conclusion of Law and Order to 709 Sheldon Circle, Port Orange, FL 32127	08/09/2017		\$7.02

Total: 41.04



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 17-892

To: Ethel M. Morgan

709 Sheldon Cir

Port Orange, FL 32127

Re: 709 Sheldon Cir

Port Orange, FL 32127

Parcel ID: 6315-04-11-0660

LEGAL DESCRIPTION: LOT 66 BLK 11 COMMONWEALTH MOBILE ESTS FIRST ADD MB 29 PG 47 PER OR 2479 PG 1092

Volusia County Public Records

Volusia County, FL

An inspection of the premises on June 27, 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 July 24, 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 (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.
- An inspection of the property was conducted on July 27, 2017. The property has been abandoned and needs to be mowed and maintained.

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** 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 **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 \$ 7.00 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 August 9, 2017, enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on September 13, 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 1st day of JULY, 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 Ethel M. Morgan, RE: 709 Sheldon Cir, Port Orange, FL 32127, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

this 6 day of JULY, 2017.

Time: approx. 10:10 AM

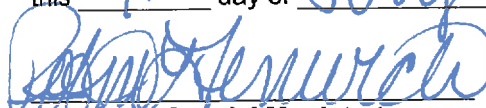
J. Scott Allman
J. Scott Allman

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Ethel M. Morgan, RE: 709 Sheldon Cir, Port Orange, FL 32127, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 17th day of July, 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. 17-534

Name	Activity	Activity_Date	Status	Cost
Morgan Whitney Capps	Cost to mail Notice of Violation/Notice of Hearings to 1161 Bayview Lane, Port Orange, FL 32127	07/07/2017	Certified mail returned "unclaimed"	\$7.02
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law, & Order	08/09/2017		\$27.00
Morgan Whitney Capps	Cost to mail Finding of Fact, Conclusion of Law & Order to 1161 Bayview Lane, Port Orange, FL 32127	08/09/2017		\$7.02

Total: 41.04



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 17-534

To: Morgan Whitney Capps
1161 Bayview Ln
Port Orange, FL 32127

Re: 1161 Bayview Ln
Port Orange, FL 32127
Parcel ID: 6315-06-01-0040

LEGAL DESCRIPTION: 15 16 33 E 60 FT OF W 278 FT OF N 140 FT OF LOT 7 ASSRS SUB MB 3 PG 82 AKA LOT 4 BLK 1 BAYVIEW HOMESITES UNREC SUB 209 PER OR 4928 PG 2358 PER OR 7308 PG 1741

Volusia County Public Records
Volusia County, FL

An inspection of the premises on April 18, 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 15 days to correct. A re-inspection was done on June 13, 2017, resulting in non-compliance. This correspondence will serve as official notification that the below stated violation(s) must be corrected by August 1, 2017.

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

- 1) 2015 Florida Building Code, Section 105 (Permits), Section 105.1 (Required) as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Failure to Obtain a Building Permit: Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any required impact-resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.
 - The initial inspection found a re-built deck with new railings. A re-inspection shows the condition to be the same and no permits applied for. Photos have been shown to the building official who has determined that a permit is required. To correct the violation, a permit will need to be obtained.
- 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.
 - The initial inspection of this property found high weeds and grass. A re-inspection found that the property is not being mowed and maintained and is still in violation. The property needs to be mowed and all high weeds trimmed.
- 3) 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.
 - The initial inspection of this property found large pieces of concrete and garbage on the property. A re-inspection found that the property has not been cleaned up and is still in violation. All garbage and debris must be removed from the property.

- 4) 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 initial inspection of this property found paver blocks and other items being stored in the yard. A re-inspection found that the stored items have not been removed or properly stored and is still in violation. All outdoor stored items must be properly stored or removed from the property.

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** 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 **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 August 9, 2017, enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on September 13, 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 1st day of JULY, 2017.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: J. Scott Allman
J. Scott Allman, Code Compliance Inspector

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Morgan Whitney Capps, RE: 1161 Bayview Ln, Port Orange, FL 32127, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

this 6 day of JULY, 2017.

Time: approx. 3:35 pm

J. Scott Allman
J. Scott Allman, Code Compliance Inspector

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Morgan Whitney Capps, RE: 1161 Bayview Ln, Port Orange, FL 32127, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 7th day of JULY, 2017.

