



AGENDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF PORT ORANGE

Meeting Date: Wednesday, January 10, 2018

Time: 9:00 AM

Type of Meeting: Regular

Location: Council Chambers
City Hall, 1000 City Center Circle

A. CALL TO ORDER

1. Attorney Overview of Special Magistrate Code Enforcement Process
2. Consideration of Minutes

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. CEB Case No.: 17-904

Respondent: Thomas E Caldwell

Address of Violation: 4225 New Haven Court, Port Orange, FL 32127

Code Officer: Amanda Bonin

First Notified: 11/17/2017

Compliance: Yes

Cited for violation(s) - City of Port Orange Land Development Code Chapter 9 Environmental Protection, Article 2 Tree Preservation, Section 10: Permit requirements for tree removal.

4. CEB Case No.: 17-1527

Respondent: Deborah E Ellison

Address of Violation: 37 Woodlake Drive, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 10/17/2017

Compliance: No

Cited for violation(s) - City of Port Orange Code of Ordinances Chapter 42 Article 2 Section 42-26 - Cleanliness of property generally duty of owner (d) (f)

5. CEB Case No.: 17-1722

Respondent: Whitepalm PT Bay LLC & Whitepalm AR SC LLC & Whitepalm

Beaty AR LLC

Address of Violation: 5400 S Williamson Blvd., Port Orange, FL 32128

Code Officer: Amanda Bonin

First Notified: 11/10/2017

Compliance: No

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

6. **CEB Case No.:** 16-1780

Respondent: Kristina Marie Lowery

Address of Violation: 5310 Ridgewood Ave., Port Orange, FL 32127

Code Officer: Deborah Pearson

First Notified: 11/10/2017

Compliance: Yes

Cited for violation(s) - City of Port Orange Land Development Code, Ch. 3 Article II, Section 8 (d)

Florida Building Code 5th Edition (2014) Section 105 Permits, 105.1 Required as adopted by the City of Port Orange Land Development Code, Chapter 8 Building and Fire Codes, Article I, Section 1(b)

7. **CEB Case No.:** 17-739

Respondent: Kasma Capital Properties LLC

C/O Mounir S. Kasma

Address of Violation: 6022 Dalford Road, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 11/17/2017

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)

8. **CEB Case No.:** 17-1132

Respondent: Deborah T Kiernan Correia

Address of Violation: 51 Golden Gate Circle, Port Orange, FL 32129

Code Officer: Dena Joseph

First Notified: 11/10/2017

Compliance: No

Cited for violation(s) - 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 42, Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), (f) Garbage, waste, trash, etc. prohibited of the City of Port Orange Code of Ordinances.

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

Chapter 3 (General Requirements), Section 302 (Exterior Property Areas) 302.7 (Accessory Structures) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.7 (Roofs and Drainage) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

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

C. ORDER IMPOSING FINE/LIEN

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
DECEMBER 13, 2017

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

PRESENT: David Fuller, Special Magistrate

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

Attorney Overview of Special Magistrate Code Enforcement Process

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

Consideration of Minutes

Special Magistrate Fuller approved the November 8, 2017 meeting minutes as presented.

Approval of 2018 Calendar

Special Magistrate Fuller approved calendar dates for 2018 hearings.

Oaths

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

C. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

4. **CEB Case No.:** 17-1471

Respondent: Rogelia & Olga Roig

Address of Violation: 211 Oak Street, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 11/09/2017

Compliance: No

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.

Dena Joseph, Code Compliance Inspector, was sworn in by Special Magistrate Fuller and testified as to the condition of the property, as well as the notice provided to the property owner. Photos and evidence were submitted and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected on or before November 19, 2017 by mowing the entire property and trimming all high weeds and by removing all fallen limbs, branches, etc. on the property. A re-inspection conducted on November 20, 2017 and December 11, 2017 found the property remains in non-compliance.

