



AGENDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF PORT ORANGE

Meeting Date: Wednesday, November 8, 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 - October 25, 2017

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. CEB Case No.: 17-0779

Respondent: Karin D. Augat & James T. Radcliffe III TR

Address of Violation: 48 Valley Street, Port Orange, FL 32129

Code Officer: Dena Joseph

First Notified: 10/06/2017

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.

Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), (f) Garbage, waste, trash, etc. prohibited.

C. ORDER IMPOSING FINE/LIEN

4. 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.

5. **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:

Compliance: Yes

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

6. **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:

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.

7. **CEB Case No.:** 17-976

Respondent: Sharon Blake

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

Code Officer: Scott Allman

First Notified: 08/12/2017

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

8. **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: 09/27/2017

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

D. PUBLIC COMMENTS

E. ADJOURNMENT

ANY PERSON WHO DECIDES TO APPEAL ANY DECISION MADE BY THE **CODE ENFORCEMENT SPECIAL MAGISTRATE** WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE HE OR SHE MAY NEED TO ENSURE AT HIS OR HER OWN EXPENSE FOR THE TAKING AND PREPARATION OF A VERBATIM RECORD OF ALL TESTIMONY AND EVIDENCE OF THE PROCEEDINGS UPON WHICH THE APPEAL IS TO BE BASED. NOTE: IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS AN ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT THE CITY CLERK FOR THE CITY OF PORT ORANGE, 1000 CITY CENTER CIRCLE, PORT ORANGE, FLORIDA 32129, TELEPHONE NUMBER 386-506-5563, CITYCLERK@PORT-ORANGE.ORG, 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
OCTOBER 25, 2017

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

PRESENT: Lauren Koleilat, Special Magistrate

ALSO PRESENT: Deborah Pearson, Code Compliance Manager
Amanda Bonin, Code Compliance Inspector
Dena Joseph, Code Compliance Inspector
Michelle Cusella, Sr. Administrative Assistant

Consideration of Minutes

Special Magistrate Koleilat approved the October 11, 2017 meeting minutes as presented.

Oaths

Code Compliance Inspectors Amanda Bonin and Dena Joseph and Code Compliance Manager Deborah Pearson were sworn in by Special Magistrate Koleilat.

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. CEB Case No.: 17-1388

Respondent: Urgent Care Developers of Port Orange LLC
c/o Raul Socarras, P.A., Registered Agent
Address of Violation: 1208 Dunlawton Ave.
Port Orange, FL 32127
Code Officer: Scott Allman
First Notified: 10/11/2017

Compliance: No

Cited for violation(s) - City of Port Orange Code of Ordinances, Chapter 42 Nuisances, Sec. 42-103

Deborah Pearson, Code Compliance Manager, was sworn in by Special Magistrate Koleilat 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 Koleilat.

4. CEB Case No.: 17-1153

Respondent: Rainbow Development Group LLC
c/o Hala Hemaidan

Address of Violation: 4015 S. Williamson Blvd.

Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 09/19/2017

Compliance: No

Cited for violation(s) - City of Port Orange Code of Ordinances Chapter 42 Article 2 Section 42-26 - Cleanliness of property generally-Duty of owner (c) Maintenance of commercial and industrial zoned lots.

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

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 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 304.13 Window, skylight and door frames.

Amanda Bonin, Code Compliance Inspector, was sworn in by Special Magistrate Koleilat 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 Koleilat.

5. CEB Case No.: 17-1418

Respondent: James R. Miller

Deutsche Bank National Trust Company,
as Trustee for Long Beach Mortgage Loan trust 2006-3
c/o Kahane & Associates, P.A.

Address of Violation: 1084 Donnell Drive

Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 09/26/2017

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.

Ms. Bonin 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 Koleilat.

C. ORDER IMPOSING FINE/LIEN

6. **CEB Case No.:** 17-626

Respondent: Morkos Fouad

Address of Violation: 3780 Fiano Drive, Port Orange, FL 32118

Code Officer: Amanda Bonin

First Notified:

Compliance: No

Cited for violation(s) - The 2015 International Property Maintenance Code, Chapter 3 General Requirements, Section 303 Swimming Pools, Spas, and Hot Tubs, 303.1 Swimming Pools

The 2015 International Property Maintenance Code, Chapter 3 General Requirements, Section 303.2 Enclosures

Ms. Bonin requested a dismissal of the case as it is in compliance with the Special Magistrate's Order. Motion to dismiss was granted by Special Magistrate Koleilat.

7. **CEB Case No.:** 17-692

Respondent: Brent Appy

Address of Violation: 6093 Spruce Point Circle, Port Orange, FL 32128

Code Officer: Amanda Bonin

First Notified:

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)

Ms. Bonin requested a dismissal of the case as it is in compliance with the Special Magistrate's Order. Motion to dismiss was granted by Special Magistrate Koleilat.

8. **CEB Case No.:** 17-1167

Respondent: Paul and Barbara Moge

Address of Violation: 6026 Spruce Creek Point Circle, Port Orange, FL 32128

Code Officer: Amanda Bonin

First Notified:

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 (c) and (d)

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
304.13 - Window, skylight and door frames - 304.6 Exterior walls

*Ms. Bonin requested a dismissal of the case as it is in compliance with the Special Magistrate's Order.
Motion to dismiss was granted by Special Magistrate Koleilat.*

9. 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: 8/8/2017

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 Structures 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 1, Section 108 Unsafe Structures and Equipment, 108.1.5 Dangerous Structures 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.

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 Structures, 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, Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of property
generally duty of owner), (d) (Maintenance of improved residential lots)

*Ms. Bonin requested a 30- day continuance of this case to December 13, 2017. Motion to continue was
granted by Special Magistrate Koleilat.*

10. **CEB Case No.:** 17-0592

Respondent: Herbert Schubert Jr.

Address of Violation: 408 Nancy Circle, Port Orange, FL 32129

Code Officer: Dena Joseph

First Notified: 8/4/2017

Compliance: No

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

Chapter 42, 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 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 70 (traffic), Article II (Stopping, Standing and Parking), Section 70-36 (Stopping , standing or parking prohibited in specified places), (a) (1) (k) (1), (2) & 93) of the City of Port Orange Code of Ordinances.

