



AGENDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF PORT ORANGE

Meeting Date: Wednesday, October 11, 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.: 16-1221

Respondent: Daryl E Labine

Address of Violation: 120 Howes St., 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, Section 42-26 Cleanliness of property generally- Duty of owner (d) Maintenance of improved residential lots.

City of Port Orange, Code of Ordinance, Chapter 42, Section 42-26 Cleanliness of property generally- Duty of owner (f) Garbage, waste, trash, etc., prohibited.

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

4. CEB Case No.: 17-1181

Respondent: Ermon J. Neeley Jr.

Glenda Crider Dick, Co-Pers. Rep

Barbara Maxson, Co-Pers. Rep

C/O Melvin D. Stack, PA

Address of Violation: 237 Leisure Circle, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 09/06/2017

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.

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.:** 17-1285

Respondent: Jacqueline M & Donald A Acosta

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

Code Officer: Scott Allman

First Notified: 09/06/2017

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.

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
SEPTEMBER 27, 2017

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

PRESENT: David Fuller, Special Magistrate

ALSO PRESENT: Dena Joseph, Code Compliance Inspector
Scott Allman, Code Compliance Inspector
Amanda Bonin, Code Compliance Inspector
Debbie Pearson, Code Compliance Manager
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 September 13, 2017 meeting minutes as presented.

Oaths

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

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **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: 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. (h) Abutting property owner maintenance of parkages.

Deborah Pearson, Code Compliance Manager, was sworn in by Special Magistrate Fuller and requested a dismissal of the case as it is in compliance with the notice provided to the property owner. Motion to dismiss was granted by Special Magistrate Fuller.

4. CEB Case No.: 17-770

Respondent: Clifford N Mason Sr.

Address of Violation: 956 Tall Pine Drive, Port Orange, FL 32127

Code Officer: Amanda Bonin

First Notified: 08/24/2017

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 Land Development Code Chapter 16 Miscellaneous Regulations Section 3: Fences and walls. Modified (b) General Provisions (4) Design and Maintenance (b)

Chapter 3, Section 303 Swimming Pools, Spas, and Hot Tubs of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances 303.1 Swimming Pools 303.2 Enclosures

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. The violation was to be corrected on or before September 7, 2017 by trimming all high weeds and grass and the pool needs to be secured by either hard covering it and removing the fence or the fence needs to be repaired or replaced. A re-inspection conducted on September 22, 2017 and September 26, 2017 found the property remains in non-compliance but the pool was covered.

Ms. Bonin recommended the property owners be found in violation of the above referenced code with the violations to be corrected on or before October 5, 2017 by trimming all high weeds and by repairing all damaged fencing on the property. Accused is ordered to contact the Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the Order. Ms. Bonin requested the property to be found a health, safety, and wellness violation with any future violations under this ordinance being considered repeat. The Cost Sheet in the amount of \$41.04 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Special Magistrate Fuller granted the recommendations as presented and declared it a health, safety, and wellness concern for the surrounding neighbors. The case may be referred to the City for possible abatement if it is not in compliance by October 5, 2017 and the costs will be added to any lien that is ultimately imposed on the property. The costs to date of \$41.04 will be ordered, as well.

5. CEB Case No.: 17-689

Respondent: Bruce B. Duncan

Address of Violation: 101 Devon Street, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 07/31/2017

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.

Chapter 16 (miscellaneous Regulations), Section 3 (Fences and Walls), (b) General Provisions, (4) Design and Maintenance, (b) & (d) of the City of Port Orange Land Development Code.

Chapter 3, Section 303 Swimming Pools, Spas, Hot Tubs of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances, 303.1 Swimming Pools

Scott Allman, Code Compliance Inspector, was sworn in by Special Magistrate Fuller and 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.: 17-1044

Respondent: Kathryn Giard

Address of Violation: 5403 Taylor Ave., Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 08/11/2017

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.

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.

7. CEB Case No.: 17-974

Respondent: Richard S. Swiatlowski

Address of Violation: 6213 Ranier Circle, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 08/11/2017

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.

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.

8. CEB Case No.: 17-976

Respondent: Sharon Blake

Address of Violation: 1112 Bayview Lane, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 08/14/2017

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.