Ms. Joseph recommended the property owners be found in violation of the above referenced code with the violations to be corrected on or before January 3, 2018 by mowing the entire property and trimming all high weeds and by removing all fallen limbs, branches, etc. on the property. In the event the property is not brought into compliance on or before the compliance date, and/or not maintained in a state of compliance, a daily fine of \$250 per day will be assessed for each day the property is in violation beyond the compliance date. Accused should be further ordered to contact the Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the Order. Ms. Joseph requested the property to be found a health, safety, and wellness violation with any future violations under this ordinance being considered repeat. The Cost Sheet in the amount of \$55.08 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Special Magistrate Fuller granted the recommendations as presented and declared it a health, safety, and wellness concern for the surrounding neighbors. The case may be referred to the City for possible abatement if it is not in compliance by January 3, 2018 and the costs will be added to any lien that is ultimately imposed on the property. The costs to date of \$55.08 will be ordered, as well.

5. CEB Case No.: 17-1132

Respondent: Deborah T Kiernan Correia

Address of Violation: 51 Golden Gate Circle, Port Orange, FL 32129

Code Officer: Dena Joseph

First Notified: 11/10/2017

Compliance: No

Cited for violation(s) - 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 42, Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), (f) Garbage, waste, trash, etc. prohibited of the City of Port Orange Code of Ordinances.

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

Chapter 3 (General Requirements), Section 302 (Exterior Property Areas) 302.7 (Accessory Structures) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.7 (Roofs and Drainage) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

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

Ms. Joseph testified as to the condition of the property, as well as the notice provided to the property owner. Photos and evidence were submitted and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected on or before December 11, 2017 by mowing and clearing out of all undergrowth on the ground and that is covering the mobile home on the walls and roof, all outside storage needs to be removed and properly stored in an enclosed building, removing all trash and debris on site and removing all sheds out back that are not permitted or are in a state of disrepair and are not structurally sound. The roof needs to be repaired and removal of the tarp that is being used as permanent fix and either removing the dilapidated fence or repairing or installing a new fence which will require a permit to be obtained through the Port Orange Building Department. A re-inspection was not performed after the compliance date but Ms. Joseph spoke to the property owners over the telephone about the remaining items that still needed to be done to bring the property into compliance.

Mr. Correia, property owners spouse, testified to the condition of the property and stated he has removed the tarp from the roof, as he had put it up there before the hurricane to protect the roof during the storm. Mr. Correia asked for more time to fix the remainder of the violations.

Ms. Joseph recommended the property owners be found in violation of the above referenced code with the violations to be corrected on or before January 14, 2018. In the event the property is not brought into compliance on or before the compliance date, and/or not maintained in a state of compliance, a daily fine of \$100.00 per day will be assessed for each day the property is in violation beyond the compliance date. Accused should further be ordered to contact the Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the Order. The Cost Sheet in the amount of \$41.04 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Special Magistrate Fuller continued this case to January 10, 2018 for the City to have more time to re-inspect the property.

6. CEB Case No.: 17-1721

Respondent: Springwood Square Joint Ventures

Address of Violation: Springwood Square Common Ground, Port Orange, FL 32129

Code Officer: Dena Joseph

First Notified: 11/09/2017

Compliance: No

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 of the City of Port Orange Code of Ordinances

Ms. Joseph testified as to the condition of the property, as well as the notice provided to the property owner. Photos and evidence were submitted and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected on or before December 11, 2017 by mowing the entire property and trimming all high weeds and by removing all debris, fallen limbs, trees, etc. on the property.

Ms. Joseph recommended the property owners be found in violation of the above referenced code with the violations to be corrected on or before January 3, 2018. It is further recommended that the accused be ordered to contact the Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the Order. Ms. Joseph requested the property to be found a health, safety, and wellness violation with any future violations under this ordinance being considered repeat. The Cost Sheet in the amount of \$41.04 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Special Magistrate Fuller granted the recommendations as presented and declared it a health, safety, and wellness concern for the surrounding neighbors. The case may be referred to the City for possible abatement if it is not in compliance by January 3, 2018 and the costs will be added to any lien that is ultimately imposed on the property. The costs to date of \$41.04 will be ordered, as well.