Robert Klenurich
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. 17-628

To: Ocean Oaks Property LL LLC
8 Penn Center
1628 JFK BLVD STE 1600
Philadelphia, PA 19103

Re: 1645 Dunlawton Avenue Bldg 11
Port Orange, FL 32129
Parcel ID: 6317-00-00-0075

LEGAL DESCRIPTION: 17-16-33 IRREG PARCEL IN NW 1/4 W OF CLYDE MORRIS BLVD MEAS 360 FT ON DUNLAWTON & 605 FT ON N/L PER OR 2701 PG 1520 AKA DUNLAWTON APTS PHASE II PER OR 4447 PG 1603 PER OR 6665 PG 2697

Volusia County Public Records
Volusia County, FL

An inspection of the premises on May 9, 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 (14) fourteen days to correct. A re-inspection was done on May 23, 2017, resulting in non-compliance.

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

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

Chapter 3, Section 302 Exterior Property Areas of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances

302.5 Rodent Harborage. Structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.

Chapter 3, Section 304 Exterior Structure of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances

304.6 Exterior walls. Exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

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

309.2 Owner. The owner of any structure shall be responsible for pest elimination within the structure prior to renting or leasing the structure.

The soffit around building 11 is damaged in several areas allowing for rodent harborage. It is missing in one section, and falling apart in others. When inspecting the building, code staff also found a squirrel trapped inside the soffit area where chicken wire had been used as a barrier. The soffit needs to be removed and replaced so that it is intact and not loose, rotting, or falling off the building. All rodents/animals need to be eradicated from the structure prior to installing the new soffit.

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 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 **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 \$ 6,000.00 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 **August 9, 2017**, enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on **September 13, 2013, 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 7th day of July, 2017.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Amanda Bonin
Amanda Bonin, 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 Ocean Oaks Property LL LLC 1645 Dunlawton Avenue, Port Orange, FL 32129, RE: 1645 Dunlawton Avenue Bldg 11, Port Orange, FL 32129, was

- ☒ Hand-delivered
☐ Posted at the property

Recipient of hand delivered documents: Kaylan Cash *property manager*

this 7th day of July, 2017.

Time: approx. 3:11 pm

Amanda Bonin
Amanda Bonin, 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 Ocean Oaks Property LL LLC 8 Penn Center 1628 JFK BLVD STE 1600 Philadelphia, PA 19103, RE: 1645 Dunlawton Avenue Bldg 11, Port Orange, FL 32129, was

- ☒ Posted at City Hall
☐ Sent via certified and regular

this 12th day of July, 2017.

Mohammed Cash
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. 17-473

Name	Activity	Activity_Date	Status	Cost
Valerie Potter	Cost to mail Notice of Violation/Notice of Hearings to 176 Iron Gate Circle, Port Orange, FL 32129	07/03/2017	Regular and Certified mail returned as "vacant"	\$7.02
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law, & Order	08/09/2017		\$27.00
Valerie Potter	Cost to mail Finding of Fact, Conclusion of Law & Order to 176 Iron Gate Circle, Port Orange, FL 32129	08/09/2017		\$7.02

Total: 41.04



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

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 17-473

To: Valerie Potter
299 Morningside Avenue
Daytona Beach, FL 32118

Re: 176 Iron Gate Circle
Port Orange, FL 32129
Parcel ID: 6308-02-00-1760

LEGAL DESCRIPTION: LOT 176 TWINGATES MOBILE ESTS MB 33 PG 48 PER OR 3764 PG 2347
Volusia County Public Records
Volusia County, FL

An inspection of the premises on April 10, 2017, indicates that certain violation(s) of the City of Port Orange Code exists.

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

Chapter 1, Section 108 Unsafe Structures and Equipment, 108.1.1 Unsafe Structures of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code. 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 safeguards 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.

Chapter 1, Section 108 Unsafe Structures and Equipment, 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 Land Development Code. A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

Chapter 1, Section 108 Unsafe Structures and Equipment, 108.1.5 Dangerous Structure or premises of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code. 3. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, *deterioration*, *neglect*, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become *detached* or dislodged.

5. The building or structure, or part of the building or structure, because of dilapidation, *deterioration*, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or Or structure is likely to fail or give way.

6. The building or structure, or any portion thereof, is clearly unsafe for its use and *occupancy*.

7. The building or structure is *neglected*, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.

Chapter 3, Section 301 General, 301.3 Vacant Structures and Land of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code. Vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

Chapter 3, Section 302 Exterior property areas, 302.8 Motor Vehicles of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code. Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any premises, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth. Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

Chapter 3, Section 304 Exterior Structure, 304.13 Windows Skylight and door frames of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

Chapter 3, Section 304 Exterior Structure, 304.15 Doors of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code. Exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

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) 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 & **(f) (Garbage, waste, trash, etc., prohibited) of the City of Port Orange Code of Ordinances** 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.