Ms. Joseph requested an Order Setting Fine/Lien as the property was not in compliance on or before October 13, 2017 as ordered in the previous hearing on September 13, 2017 by the Special Magistrate. A re-inspection was conducted on October 17, 2017 which resulted in non-compliance to the order. Photos taken on October 17, 2017 were submitted and accepted by Special Magistrate Koleilat with no objections. The cost sheet for mailing and recording costs in the amount of \$92.06 was tendered and submitted into evidence.

Special Magistrate Koleilat found the property in non-compliance and awarded the fine of \$250.00 per day be imposed beginning October 14, 2017 and also awarded the total cost of mailing and recording to date of \$92.06.

11. **CEB Case No.:** 17-0364

Respondent: Mark E & Cecelia K. Davison

Address of Violation: 312 Grant Street, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 7/27/2017

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

Ms. Joseph requested an Order Setting Fine/Lien as the property was not in compliance on or before September 24, 2017 as ordered in the previous hearing on September 13, 2017 by the Special Magistrate. A re-inspection was conducted on September 25, 2017 which resulted in non-compliance of the order. The city abated the violation on September 27, 2017 with a vendor cost of \$200.00. The cost sheet for mailing and recording costs in the amount of \$113.12 was tendered and submitted into evidence as well as the abatement vendor invoice for \$200.00.

*Special Magistrate Koleilat found the property in non-compliance and awarded the following:
Daily fine of \$250.00 per day be imposed beginning September 25, 2017 and running through September 28, 2017 for a total of \$1000.00*

Total cost of mailing and recording to date of \$113.12

Vendor costs in the amount of \$200.00

For a total amount due from the property owner of \$1,313.12.

12. **CEB Case No.:** 17-0895

Respondent: Mark E. Davison and Cecelia Kay Degnan

Address of Violation: 310 Grant Street, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 7/27/2017

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

Ms. Joseph requested an Order Setting Fine/Lien as the property was not in compliance on or before September 24, 2017 as ordered in the previous hearing on September 13, 2017 by the Special Magistrate. A re-inspection was conducted on September 25, 2017 which resulted in non-compliance of the order. The city abated the violation on September 27, 2017 with a vendor cost of \$200.00. The cost sheet for mailing and recording costs in the amount of \$113.12 was tendered and submitted into evidence as well as the abatement vendor invoice for \$200.00.

*Special Magistrate Koleilat found the property in non-compliance and awarded the following:
Daily fine of \$250.00 per day be imposed beginning September 25, 2017 and running through September 28, 2017 for a total of \$1000.00*

Code Enforcement Special Magistrate Meeting

Wednesday, October 25, 2017

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Total cost of mailing and recording to date of \$113.12

Vendor costs in the amount of \$200.00

For a total amount due from the property owner of \$1,313.12.

D. PUBLIC COMMENTS – There were none.

E. ADJOURNMENT – 9:17 a.m.

Special Magistrate



NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 17-0779

To: Karin D. Augat & James T. Radcliffe III TR
Property Owners
782 N. Beach Street
Ormond Beach, FL 32174

Re: 48 Valley Street
Port Orange, FL 32129
Parcel ID: 6304-01-00-0040

LEGAL DESCRIPTION: 4-16-33 LOT 4 EXC S 15 FT CONRAD SUB PORT ORANGE MB 4 PG 77 MB 14 PG 135 PER OR 3965 PG 1548
PER OR 5970 PGS 0887-0888 PER OR 6662 PG 4843 PER D/C 6992 PG 4600

Volusia County Public Records
Volusia County, FL

An inspection of the premises on June 7, 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 October 20, 2017 by mowing ENTIRE property and cutting back ALL overgrowth that exceeds 10 inches. This does not apply to the removal of any trees on site which would need to be permitted prior to cutting down. In addition, ALL trash and debris on the property must be removed. Lot must be cleaned up in its entirety and continued to be maintained on a regular basis from this point forward.

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

1. 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.
 - Initial inspection conducted on June 7, 2017 after receiving complaints from the neighbor next door concerning overgrowth from the lot that is coming on to her property. The inspection revealed that this vacant lot, which was previously improved, is extremely overgrown. It does not appear that the lot has been maintained since the home was demolished in 2006.
2. Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), 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.
 - Initial inspection conducted on June 7, 2017 after receiving complaints from the neighbor that resides next door concerning the amount of trash and debris on site that is now blowing in to her yard. Inspection revealed a large amount of trash on the property which appears to have been dumped by various parties and passersby. It does not appear that the lot has been maintained since the home was demolished in 2006.

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 November 8, 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 **November 8, 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- 5645.

DATED this 6th day of October, 2017.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Dena Joseph
Dena Joseph, Code Compliance Inspector

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Karin D. Augat & James T. Radcliffe III TR, Property Owners, 782 N. Beach Street, Ormond Beach, FL 32174
RE: 48 Valley Street, Port Orange, FL 32129, was

☐ Hand-delivered Recipient of hand delivered documents: _____
☒ Posted at the property

Time: approx. 10:45 AM

this 6th day of October, 2017.

Dena Joseph
Dena Joseph, Code Compliance Inspector

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Karin D. Augat & James T. Radcliffe III TR, Property Owners, 782 N. Beach Street, Ormond Beach, FL 32174
RE: 48 Valley Street, Port Orange, FL 32129, was

☒ Posted at City Hall
☒ Sent via certified and regular

this 9th day of October, 2017.