7. CEB Case No.: 16-1780

Respondent: Kristina Marie Lowery

Address of Violation: 5310 Ridgewood Ave., Port Orange, FL 32127

Code Officer: Deborah Pearson

First Notified: 11/10/2017

Compliance: No

Cited for violation(s) - City of Port Orange Land Development Code, Ch. 3 Article II, Section 8 (d)

Florida Building Code 5th Edition (2014) Section 105 Permits, 105.1 Required as adopted by the City of Port Orange Land Development Code, Chapter 8 Building and Fire Codes, Article I, Section 1(b)

Deborah Pearson, Code Compliance Manager, requested a 30- day continuance of this case to January 10, 2018. Motion to continue was granted by Special Magistrate Fuller.

Kristina Lowery, property owner, was sworn in by Special Magistrate Fuller and testified as to having no objections to the continuance of the case to January 10, 2018.

8. CEB Case No.: 17-1671

Respondent: Marguerite Sanders & Dean Maxwell

Address of Violation: 5589 Ridgewood Ave., Port Orange, FL 32127

Code Officer: Deborah Pearson

First Notified: 11/02/2017

Compliance: No

Cited for violation(s) - Chapter 13, Section 3.5 Opaque fence or wall requirements (a) of the City of Port Orange Land Development Code.

Ms. Pearson testified as to the condition of the property, as well as the notice provided to the property owner. Photos and evidence were submitted and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected on or before November 27, 2017 by completing the repair of the 6' wood security fence and setting it to its original, upright condition with no missing or damaged pickets. A re-inspection conducted on December 12, 2017 found the property remains in non-compliance by a couple rotting posts that made the fence wobbly after the repair done by the owners.

Mr. Maxwell, property owner, was sworn in by Special Magistrate Fuller and testified as to the repairs of the pickets just a few hours after Ms. Pearson was there to re-inspect.

Sharon Campbell, property owner behind residence, was sworn in by Special Magistrate Fuller and testified as to the fence on Mr. Maxwell's property being in disrepair for over a year.

Ms. Pearson recommended the property owners be found in violation of the above referenced code with the violations to be corrected on or before December 20, 2017 by completing the repair of the 6' wood security fence and setting it to its original, upright condition with no missing or damaged pickets. In the event the property is not brought into compliance on or before the compliance date, and/or not maintained in a state of compliance, a daily fine of \$100 per day will be assessed for each day the property is in violation beyond the compliance date. Accused should be further ordered to contact the Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the Order. The Cost Sheet in the amount of \$55.08 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Special Magistrate Fuller granted the recommendations as presented and if it is not in compliance by December 20, 2017 the costs will be added to any lien that is ultimately imposed on the property. The costs to date of \$55.08 will be ordered, as well.

9. CEB Case No.: 17-1722

Respondent: Whitepalm PT Bay LLC & Whitepalm AR SC LLC & Whitepalm Beaty AR LLC

Address of Violation: 5400 S Williamson Blvd., Port Orange, FL 32128

Code Officer: Amanda Bonin

First Notified: 11/10/2017

Compliance: No

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

Amanda Bonin, Code Compliance Inspector, was sworn in by Special Magistrate Fuller and testified as to the condition of the property, as well as the notice provided to the property owner. Photos and evidence were submitted and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected on or before December 1, 2017 by replacing and/or repairing the missing/damaged fence. A re-inspection conducted on December 7, 2017 and December 11, 2017 found the property remains in non-compliance.

Ms. Wolf, property manager, was sworn in by Special Magistrate Fuller and testified as to the condition of property as well as the contracting of Dave's Fencing prior to the hurricane which is the cause of the downed fencing. The contractors have rushed ordered the materials and Ms. Wolf is asking for January 5th of a compliance date to get the fence finished.

Ms. Bonin recommended the property owners be found in violation of the above referenced code with the violations to be corrected on or before January 5, 2018. In the event the property is not brought into compliance on or before the compliance date, and/or not maintained in a state of compliance, a daily fine of \$100.00 per day will be assessed for each day the property is in violation beyond the compliance date. Accused should be further ordered to contact the Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the Order. The Cost Sheet in the amount of \$34.02 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Special Magistrate Fuller granted the property owner until January 5, 2017 to bring the property into compliance but will continue this case to January 10, 2018.