Chapter 70 (Traffic), Article II (Stopping, Standing Parking), Section 70-49 (Restrictions on disabled or abandoned vehicles), (c) Restrictions, 1 (a) & (b), and (2)

(1) No disabled or abandoned vehicle shall remain on residentially-zoned or agriculturally-zoned private property unless such vehicle is:

- a. Within a completely enclosed garage; or
- b. Parked in a carport, parking space or city-approved parking area and covered solely with a standard vehicle cover in good repair, so long as any portion of the vehicle which is not covered is not in a state of disrepair.

(2) No disabled or abandoned vehicle parked on residentially-zoned or agriculturally-zoned private property shall be covered by material other than a standard vehicle cover in good repair unless such vehicle is parked inside a completely enclosed garage.

On April 10, 2017, I observed high weeds and grass along with trash and debris on the property. The home is unsecured, and there are windows that are not structurally sound. This home is abandoned and from what neighbors have stated kids are coming into the home and that the floors have holes and is missing in some areas. This was also witnessed during the last Code Enforcement Case that was not corrected. To correct the violations, the entire property needs to be mowed, all high weeds and grass trimmed, and all garbage needs to be removed from the property, all doors and windows must be repaired, operable, and secured, and the abandoned, unlicensed, inoperable car in the driveway needs to be removed from the property. If the floors have not been repaired from the last Code Enforcement case, they too will need to be repaired. You also have the option to demolish the home as it continues to deteriorate and has become a public nuisance and a life safety and welfare concern.

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 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 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 **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 **August 9, 2017**, enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on **September 13, 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 30th day of June, 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 Valerie Potter 176 Iron Gate Circle Port Orange, FL 32127, RE: 176 Iron Gate Circle Port Orange, FL 32127, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

this 30th day of June, 2017.

Time: 1:25 pm.

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 Valerie Potter 299 Morningside Avenue Daytona Beach, FL 32118, RE: 176 Iron Gate Circle Port Orange, FL 32127, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 3rd day of July, 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**

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

CITY OF PORT ORANGE,

Petitioner

CASE NO. 17-622

To: OR-EL 18 LLC
10 Paragon Drive
Montvale NJ 07645
c/o
Business Filings Incorporated
1200 South Pine Island Road
Plantation, FL 33324

Re: 3741 Clyde Morris Blvd
Port Orange, FL 321229
Parcel ID: 6306-18-00-1000

LEGAL DESCRIPTION: 06 16 33 UNIT 100 SOUTHWINDS LAC CONDO PER OR 6663 PG 1733 PER OR 6675 PG 1692
PER OR 7002 PG 1020 PER OR 7008 PG 1745
Volusia County Public Records
Volusia County, FL

An inspection of the premises on May 8, 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 July 14, 2017.

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

Chapter 3, Section 304 Exterior Structure of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances 304.6 Exterior walls. Exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

City of Port Orange Land Development Code Chapter 16 Miscellaneous Regulations Section 3: - Fences and walls. Modified (b) General provisions (4) Design and Maintenance (b) All fences shall be maintained in their original upright condition. (c) Fences and walls designed for painting or similar surface finishes shall be maintained in their original condition as designed. (d) Missing boards, pickets, or posts shall be replaced in a timely manner with material of the same type and quality.

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 14, Article VII, Commercial Property Maintenance Standards of the City of Port Orange Code of Ordinances Section 314 (a) (1) (2), (d)(2) (5) (6) (7), Section 14-315 (a), (b)(3), Section 317 (a) (1) (2) (3) (4), & Section 318 (d)

A commercial property maintenance program inspection was completed and several items need to be addressed. I have attached a copy of the landscape plan. All vegetation on the landscape plan must be in place. Such items include but are not limited to; replacement off all plants, trees, and shrubs which have died, are dying, or are missing, removal of outside storage including the displays in front of the store which are not permitted per the development requirements, re-striping of all parking lot markings, removal of all trash and debris, pressure washing of the building, painting if necessary after pressure washing, applying mulch to all landscape beds and hedgerows, repair the damage to the back corner of the building where the wood and exterior materials are

damaged/falling off, the dumpster enclosure needs to be repaired, all carts in the back of the building are outside storage and need to be removed, all cardboard needs to be properly recycled and not stored in the back of the building, and ensure all irrigation is in proper working order.

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 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 **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 \$ 200.00 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 **August 9, 2017**, enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on **September 13, 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 14th day of June, 2017.

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

By: _____

Amanda Bonin

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to OR-EL 18 LLC 3741 Clyde Morris Blvd. Port Orange, FL 32129, RE: 3741 Clyde Morris Blvd. Port Orange, FL 32129, was
☒ Hand-delivered Recipient of hand delivered documents: Amanda Wilson
☐ Posted at the property

Time: approx. 11:00 am

this 14th day of June, 2017.