Brenda J. Hall
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. 17-1154

Name	Activity	Activity_Date	Status	Cost
Thomas W. Jones	Cost to mail Notice of Violation/Notice of Hearings to 705 Herbert St, Port Orange, FL 32129	08/15/2017	green card was returned signed	\$7.02
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law & Order	09/27/2017		\$27.00
Thomas W. Jones	Cost to mail Finding of Fact, Conclusion of Law & Order to 705 Herbert St, Port Orange, FL 32129	09/27/2017		\$7.02
Clerk of Court	Fee to record Order Imposing Fine/Lien	11/08/2017		\$44.00
Thomas W. Jones	Cost to mail Order Imposing Fine/Lien to 705 Herbert St, Port Orange, FL 32129	11/08/2017		\$7.02

Total: 92.06



NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 17-1154

To: Thomas W. Jones
Property Owner
705 Herbert Street
Port Orange, FL 32129

Re: 705 Herbert Street
Port Orange, FL 32129
Parcel ID: 6337-01-20-0060

LEGAL DESCRIPTION: S 427.56 FT ON E/L OF W 148.5 FT OF E 645.3 FT MEAS ON & N OF NEW RD BEING 412.7 FT ON W/L & 124.44 FT ON N/L OF SUGAR HOUSE RESERVATION DUNLAWTON PER OR 4707 PGS 0031-0032 PER UNREC D/C Volusia County Public Records
Volusia County, FL

An inspection of the premises on August 10, 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 August 10, 2017. *blw*

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

August 24, 2017

1. 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 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.
 - Initial inspection conducted on August 10, 2017 revealed very high grass on the property. The entire property is in need of mowing to include trimming of all high weeds on site, weed eating, edging, etc. In addition, continuous maintenance is required to avoid re-opening of this notice of violation and future code cases.
2. 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
 - Initial inspection conducted on August 10, 2017 revealed items being stored on the outside of the home and around the property. These items will need to be removed and stored in an enclosed building.
3. 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 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.
 - Initial inspection conducted on August 10, 2017 revealed some trash and debris on site which needs to be removed.

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 September 27, 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 **September 27, 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 November 8, 2017, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

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

DATED this 14th day of August, 2017.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Dena Joseph
Dena Joseph, Code Compliance Inspector

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to **Thomas W. Jones, 705 Herbert Street, Port Orange, FL 32129,**
RE: 705 Herbert Street, Port Orange, FL 32129, was

☐ Hand-delivered Recipient of hand delivered documents: _____
☒ Posted at the property

Time: approx. 1:20pm

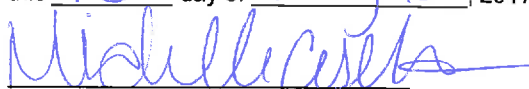
this 14th day of August, 2017.

Dena Joseph
Dena Joseph, Code Compliance Inspector

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to
Thomas W. Jones, 705 Herbert Street, Port Orange, FL 32129,
RE: 705 Herbert Street, Port Orange, FL 32129

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

this 15th day of August, 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.

**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 17-1154**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

THOMAS W. JONES
705 HERBERT STREET, PORT ORANGE, FL 32129
6337-01-20-0060

Recorded in the Public Records:
Instrument # 2017 187 271 9/27/17
Book: 7452 Page: 1352

Respondent.

_____ /

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

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on SEPTEMBER 27, 2017, after due notice to the Respondent(s), and the Special Magistrate having heard testimony under oath, received evidence and heard argument from Staff thereupon issues its Findings of Fact, Conclusions of Law, and Order, as follows:

FINDINGS OF FACT:

A. Respondent(s), THOMAS W. JONES, (hereinafter referred to as "Respondent(s)", whose mailing address is 705 HERBERT ST., PORT ORANGE, FL 32129 is the owner(s) of the property located at 705 HERBERT ST., PORT ORANGE, FL 32129, and more particularly described as:

S 427.56 FT ON E/L OF W 148.5 FT OF E 645.3 FT MEAS ON & N OF NEW RD BEING 412.7 FT ON W/L & 124.44 FT ON N/L OF SUGAR HOUSE RESERVATION DUNLAWTON PER OR 4707 PGS 0031-0032 PER UNREC D/C

B. Mowing the property to include weed eating, edging, and trimming of all high weeds on site, removing all outside stored items, and removing any trash and debris on the property. This condition was first observed at the real property described above on AUGUST 10, 2017; re-inspections were made on AUGUST 25, 2017 and confirmed the condition as being the same. Respondent(s) received notice via certified mail, posted on the property and City Hall AUGUST 14, 2017, that the aforesaid conditions constituted a violation of Chapter 42, Article II, Section 42-26 (d) of the City of Port Orange Code of Ordinances Chapter 42, Article II, Section 42-26 (f) of the City of Port Orange Code of Ordinances Chapter 42, Article II, Section 42-32 of the City of Port Orange Code of Ordinances, and was to be corrected by AUGUST 24, 2017.

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

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

CONCLUSION OF LAW:

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

ORDER:

A. Respondent(s) shall correct the aforesaid violation by mowing entire property to include weed eating, edging, and trimming all high weeds on site, removing all outside storage on the property, and removing any trash and debris on site on or before **OCTOBER 8, 2017** ("Compliance Date"). In the event that the property is not brought into compliance on or before the Compliance Date, and/or not maintained in a state of compliance, a daily fine of \$250.00 per day will be assessed for each day the property is in violation beyond the Compliance Date. If paragraph D. above is checked and the Respondent(s) has/have not abated the condition by the Compliance Date, then notice of the violation will be given to the City Council. The City Council may repair the condition and charge the Respondent(s) with the reasonable costs of the repairs. Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the Special Magistrate may impose additional fines to cover all costs incurred by the city in enforcing its codes and all costs or repairs pursuant to sub section (a)." The cost to date is \$41.04 as indicated on the cost sheet submitted into evidence. The Respondent(s) will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion. Any future violations under this ordinance shall be considered repeat violations.

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

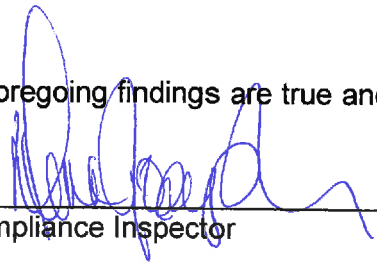
C. A certified copy of this Order may be recorded in the public records of Volusia County, Florida, and shall thereafter constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property. The findings in this Order shall be binding upon Respondent(s)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

DONE AND ORDERED this 27th day of September, 2017.