Chapter 16 (Miscellaneous Regulations), Section 3 (Fences and Walls), (b) General Provisions, (4) Design and Maintenance, (b) & (d) of the City of Port Orange Land Development Code

Mr. Allman 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. The violation was to be corrected on or before September 8, 2017 by mowing the entire property and trimming all high weeds and by removing or repairing all damaged fencing on the property. A re-inspection conducted on September 25, 2017 found the property remains in non-compliance.

Mr. Allman recommended the property owners be found in violation of the above referenced code with the violations to be corrected on or before October 9, 2017 by mowing the entire property and trimming all high weeds and by removing or repairing all damaged fencing on the property. Accused is ordered to contact the Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the Order. Mr. Allman requested the property to be found a health, safety, and wellness violation with any future violations under this ordinance being considered repeat. The Cost Sheet in the amount of \$41.04 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Special Magistrate Fuller granted the recommendations as presented and declared it a health, safety, and wellness concern for the surrounding neighbors. The case may be referred to the City for possible abatement if it is not in compliance by October 9, 2017 and the costs will be added to any lien that is ultimately imposed on the property. The costs to date of \$41.04 will be ordered, as well.

9. CEB Case No.: 17-1154

Respondent: Thomas W. Jones

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

Code Officer: Dena Joseph

First Notified: 08/14/2017

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 42-32 Storage of vehicles, furniture, etc.

City of Port Orange Code of Ordinances, Chapter 42, Section 42-26 Cleanliness of property generally- duty of owner (f) Garbage, waste, trash, etc.

Dena Joseph, 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. The violation was to be corrected on or before August 24, 2017 by mowing the entire property to include weed eating, edging, and trimming all high weeds on site, removing all outside stored items and removing all trash and debris on the property. A re-inspection conducted on August 25, 2017 found the property in noncompliance and found that the front part of the property was mowed but no other areas were done to include the sides of the home and back of the property. In addition, there were still miscellaneous items being stored outside and debris on site to include an old tarp on the ground.

Ms. Joseph recommended the property owners be found in violation of the above referenced code with the violations to be corrected on or before October 8, 2017 by mowing the entire property and trimming all high weeds, as well as removing all outside stored items, and removing any trash and debris on site. 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 \$250 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.

Special Magistrate Fuller granted the recommendations as presented. The property owner has until October 8, 2017 to bring the property into compliance and shall notify the code officer for re-inspection. The costs to date of \$41.04 will be ordered, as well.

10. CEB Case No.: 17-0766

Respondent: Dennis O'Donnell

Address of Violation: 532 Orange Ave., Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 08/24/2017

Compliance: No

Cited for violation(s) - 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 II (Garbage, Junk, and Undergrowth), Section 42-26 (Maintenance of property generally duty of owner) (f) Garbage, waste, trash, etc.

Chapter 70 (Traffic), Article II (Stopping, Standing and Parking), Section 70-49 (Restrictions on Disabled or Abandoned Vehicles, (c) Restrictions, (1) (a), (b) and (2) of the City of Port Orange Code of Ordinances.

Chapter 16 (Miscellaneous Regulations), Section 1 (Accessory Uses and Structures), (e) Outside Storage: Outside storage of new and used equipment and materials shall be regulated as follows, (1) Residential Uses (b) of the City of Port Orange Land Development Code

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

Ms. 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.

11. CEB Case No.: 17-0151

Respondent: Dennis O'Donnell

Address of Violation: 530 Orange Ave., Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 08/24/2017

Compliance: No

Cited for violation(s) - 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 II (Garbage, Junk, and Undergrowth), Section 42-26 (Maintenance of property generally duty of owner) (f) Garbage, waste, trash, etc.

Chapter 70 (Traffic), Article II (Stopping, Standing and Parking), Section 70-49 (Restrictions on Disabled or Abandoned Vehicles, (c) Restrictions, (1) (a), (b) and (2) of the City of Port Orange Code of Ordinances.