Amanda Bonin
Amanda Bonin

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to OR-EL 18 LLC 10 Paragon Drive Montvale NJ 07645, RE: 3741 Clyde Morris Blvd. Port Orange, FL 32129, was
☒ Posted at City Hall
☐ Sent via certified and regular

this 20th day of June, 2017.

Mobile Goss
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. 16-1221

To: Daryl E Labine
120 Howes St.
Port Orange, FL 32127

Re: 120 Howes St.
Port Orange, FL 32127
Parcel ID: 6310-07-81-0040

LEGAL DESCRIPTION: LOTS 4 & 5 BLK H ALLANDALE MB 4 PG 146 PER OR 2592 PG 0613 PER OR 5480 PG 1127
PER OR 6230 PG 4462 PER OR 6295 PGS 2885-2886
Volusia County Public Records
Volusia County, FL

An inspection of the premises on July 21, 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 thirty days to correct. A re-inspection was done on September 15, 2016, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by **July 5, 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 (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.
 - The initial inspection of this property found high weeds and grass and undergrowth. Property is to be mowed and all high weeds and undergrowth cut back.
2. 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.
 - The initial inspection of this property found trash, debris, and junk that needs to be disposed of.
3. 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 outside stored items must be properly stored in an enclosed building including semi tractor cab.

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 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 **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 **August 9, 2017**, enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on **September 13, 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 5th day of June, 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 Daryl E Labine, 120 Howes St., Port Orange, FL 32127, RE: 120 Howes St., Port Orange, FL, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

this 5th day of June, 2017.

Time: approx. 2:45 pm

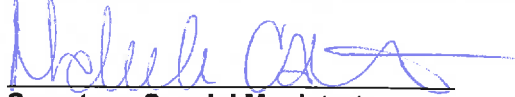
Deborah Pearson
DEBORAH PEARSON

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Daryl E Labine, 120 Howes St., Port Orange, FL 32127, RE: 120 Howes St., Port Orange, FL was

☒ Posted at City Hall

☒ Sent via certified and regular

this 8th day of June, 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**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 17-660

To: Anne W Smith Arrigoni
PO Box 310
Flagler Beach, FL 32136

Re: 5948 Riverside Drive
Port Orange, FL 32127

Parcel ID: 6314-03-08-0120

LEGAL DESCRIPTION: LOTS 12 13 20 & 21 BLK 8 HARBOR OAKS UNIT 1 PER OR 2843 PG 0898 PER D/C 5571 PG 3219 PER UNREC MC

Volusia County Public Records
Volusia County, FL

An inspection of the premises on May 30, 2017, indicates that certain violation(s) of the City of Port Orange Code exists.

Property is vacant so was unable to make contact with owner. Property owner is now notified of the violations noted below and given thirty days to correct.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by **July 5, 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 (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.
 - The initial inspection of this property found high weeds and grass and undergrowth. Property is to be mowed and all high weeds and undergrowth cut back in a 10' perimeter along all property lines.
2. 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. (h) Abutting property owner maintenance of parkages. It shall be the duty of every owner of real property within the city to at all times cause to be cut and moved the grass and weeds... and every property owner shall also have the duty of removing any refuse or other debris existing within the adjacent parkage...
 - The initial inspection of this property found large debris piles. A re-inspection found that the property has not been cleaned up and is still in violation.
 - City of Port Orange Code of Ordinance, Chapter 42, Section 42-26 Cleanliness of property generally-Duty of owner (h) Abutting property owner maintenance of parkages. It shall be the duty of every owner of real property within the city to at all times cause to be cut and mowed the grass and weeds, and to cause to be cut and trimmed the flowers, vines shrubbery, and trees ...in a manner that protects the public health, safety and welfare...
 - The initial inspection of this property found the undergrowth of the invasive Brazilian Pepper vines has grown out into the parkage. The grass and weeds need to be mowed and the undergrowth maintained between the fence and Riverside Drive.

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** 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 **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 **August 9, 2017**, enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on **September 13, 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 June, 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 Anne W Smith Arrigoni, PO Box 310, Flagler Beach, FL 32136, RE: 5948 Riverside Drive, Port Orange, FL 32127, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

this 8th day of June, 2017.

Time: approx. 1:40 pm

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 Anne W Smith Arrigoni, PO Box 310, Flagler Beach, FL 32136, RE: 5948 Riverside Drive, Port Orange, FL 32127, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 9th day of June, 2017.

Madeline [Signature]
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.