Attest: 
Secretary, Code Enforcement Special Magistrate

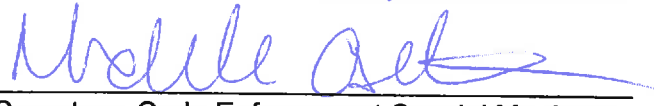
By: 
Code Enforcement Special Magistrate

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



Code Compliance Inspector

I HEREBY CERTIFY that a true and correct copy of the foregoing Findings of Fact, Conclusion of Law, and Order have been furnished to Respondent(s), THOMAS W. JONES, 705 HERBERT ST., PORT ORANGE, FL 32129 by Certified and Regular Mail this 28th day of September, 2017.



Secretary, Code Enforcement Special Magistrate

Case Cost Sheet Log

Case No. 17-0151

Name	Activity	Activity_Date	Status	Cost
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law & Order	09/27/2017		\$27.00
Dennis O'Donnell	Cost to mail Finding of Fact, Conclusion of Law & Order to PO Box 290251, Port Orange, FL 32129	09/27/2017		\$7.02

Total: 34.02



NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 17-0151

To: Dennis O'Donnell
Property Owner
P.O. Box 290251
Port Orange, FL 32129

Re: 530 Orange Avenue
Port Orange, FL 32127
Parcel ID: 6341-03-00-0540

LEGAL DESCRIPTION: LOT 54 EXC E 50 FT MARSHALL ADD PORT ORANGE PER OR 4468 PG 3475
Volusia County Public Records
Volusia County, FL

An inspection of the premises on February 6, 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 5 days to correct. A re-inspection was done on July 25, 2017, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by September 3, 2017 by removing all unlicensed, inoperable vehicles on site, removing all trash and debris, mowing of property, and removing any and all outside storage and store inside an enclosed building or behind opaque fence. Vehicles used as part of the owner's wrecker/salvage business located in New Smyrna Beach, FL are NOT to be stored at this location at any time.

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

1. ***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.
 - Initial inspection conducted on February 6, 2017 after receiving a complaint concerning the property. I observed a large amount of outside storage on the outside of the home, some under tarps by the front door. A 5 day door hanger was left informing resident that items outside must be removed and stored in an enclosed building.
2. ***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 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
 - Initial inspection conducted on February 6, 2017 after receiving a complaint concerning the condition of the property. I observed trash and debris on site. A 5 day door hanger was left informing the resident that any trash and debris on the property must be removed.
3. ***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:***
(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.

- Initial inspection conducted on February 6, 2017 after receiving a complaint concerning the condition of this property. I observed at least seven or eight vehicles that had no tags or expired tags all over the property and parked at 532 Orange Avenue which is located immediately next door to this location. I left a 5 day door hanger informing resident that these vehicles must be removed from both locations.

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

- Initial inspection conducted on February 6, 2017 after receiving a complaint concerning the condition of the property. I observed once again, several motor vehicles on site which are stored there as part of Mr. O'Donnell's wrecker business of which he operates out of New Smyrna Beach, FL. These vehicles, as per the above code, are not allowed to be stored on a residential site. Once removed, these vehicles, and any others associated with the business, must not be stored on this property, the property at 532 Orange Avenue, or on any others within the city.

5. **Chapter 42 (Nuisances), Article II (Garbage, Trash and Undergrowth), Section 42-26 (Maintenance 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.

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 September 27, 2017, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

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

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

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **September 27, 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 November 8, 2017, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

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

DATED this 24th day of August, 2017.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Dena Joseph
Dena Joseph, Code Compliance Inspector

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Dennis O'Donnell, Property Owner, P.O. Box 290251, Port Orange, FL 32129,

RE: 530 Orange Avenue, Port Orange, FL 32127, was

☒ Hand-delivered Recipient of hand delivered documents: Dennis O'Donnell - owner

☐ Posted at the property

Time: approx. 5:30 pm

this 24th day of August, 2017.

Dena Joseph
Dena Joseph, Code Compliance Inspector

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Dennis O'Donnell, Property Owner, P.O. Box 290251, Port Orange, FL 32129,

RE: 530 Orange Avenue, Port Orange, FL 32127, was

☒ Posted at City Hall

☐ Sent via certified and regular

this 29th day of August, 2017.

Nichelle Aselt
Secretary, Special Magistrate

RIGHT TO APPEAL

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

ACCOMMODATIONS

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

**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 17-0151**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

DENNIS O'DONNELL
530 ORANGE AVE., PORT ORANGE, FL 32127
6341-03-00-0540

Recorded in the Public Records:
Instrument # 2017 197 139 10/11/17
Book: 7458 Page: 1574

Respondent.

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

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on SEPTEMBER 27, 2017, after due notice to the Respondent(s), and the Special Magistrate having heard testimony under oath, received evidence and heard argument from Staff thereupon issues its Findings of Fact, Conclusions of Law, and Order, as follows:

FINDINGS OF FACT:

A. Respondent(s), DENNIS O'DONNELL, (hereinafter referred to as "Respondent(s)", whose mailing address is PO BOX 290251 PORT ORANGE, FL 32129 is the owner(s) of the property located at 530 ORANGE AVE., PORT ORANGE, FL 32127, and more particularly described as:

LOT 54 EXC E 50 FT MARSHALL ADD PORT ORANGE PER OR 4468 PG 3475

B. The property was first observed on February 6, 2017 because of neighborhood complaints. At that time, the property contained numerous unlicensed and/or inoperable vehicles parked throughout the yard, had high weeds and un-mowed grass, and had trash and debris stored outside throughout the grounds. Code Enforcement spoke with the property owner and requested that he remedy the violations. Respondent(s) received notice via hand delivery on August 24, 2017, and posted in City Hall AUGUST 29, 2017, that the aforesaid conditions constituted a violation of Chapter 42, Article II, Section 42-32 of the City of Port Orange Code of Ordinances, Chapter 42, Article II, Section 42-26 (f) of the City of Port Orange Code of Ordinances, Chapter 42, Article II, Section 42-26 (d) of the City of Port Orange Code of Ordinances, Chapter 70, Article II, Section 70-49, (c), (1) (a) (b) and (2) of the City of Port Orange Code of Ordinances, Chapter 16, Section 1, (e), (1) (b) of the City of Port Orange Land Development Code. Respondent was directed to remedy the violations by removing all unlicensed, inoperable vehicles on site or storing them 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., The violations were to be corrected by SEPTEMBER 3, 2017. A re-inspection was conducted on September 21, 2017 and the violations had not been corrected. Respondent testified that he corrected the violations on September 26, 2017, by removing the vehicles and outside storage items and removing the debris.