Chapter 16 (Miscellaneous Regulations), Section 1 (Accessory Uses and Structures), (e) Outside Storage: Outside storage of new and used equipment and materials shall be regulated as follows, (1) Residential Uses (b) of the City of Port Orange Land Development Code

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

Ms. Joseph 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. The violation was to be corrected on or before September 3, 2017 by removing all unlicensed, inoperable vehicles on site or storing in an enclosed building, mowing entire property to include trimming of all high weeds on site, removing all trash and debris, and removing any and all outside storage and store inside an enclosed building or behind opaque fence. A re-inspection conducted on September 21, 2017 found the property remains in non-compliance.

Mr. Hughes, property owner's attorney, questioned his client regarding the true depiction of the pictures taken of his property. The property owner admitted that the pictures accurately depicted the condition of the property on the dates indicated but testified that as of noon September 26, 2017, all of the cars had been moved and the property mowed and cleaned of debris. Mr. Hughes argued that as the property was brought into compliance, no fines should be assessed. The parties stipulated that the property be re-inspected to show compliance.

Ms. Joseph recommended the property owners be found in violation of the above referenced code with the violations to be corrected on or before October 8, 2017 by removing all unlicensed, inoperable vehicles on site or storing in an enclosed building, mowing entire property to include trimming of all high weeds on site, removing all trash and debris, and removing any and all outside storage and store inside an enclosed building or behind opaque fence. 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 \$500 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 of \$34.02 was tendered into evidence. Mr. Hughes objection to the costs was sustained because some had not been incurred as of the hearing.

Special Magistrate Fuller accepted the property owners sworn testimony but found a violation as the property was not in compliance as of September 3, 2017. The parties' stipulation for the re-inspection was accepted. A reinspection will be made on September 28, 2017, if any violations are found the matter will be brought back before the magistrate for the imposition of appropriate sanctions and costs. If no violations are found but re-occur in the future, they will be considerable repeat violations.

C. ORDER IMPOSING FINE/LIEN

12. CEB Case No.: 17-0922

Respondent: Ming Zhang

Address of Violation: 5150 Rogers Ave., Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 07/19/2017

Compliance: No

Cited for violation(s) - City of Port Orange Code of Ordinances, Chapter 42, Article II, 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, Article II, Section 42-32 - Storage of vehicles, furniture, etc.

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:

Ms. Joseph requested an Order Setting Fine/Lien as the property was not in compliance on or before September 3, 2017 as ordered in the previous hearing on August 23, 2017 by the Special Magistrate. A re-inspection was conducted on September 6, 2017 which resulted in compliance to the order. The cost sheet for mailing and recording costs in the amount of \$92.06 was tendered and submitted into evidence.

Special Magistrate Fuller found the property in non-compliance on September 5, 2017 and awarded the fine of \$250.00 per day be imposed beginning September 4, 2017, running through September 5, 2017 and also awarded the total cost of mailing and recording to date of \$92.06. The total for all costs incurred is \$592.06

13. CEB Case No.: 17-0869

Respondent: John L Anglis

Wells Fargo Bank N A, ETC.

C/O Ocwen Loan Servicing LLC

Corporation Service Company

Registered Agent

Address of Violation: 71 Golden Gate Circle, Port Orange, FL 32129

Code Officer: Dena Joseph

First Notified: 07/19/2017

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 42-32 - Storage of vehicles, furniture, etc.

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.

Ms. Joseph requested a 30- day continuance to the November 8, 2017 hearing to allow additional time for violations to be corrected as the Wells Fargo representative has asked for. Motion to continue was granted by Special Magistrate Fuller.

D. PUBLIC COMMENTS There were none.

E. ADJOURNMENT 10:20 a.m.

Special Magistrate Fuller

Case Cost Sheet Log

Case No. 16-1221

Name	Activity	Activity_Date	Status	Cost
Daryl E Labine	Cost to mail Notice of Violation/Notice of Hearings	06/09/2017	Certified mail was returned "unclaimed"	\$7.02
Clerk of Court	Fee to record Finding of Fact Conclusion of Law and Order	10/11/2017		\$27.00
Daryl E. Labine	Cost to mail Finding of Fact Conclusion of Law & Order	10/11/2017		\$7.02

Total: 41.04



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 16-1221

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

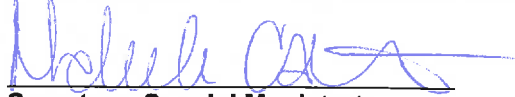
Deborah Pearson
DEBORAH PEARSON

☒ 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.