10. CEB Case No.: 17-1554

Respondent: Bhoola Investments

Address of Violation: Hidden Lake Drive, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 11/06/2017

Compliance: No

Cited for violation(s) - City of Port Orange Code of Ordinances Chapter 42 Article 2
Section 42-26 - Cleanliness of property-generally duty of owner (d)

Ms. Bonin testified as to the condition of the property, as well as the notice provided to the property owner. Photos and evidence were submitted and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected on or before November 17, 2017 by mowing the retention area that is extremely overgrown. A re-inspection conducted on November 17, 2017 and December 11, 2017 found the property remains in non-compliance.

Ms. Bonin recommended the property owners be found in violation of the above referenced code with the violations to be corrected on or before December 21, 2017. In the event the property is not brought

into compliance on or before the compliance date, and/or not maintained in a state of compliance, a daily fine of \$100.00 per day will be assessed for each day the property is in violation beyond the compliance date. Accused should be further ordered to contact the Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the Order. Ms. Bonin requested the property to be found a health, safety, and wellness violation with any future violations under this ordinance being considered repeat. The Cost Sheet in the amount of \$41.04 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Special Magistrate Fuller granted the recommendations as presented and declared it a health, safety, and wellness concern for the surrounding neighbors. The property owner has until December 21, 2017 to bring the property into compliance and shall notify the code officer for re-inspection. The costs to date of \$41.04 will be ordered, as well.

11. CEB Case No.: 17-1527

Respondent: Deborah E Ellison

Address of Violation: 37 Woodlake Drive, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 10/17/2017

Compliance: No

Cited for violation(s) - City of Port Orange Code of Ordinances Chapter 42 Article 2 Section 42-26 - Cleanliness of property generally - Duty of owner. (d) Maintenance of improved residential lots and (f) garbage, waste, trash, etc., prohibited.

Ms. Bonin requested a 30- day continuance of this case to January 10, 2018. Motion to continue was granted by Special Magistrate Fuller.

12. CEB Case No.: 17-1273

Respondent: Salih and Forteunh F. Attalla

Address of Violation: 5556 S. Lancewood Circle, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 11/09/2017

Compliance: No

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

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

Mr. Allman testified as to the condition of the property, as well as the notice provided to the property owner. Photos and evidence were submitted and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected on or before November 27, 2017 by repairing all damaged

fencing to its original and upright condition. A re-inspection conducted on November 28, 2017 found the fence violation remains in non-compliance and the high weeds and grass were abated.

Mr. Allman recommended the property owners be found in violation of 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 with the violations to be corrected on or before January 2, 2018. Accused should be ordered to contact the Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the Order. Mr. Allman requested the property to be found a health, safety, and wellness violation with any future violations under this ordinance being considered repeat. The Cost Sheet in the amount of \$55.08 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Special Magistrate Fuller granted the recommendations as presented and declared it a health, safety, and wellness concern for the surrounding neighbors. The case may be referred to the City for possible abatement if it is not in compliance by January 2, 2018 and the costs will be added to any lien that is ultimately imposed on the property. The costs to date of \$55.08 will be ordered, as well.

13. CEB Case No.: 17-426

Respondent: Robert W. Blohm ET AL and Denise M. Ohle

Address of Violation: 5201 Wood St., Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 11/10/2017

Compliance: No

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

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. 304.7 Roofs and drainage.

Chapter 42, Article V, Division 3. – Abatement of Unsafe Structures of the City of Port Orange Code of Ordinances.

Mr. Allman testified as to the condition of the property, as well as the notice provided to the property owner. Photos and evidence were submitted and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected on or before November 30, 2017 by repairing all damaged fencing to its original and upright condition and repairing the roof. A re-inspection conducted on November 30, 2017 found the property remains in non-compliance.

Ms. Pearson clarified with Special Magistrate Fuller that Denise M Ohle can be considered a property owner although her name is not on the Property Tax Roll but is on the deed.