C. At the time of this hearing, the violations cited above: ☐ continue to exist, or ☒ remained noncompliant until September 25, 2017 [Date].

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

CONCLUSION OF LAW:

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

ORDER:

A. Respondent(s) testified they have corrected the violations by removing all unlicensed vehicles on site or storing them in an enclosed property, and mowing entire property. The City shall re-inspect the property on September 28, 2017 to confirm compliance, as agreed in the hearing. In the event the property is not in compliance on the date of re-inspection, or in the event the property is again allowed to be non-compliant for the same violations alleged in this case, such future violations shall be considered repeat violations. Respondent(s) will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

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

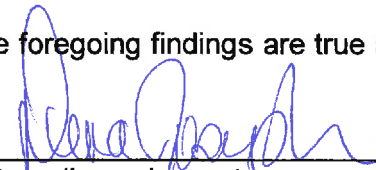
C. A certified copy of this Order may be recorded in the public records of Volusia County, Florida, and shall thereafter constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property. The findings in this Order shall be binding upon Respondent(s)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

DONE AND ORDERED this 27 day of September, 2017.

Attest: 
Secretary, Code Enforcement Special Magistrate

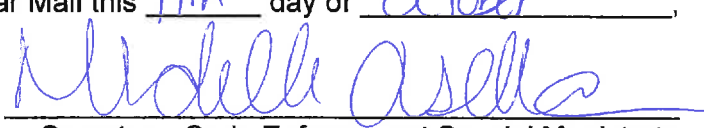
By: 
Code Enforcement Special Magistrate

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



Code Compliance Inspector

I HEREBY CERTIFY that a true and correct copy of the foregoing Findings of Fact, Conclusion of Law, and Order have been furnished to Respondent(s), DENNIS O'DONNELL, is PO BOX 290251 PORT ORANGE, FL 32129 by Certified and Regular Mail this 11th day of October, 2017.



Secretary, Code Enforcement Special Magistrate

Case Cost Sheet Log**Case No.** 17-0869

Name	Activity	Activity_Date	Status	Cost
John L. Anglis	Cost to mail Notice of Violation/Notice of Hearings to 71 Golden Gate Circle, Port Orange, FL 32129	07/20/2017	Green Card returned signed	\$7.02
Corporation Service Company	Cost to mail Notice of Violation/Notice of Hearings to 1201 Hays Street, Tallahassee, FL 32301	07/20/2017	Green Card returned signed	\$7.02
Wells Fargo Bank N A, ETC C/O Ocwen Loan Servicing LLC	Cost to mail Notice of Violation/Notice of Hearings to 1661 Worthington Road Suite 100, West Palm Beach, FL 33409	07/20/2017	Green Card returned signed	\$7.02
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law & Order	08/23/2017		\$27.00
John L. Anglis	Cost to mail Finding of Fact, Conclusion of Law and Order to 71 Golden Gate Circle, Port Orange, FL 32129	08/23/2017		\$7.02
Corporation Service Company	Cost to mail Finding of Fact, Conclusion of Law and Order to 1201 Hays St., Tallahassee, FL 32301	08/23/2017		\$7.02
Wells Fargo Bank N A, ETC C/O Ocwen Loan Servicing LLC	Cost to mail Finding of Fact, Conclusion of Law and Order to 1661 Worthington Road Suite 100, West Palm Beach, FL 33409	08/23/2017		\$7.02
Clerk of Court	Fee to record Order Imposing Fine/Lien	09/27/2017		\$44.00
John L. Anglis	Cost to mail Order Imposing Fine/Lien to 71 Golden Gate Circle, Port Orange, FL 32129	09/27/2017		\$7.02
Corporation Service Company	Cost to mail Order Imposing Fine/Lien to 1201 Hays St., Tallahassee, FL 32301	09/27/2017		\$7.02
Wells Fargo Bank N A, ETC C/O Ocwen Loan Servicing LLC	Cost to mail Order Imposing Fine/Lien to 1661 Worthington Road Suite 100, West Palm Beach, FL 33409	09/27/2017		\$7.02

Total: 134.18



NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 17-0869

To: Wells Fargo Bank N A, ETC.
Property Owner
C/O Ocwen Loan Servicing LLC
1661 Worthington Road
Suite 100
West Palm Beach, FL 33409

Corporation Service Company
Registered Agent
1201 Hays Street
Tallahassee, FL 32301-2525 US

Re: 71 Golden Gate Circle
Port Orange, FL 32129

Parcel ID: 6308-02-00-0710

LEGAL DESCRIPTION: LOT 71 TWINGATES MOBILE ESTATES MB 33 PG 48 INC PER OR 4227PG 16-17 PER OR 7067 PG 0268
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.

Resident was notified of the violations noted below and given 6 days to correct. A re-inspection was done on July 17, 2017, resulting in non-compliance.

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

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

1. 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.
 - Inspection on June 27, 2017 revealed that the property at this location is very overgrown and needs to be mowed. This is to include trimming of all high weeds on site, weed eating, edging, etc.
2. 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.
 - Inspection on June 27, 2017 revealed numerous items being stored around the perimeter of the home. These items must be removed and stored in an enclosed building.
3. 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 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.
 - Inspection on June 27, 2017 revealed trash and debris on site. Complaints have also been received concerning trash being placed out by the roadway that is blowing all over the neighborhood. All trash and debris on site will need to be cleaned up and removed.