Case Cost Sheet Log

Case No. 17-1181

Name	Activity	Activity_Date	Status	Cost
Ermon J. Neeley JR.	Cost to mail Notice of Violation/Notice of Hearings	09/07/2017	all green cards were signed, Glenda Dick signed for Mr. Neeley at home address	\$21.06
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law & Order	10/11/2017		\$27.00
Ermon J. Neeley JR.	Cost to mail Finding of Fact Conclusion of Law & Order	10/11/2017		\$21.06

Total: 69.12



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

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

CITY OF PORT ORANGE,

Petitioner

CASE NO. 17-1181

To: Ermon J. Neeley JR. (Deceased)
237 Leisure Cir
Port Orange, FL 32127

To: Glenda Crider Dick, Co-Pers. Rep
Barbara Maxson, Co- Pers. Rep
C/O Melvin D. Stack, PA
444 Seabreeze Blvd, STE 1003
Daytona Beach, FL 32118

Re: 237 Leisure Cir
Port Orange, FL 32127
Parcel ID: 6322-04-00-0080

LEGAL DESCRIPTION: LOT 8 LEISURE VILLAS SUB UNIT II MB 34 PG 76 PER OR 2878 PG 0428 PER OR 7413 PG 3373
Volusia County Public Records
Volusia County, FL

An inspection of the premises on August 11, 2017, indicates that certain violation(s) of the City of Port Orange Code exists.

An attempt to notify the property was made on August 11, 2017. A door hanger was left in reference to the violations noted below and 10 days was given to correct. A re-inspection was conducted on August 31, 2017, resulting in non-compliance. This correspondence will serve as official notification that the below stated violation(s) must be corrected by October 2, 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. 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.
- 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 garbage and debris all over the front and side yards. 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.
- 3) 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 various stored items in the yard and in front of the home. 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** October 11, 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 \$ 21.06 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 October 11, 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 December 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 6th day of September, 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 Ermon J. Neeley JR, 237 Leisure Cir, Port Orange, FL 32127, RE: 237 Leisure Cir, Port Orange, FL 32127, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

this 6th day of September, 2017.

Time: approx. 11:40 am.



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 Ermon J. Neeley JR, 237 Leisure Cir, Port Orange, FL 32127, RE: 237 Leisure Cir, Port Orange, FL 32127, was

☐ Posted at City Hall

☐ Sent via certified and regular

this 7th day of September, 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. 17-1285

Name	Activity	Activity_Date	Status	Cost
Jacqueline M. & Donald A. Acosta	Cost to mail Notice of Violation/Notice of Hearings	09/07/2017	nothing was returned	\$14.04
Clerk of Court	Fee to record Finding of Fact Conclusion of Law & Order	10/11/2017		\$27.00
Jacqueline M. & Donald A. Acosta	Cost to mail Finding of Fact Conclusion of Law & Order	10/11/2017		\$14.04

Total: 55.08



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

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 17-1285

To: Acosta, Jacqueline M &
Donald A Acosta
825 Upland Dr.
Port Orange, FL 32127

Re: 825 Upland Dr.
Port Orange, FL 32127
Parcel ID: 6321-04-00-1150

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

Volusia County Public Records
Volusia County, FL

An inspection of the premises on August 31, 2017, indicates that certain repeat violation(s) of the City of Port Orange Code exists.

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

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.
 - Property is entirely overgrown and needs to be mowed and regularly maintained.

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** **October 11, 2017 at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

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

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$ 14.04 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **October 11, 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 **December 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 2nd day of September, 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 Acosta, Jacqueline M & Donald A, 825 Upland Ave., Port Orange, FL 32127, RE: 825 Upland Ave., Port Orange, FL 32127, was

- ☐ Hand-delivered
☒ Posted at the property

Recipient of hand delivered documents: _____

this 6th day of September, 2017.

Time: 11:30 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 Acosta, Jacqueline M & Donald A, 825 Upland Ave., Port Orange, FL 32127, RE: 825 Upland Ave., Port Orange, FL 32127, was

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

this 7th day of September, 2017.

Nichelle Cull
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

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