Mr. Allman recommended the property owners be found in violation of the above referenced code with the violations to be corrected on or before January 22, 2018. Accused should be ordered to contact the Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the Order. Mr. Allman requested the property to be found a health, safety, and wellness violation with any future violations under this ordinance being considered repeat. The Cost Sheet in the amount of \$69.12 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Special Magistrate Fuller granted the recommendations as presented and declared it a health, safety, and wellness concern for the surrounding neighbors. The case may be referred to the City for possible abatement if it is not in compliance by January 22, 2018 and the costs will be added to any lien that is ultimately imposed on the property. The costs to date of \$69.12 will be ordered, as well.

D. ORDER IMPOSING FINE/LIEN

14. CEB Case No.: 17-1285

Respondent: Jacqueline M & Donald A. Acosta

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

Code Officer: Scott Allman

First Notified: 09/06/2017

Compliance: No

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

Mr. Allman requested an Order Setting Fine/Lien as the property was not in compliance on or before October 18, 2017 as ordered in the previous hearing on October 11, 2017 by the Special Magistrate. A re-inspection was conducted on October 23, 2017 which resulted in non-compliance of the order. The cost sheet for mailing and recording costs in the amount of \$113.12 was tendered and submitted into evidence without objection. The violation was abated with a vendor cost of \$275.00.

Special Magistrate Fuller found the property in non-compliance and awarded the total cost of mailing and recording to date of \$113.12 as well as the abatement costs of \$275.00 with a total cost of \$388.12.

15. CEB Case No.: 17-1181

Respondent: Ermon J. Neeley Jr.

Glenda Crider Dick, Co-Pers. Rep

Barbara Maxson, Co-Pers. Rep

C/O Melvin D. Stack, PA

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

Code Officer: Scott Allman

First Notified: 09/06/2017

Compliance: No

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

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

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

Mr. Allman requested an Order Setting Fine/Lien as the property was not in compliance on or before October 25, 2017 as ordered in the previous hearing on October 11, 2017 by the Special Magistrate. A re-inspection was conducted on October 25, 2017 which resulted in non-compliance of the order. The cost sheet for mailing and recording costs in the amount of \$134.18 was tendered and submitted into evidence without objection. The violation was abated with a vendor cost of \$600.00.

Special Magistrate Fuller found the property in non-compliance and awarded the total cost of mailing and recording to date of \$134.18 as well as the abatement costs of \$600.00 with a total cost of \$734.18.

16. **CEB Case No.:** 17-0869

Respondent: John L Anglis

Wells Fargo Bank N A, ETC.

C/O Ocwen Loan Servicing LLC

Corporation Service Company

Registered Agent

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

Code Officer: Dena Joseph

First Notified: 07/19/2017

Compliance: No

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

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

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

Ms. Joseph requested an Order Setting Fine/Lien as the property was not in compliance on or before September 3, 2017 as ordered in the previous hearing on August 23, 2017 by the Special Magistrate. A re-inspection was conducted on September 4, 2017 which resulted in non-compliance of the order. Ms. Joseph stated the City will no longer seek the \$250.00 fine per day but has abated the property twice with vendor costs of \$300.00 and \$200.00 The cost sheet for mailing and recording costs in the amount of \$134.18 was tendered and submitted into evidence without objection.

Special Magistrate Fuller found the property in non-compliance and awarded the total cost of mailing and recording to date of \$134.18. as well as the abatement costs of \$500.00 with a total of \$634.18.

17. 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: 08/08/2017

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 an Order Setting Fine/Lien as the property was not in compliance on or before September 20, 2017 as ordered in the previous hearing on September 13, 2017 by the Special Magistrate. A re-inspection was conducted on September 21, 2017 which resulted in non-compliance of the order. On November 1, 2017, a reinspection was performed which revealed the corrective action

was abated by Tuff Turf with a vendor cost of \$900.00. The cost sheet for mailing and recording costs in the amount of \$92.06 was tendered and submitted into evidence without objection.

Special Magistrate Fuller found the property in non-compliance by the given date and awarded the fine of \$250.00 per day be imposed beginning September 21, 2017 and running through October 31, 2017 and also awarded the total cost of mailing and recording to date of \$92.06 as well as the abatement cost of \$900. A total of \$11,242.06 was awarded.