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 23, 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 **August 23, 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 27, 2017, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

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

DATED this 19th day of July, 2017.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Dena Joseph
Dena Joseph, Code Compliance Inspector

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Wells Fargo Bank N.A., ETC., Property Owner, C/O Ocwen Loan Servicing LLC, 1661 Worthington Road, Suite 100, West Palm Beach, FL 33409 AND Corporation Service Company, Registered Agent, 1201 Hays Street, Tallahassee, FL 32301-2525 US RE: 71 Golden Gate Circle, Port Orange, FL 32129 was

- ☐ Hand-delivered
☒ Posted at the property

Recipient of hand delivered documents: _____

Time: approx. 4:20 PM

this 19th day of July, 2017.

Dena Joseph
Dena Joseph, Code Compliance Inspector

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Wells Fargo Bank N.A., ETC., Property Owner, C/O Ocwen Loan Servicing LLC, 1661 Worthington Road, Suite 100, West Palm Beach, FL 33409 AND Corporation Service Company, Registered Agent, 1201 Hays Street, Tallahassee, FL 32301-2525 US RE: 71 Golden Gate Circle, Port Orange, FL 32129 was

☒ Posted at City Hall

☒ Sent via certified and regular

this 20th 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.

**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 17-0869**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

JOHN L. ANGLIS
WELLS FARGO BANK N A, ETC.
C/O OCWEN LOAN SERVICING LLC
71 GOLDEN GATE CIRCLE, PORT ORANGE, FL 32129
6308-02-00-0710

Recorded in the Public Records:
Instrument # 2017 166 613 8/23/17
Book: 7440 Page: 548

Respondent.

_____ /

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

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on AUGUST 23, 2017, after due notice to the Respondent(s), and the Special Magistrate having heard testimony under oath, received evidence and heard argument from Staff thereupon issues its Findings of Fact, Conclusions of Law, and Order, as follows:

FINDINGS OF FACT:

A. Respondent(s), JOHN L. ANGLIS, WELLS FARGO BANK N A, ETC. C/O OCWEN LOAN SERVICING LLC., (hereinafter referred to as "Respondent(s)", whose mailing address is 1661 WORTHINGTON ROAD SUITE 100, WEST PALM BEACH, FL 33409 are the owner(s) of the property located at 71 GOLDEN GATE CIRCLE, PORT ORANGE, FL 32129, and more particularly described as:

LOT 71 TWINGATES MOBILE ESTATES MB 33 PG 48 INC PER OR 4227PG 16-17 PER OR 7067 PG 0268

B. MOWING ENTIRE PROPERTY TO INCLUDE WEED EATING, EDGING, ETC., REMOVING ALL OUTSIDE STORAGE, AND REMOVING ALL TRASH AND DEBRIS. This condition was first observed at the real property described above on JUNE 27, 2017; re-inspections were made on AUGUST 1, 2017 and confirmed the condition as being the same. Respondent(s) received notice via certified mail, posted on the property and City Hall JULY 19, 2017, that the aforesaid conditions constituted a violation of Chapter 42, Article II, Section 42-26 (d) and (f) of the City of Port Orange Code of Ordinances, and was to be corrected by JULY 31, 2017.

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

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

CONCLUSION OF LAW:

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

ORDER:

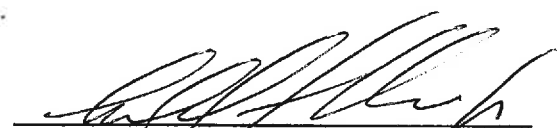
A. MOWING ENTIRE PROPERTY TO INCLUDE WEED EATING, EDGING, ETC., REMOVING ALL OUTSIDE STORAGE, AND REMOVING ALL TRASH AND DEBRIS Respondent(s) shall correct the aforesaid violation by on or before September 3, 2017 ("Compliance Date"). In the event that the property is not brought into compliance on or before the Compliance Date, and/or not maintained in a state of compliance, a daily fine of \$250.00 per day will be assessed for each day the property is in violation beyond the Compliance Date. If paragraph D. above is checked and the Respondent(s) has/have not abated the condition by the Compliance Date, then notice of the violation will be given to the City Council. The City Council may repair the condition and charge the Respondent(s) with the reasonable costs of the repairs. Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the Special Magistrate may impose additional fines to cover all costs incurred by the city in enforcing its codes and all costs or repairs pursuant to sub section (a)." The cost to date is \$69.12 as indicated on the cost sheet submitted into evidence. The Respondent(s) will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion. Any future violations under this ordinance shall be considered repeat violations.

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

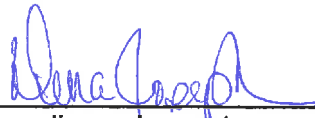
C. A certified copy of this Order may be recorded in the public records of Volusia County, Florida, and shall thereafter constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property. The findings in this Order shall be binding upon Respondent(s)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

DONE AND ORDERED this 23rd day of August, 2017.

Attest: 
Secretary, Code Enforcement Special Magistrate

By: 
Code Enforcement Special Magistrate

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



Code Compliance Inspector

I HEREBY CERTIFY that a true and correct copy of the foregoing Findings of Fact, Conclusion of Law, and Order have been furnished to Respondent(s), JOHN L. ANGLIS, WELLS FARGO BANK N A, ETC. C/O OCWEN LOAN SERVICING LLC., 71 GOLDEN GATE CIRCLE, PORT ORANGE, FL 32129 by Certified and Regular Mail this 24th day of August, 2017.



Secretary, Code Enforcement Special Magistrate

Case Cost Sheet Log

Case No. 17-976

Name	Activity	Activity_Date	Status	Cost
Sharon Blake	Cost to mail Notice of Violation/Notice of Hearings to 1112 Bayview Lane, Port Orange, FL 32127	08/14/2017	both returned "not deliverable"	\$7.02
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law & Order	09/27/2017		\$27.00
Sharon Blake	Cost to mail Finding of Fact to 1112 Bayview Lane, Port Orange, FL 32127	09/27/2017		\$7.02
Clerk of Court	Fee to record Order Imposing Fine/Lien	11/08/2017		\$44.00
Sharon Blake	Cost to mail Order Imposing Fine/Lien to 1112 Bayview Lane, Port Orange, FL 32127	11/08/2017		\$7.02

Total: 92.06



NOTICE OF VIOLATION AND NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 17-976

To: Sharon Blake
1112 Bayview Ln
Port Orange, FL 32127

Re: 1112 Bayview Ln
Port Orange, FL 32127
Parcel ID: 6315-06-01-0290

LEGAL DESCRIPTION: 15-16-33 E 180 FT OF W 938 FT OF N 128 FT OF S 628 FT OF LOTS 7 8 & 9 ASSRS SUB MB 3 PG 82 AKA LOTS 29 30 & 31 BLK 1 BAYVIEW HOMESITES UNREC SUB 209 PER OR 0929 PG 0345 PER OR 0881 PG 0711

Volusia County Public Records
Volusia County, FL

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

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

This correspondence will serve as official notification that the below stated violation(s) must be corrected by September 8, 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. To correct the violation, the property needs to be mowed and all high weeds trimmed.
2. 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.
 - The initial inspection of the property found a damaged stockade fence. A re-inspection of the property found the fence to be in the same condition. To correct the violation, the fence must be repaired to its original and upright condition 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** September 27, 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 September 27, 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 November 8, 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 12 day of August, 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 Sharon Blake, RE: 1112 Bayview Ln, Port Orange, FL 32127, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

this 14 day of August, 2017.

Time: approx. 10:55 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 Sharon Blake, RE: 1112 Bayview Ln, Port Orange, FL 32127, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 14th day of August, 2017.

Nicholas

Secretary, Special Magistrate

RIGHT TO APPEAL

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

ACCOMMODATIONS

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

**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 17-976**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

SHARON BLAKE
1112 BAYVIEW LN., PORT ORANGE, FL 32127
6315-06-01-0290

Recorded in the Public Records:
Instrument # 2017 187 295 9/27/17
Book: 7452 Page: 1434

Respondent.

_____ /

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

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on SEPTEMBER 27, 2017, after due notice to the Respondent(s), and the Special Magistrate having heard testimony under oath, received evidence and heard argument from Staff thereupon issues its Findings of Fact, Conclusions of Law, and Order, as follows:

FINDINGS OF FACT:

A. Respondent(s), SHARON BLAKE, (hereinafter referred to as "Respondent(s)", whose mailing address is 1112 BAYVIEW LN., PORT ORANGE, FL 32127 is the owner(s) of the property located at 1112 BAYVIEW LN., PORT ORANGE, FL 32127, and more particularly described as:

15-16-33 E 180 FT OF W 938 FT OF N 128 FT OF S 628 FT OF LOTS 7 8 & 9 ASSRS SUB MB 3 PG 82 AKA LOTS 29 30 & 31 BLK 1 BAYVIEW HOMESITES UNREC SUB 209 PER OR 0929 PG 0345 PER OR 0881 PG 0711

B. MOWING THE ENTIRE PROPERTY AND REMOVING OR REPAIRING ALL DAMAGED FENCING. This condition was first observed at the real property described above on JULY 7, 2017; re-inspections were made on SEPTEMBER 25, 2017 and confirmed the condition as being the same. Respondent(s) received notice via certified mail, posted on the property and City Hall AUGUST 14, 2017, that the aforesaid conditions constituted a violation of the 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 and 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, and was to be corrected by SEPTEMBER 8, 2017.

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

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

CONCLUSION OF LAW:

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

ORDER:

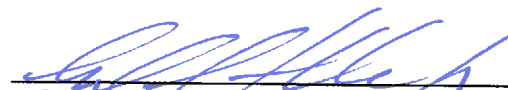
A. Respondent(s) shall correct the aforesaid violation by mowing the entire property and trimming all high weeds and by removing or repairing all damaged fencing on the property on or before **October 9, 2017** ("Compliance Date"). In the event that the property is not brought into compliance on or before the Compliance Date, and/or not maintained in a state of compliance, a daily fine of \$0 per day will be assessed for each day the property is in violation beyond the Compliance Date. If paragraph D. above is checked and the Respondent(s) has/have not abated the condition by the Compliance Date, then notice of the violation will be given to the City Council. The City Council may repair the condition and charge the Respondent(s) with the reasonable costs of the repairs. Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the Special Magistrate may impose additional fines to cover all costs incurred by the city in enforcing its codes and all costs or repairs pursuant to sub section (a)." The cost to date is \$41.04 as indicated on the cost sheet submitted into evidence. The Respondent(s) will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion. Any future violations under this ordinance shall be considered repeat violations.

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

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

DONE AND ORDERED this 27th day of September 2017.

Attest: 
Secretary, Code Enforcement Special Magistrate

By: 
Code Enforcement Special Magistrate

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



Code Compliance Inspector

I HEREBY CERTIFY that a true and correct copy of the foregoing Findings of Fact, Conclusion of Law, and Order have been furnished to Respondent(s), SHARON BLAKE, 1112 BAYVIEW LN., PORT ORANGE, FL 32127 by Certified and Regular Mail this 28th day of September, 2017.



Secretary, Code Enforcement Special Magistrate

Case Cost Sheet Log

Case No. 17-770

Name	Activity	Activity_Date	Status	Cost
Clifford N. Mason Sr.	Cost to mail Notice of Violation/Notice of Hearings to 956 Tall Pine Dr, Port Orange, FL 32127	08/25/2017	both returned "unclaimed" and "not deliverable"	\$7.02
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law & Order	09/27/2017		\$27.00
Clifford N. Mason Sr.	Cost to mail Finding of Fact, Conclusion of Law & Order to 956 Tall Pine Dr, Port Orange, FL 32127	09/27/2017		\$7.02
Clerk of Court	Fee to record Order Imposing Fine/Lien	11/08/2017		\$44.00
Clifford N. Mason Sr.	Cost to mail Order Imposing Fine/Lien to 956 Tall Pine Dr, Port Orange, FL 32127	11/08/2017		\$7.02

Total: 92.06



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 17-770

To: Clifford N Mason Sr
956 Tall Pine Drive
Port Orange, FL 32127

Re: 956 Tall Pine Drive
Port Orange, FL 32127
Parcel ID: 6316-03-13-0030

LEGAL DESCRIPTION: LOT 3 BLK 13 DEEP FOREST VILLAGE MB 33 PGS 98-100 INC PER OR 4300 PG 2807 PER OR 5792 PGS 3725-3727 INC PER OR 7021 PGS 1674-1677 INC

Volusia County Public Records
Volusia County, FL

An inspection of the premises on June 1, 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 September 7, 2017, however the pool needs to be secured immediately upon receiving this notification.

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

City of Port Orange Code of Ordinances Chapter 42 Section 42-26. - Cleanliness of property generally—Duty of owner (d) Maintenance of improved residential lots. The owner of an improved lot in a residential zone with lot sizes of one acre or less shall keep such lot free and clear of all fallen trees and limbs. All weeds, grass and undergrowth shall be cut to a height not exceeding ten inches. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than ten inches within such natural areas.

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

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. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

303.2 Enclosures. Private swimming pools, hot tubs, and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier not less than 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is not less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced, or changed in a manner that reduces its effectiveness as a safety barrier.

The property needs to be mowed, all high weeds and grass trimmed, the fence repaired/replaced to be in the original and upright condition, and the pool needs to be cleaned and maintained in a sanitary condition.

Attachments: ☐ Copy of code

☐ Copy of Deed

☐ Copy of Tax Roll

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

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

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

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate September 27, 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 **September 27, 2016**, enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on **November 8, 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 24th day of August, 2017.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Amanda Bonin
Amanda Bonin, 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 Clifford N Mason Sr 956 Tall Pine Drive Port Orange, FL 32127, RE: 956 Tall Pine Drive Port Orange, FL 32127, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

Time: approx. 11:10 AM

this 24th day of August, 2017.

Amanda Bonin
Amanda Bonin, 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 Clifford N Mason Sr 956 Tall Pine Drive Port Orange, FL 32127, RE: 956 Tall Pine Drive Port Orange, FL 32127, was

☒ Posted at City Hall

☐ Sent via certified and regular

this 25th day of August, 2017.

Michelle Asch
Secretary, Special Magistrate

RIGHT TO APPEAL

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

ACCOMMODATIONS

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

**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 17-770**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

CLIFFORD N. MASON SR.
956 TALL PINE DRIVE, PORT ORANGE, FL 32127
6316-03-13-0030

Recorded in the Public Records:
Instrument # 2017 187 262 9/27/17
Book: 7452 Page: 1319

Respondent.

_____ /

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

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on SEPTEMBER 27, 2017, after due notice to the Respondent(s), and the Special Magistrate having heard testimony under oath, received evidence and heard argument from Staff thereupon issues its Findings of Fact, Conclusions of Law, and Order, as follows:

FINDINGS OF FACT:

A. Respondent(s), CLIFFORD N. MASON SR., (hereinafter referred to as "Respondent(s)", whose mailing address is 956 TALL PINE DRIVE, PORT ORANGE, FL 32127 is the owner(s) of the property located at 956 TALL PINE DRIVE, PORT ORANGE, FL 32127, and more particularly described as:

LOT 3 BLK 13 DEEP FOREST VILLAGE MB 33 PGS 98-100 INC PER OR 4300 PG 2807 PER OR 5792 PGS 3725-3727 INC PER OR 7021 PGS 1674-1677 INC

B. All high weeds and grass need to be trimmed 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. This condition was first observed at the real property described above on JUNE 1, 2017; re-inspections were made on SEPTEMBER 22, 2017 and SEPTEMBER 26, 2017 and confirmed the condition as being the same. Respondent(s) received notice via certified mail, posted on the property and City Hall AUGUST 24, 2017, that the aforesaid conditions constituted a violation of City of Port Orange Code of Ordinances Chapter 42 Section 42-26. - Cleanliness of property generally—Duty of owner (d) City of Port Orange Land Development Code Chapter 16 Miscellaneous Regulations Section 3: - Fences and walls. Modified (b) General Provisions (4) (b) & (d) 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, and was to be corrected by SEPTEMBER 7, 2017.

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

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

CONCLUSION OF LAW:

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

ORDER:

A. Respondent(s) shall correct the aforesaid violation by 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 on the property on or before **October 5, 2017** "Compliance Date"). In the event that the property is not brought into compliance on or before the Compliance Date, and/or not maintained in a state of compliance, a daily fine of \$0 per day will be assessed for each day the property is in violation beyond the Compliance Date. If paragraph D. above is checked and the Respondent(s) has/have not abated the condition by the Compliance Date, then notice of the violation will be given to the City Council. The City Council may repair the condition and charge the Respondent(s) with the reasonable costs of the repairs. Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the Special Magistrate may impose additional fines to cover all costs incurred by the city in enforcing its codes and all costs or repairs pursuant to sub section (a)." The cost to date is \$41.04 as indicated on the cost sheet submitted into evidence. The Respondent(s) will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion. Any future violations under this ordinance shall be considered repeat violations.

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

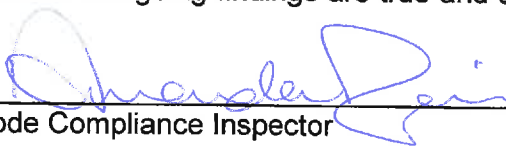
C. A certified copy of this Order may be recorded in the public records of Volusia County, Florida, and shall thereafter constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property. The findings in this Order shall be binding upon Respondent(s)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

DONE AND ORDERED this 27th day of September, 2017.

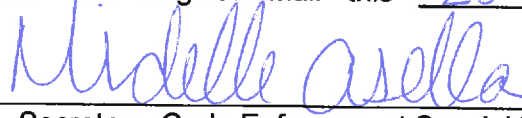
Attest: Nidelle Asella
Secretary, Code Enforcement Special Magistrate

By: [Signature]
Code Enforcement Special Magistrate

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


Code Compliance Inspector

I HEREBY CERTIFY that a true and correct copy of the foregoing Findings of Fact, Conclusion of Law, and Order have been furnished to Respondent(s), CLIFFORD N. MASON SR., 956 TALL PINE DRIVE, PORT ORANGE, FL 32127 by Certified and Regular Mail this 28th day of September, 2017.


Secretary, Code Enforcement Special Magistrate