E. PUBLIC COMMENTS- There were none.

F. ADJOURNMENT- 11:55 a.m.

Special Magistrate Fuller



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 17-904

To: Thomas E Caldwell
6097 Oxbow Bend Lane
Port Orange, FL 32128
Re: 4225 New Haven Court
Port Orange, FL 32127
Parcel ID: 6309-08-00-0540

LEGAL DESCRIPTION: LOT 54 DUNLAWTON HILLS UNIT 1 MB 39 PGS 103-105 INC PER OR 4798 PG 0678 PER OR 5516 PG 0250 PER OR 6084 PG 4734 PER OR 7359 PGS 1432-1433

Volusia County Public Records
Volusia County, FL

An inspection of the premises on June 29, 2017, indicates that certain violation(s) of the City of Port Orange Code exists.

Property owner was notified of the violations noted below and given five days to correct. A re-inspection was done on July 5, 2017, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by November 22, 2017.

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

City of Port Orange Land Development Code Chapter 9 Environmental Protection, Article 2 Tree Preservation,

Section 10: - Permit requirements for tree removal (a) It is hereby unlawful for any person to cut down, move, remove or destroy through damaging or to authorize the same, of any tree or natural vegetation referenced in this article without obtaining a tree removal permit in accordance with the provisions of this article.

The pine trees removed from the property in June required a permit. To comply, a permit needs to be applied for.

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 January 10, 2018, 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 **January 10, 2018**, 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 **February 14, 2018, 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 17th day of November, 2017.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: 
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 Thomas E Caldwell 4225 New Haven Court, RE: 4225 New Haven Court Port Orange, FL 32127, was

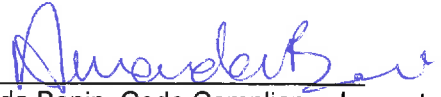
☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

this 17th day of November, 2017.

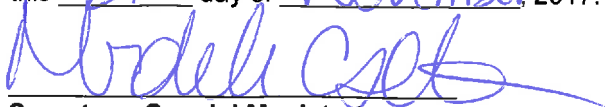
Time: approx. 11:45 am


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 Thomas E Caldwell 6097 Oxbow Bend Lane Port Orange, FL 32128, RE: 4225 New Haven Court Port Orange, FL 32127, was

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

this 21st day of November, 2017.


Secretary, Special Magistrate

RIGHT TO APPEAL

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

ACCOMMODATIONS

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

Case Cost Sheet Log

Case No. 17-1527

Name	Activity	Activity_Date	Status	Cost
Deborah E Ellison	Cost to mail Notice of Violation/Notice of Hearings to 37 Woodlake Drive, Port Orange, FL 32129	12/12/2017	both returned "vacant"	\$7.02
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law & Order	01/10/2018		\$27.00
Deborah E Ellison	Cost to mail Finding of Fact to 37 Woodlake Drive, Port Orange, FL 32129	01/10/2018		\$7.02

Total: 41.04



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 17-1527

To: Deborah E Ellison
37 Woodlake Drive
Port Orange, FL 32129

Re: 37 Woodlake Drive
Port Orange, FL 32129

Parcel ID: 6307-01-00-0370

LEGAL DESCRIPTION: LOT 37 RAVENWOOD SUB MB 33 PGS 170 & 171 PER OR 4575 PG 1969

Volusia County Public Records

Volusia County, FL

An inspection of the premises on October 2, 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 27, 2017.

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

**City of Port Orange Code of Ordinances Chapter 42 Article 2 Section 42-26. - Cleanliness of property generally—
Duty of owner.**

- (d) Maintenance of improved residential lots. The owner of an improved lot in a residential zone with lot sizes of one acre or less shall keep such lot free and clear of all fallen trees and limbs. All weeds, grass and undergrowth shall be cut to a height not exceeding ten inches. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than ten inches within such natural areas.
- (f) Garbage, waste, trash, etc., prohibited. The owner of every lot, piece and parcel of land located within the city shall keep each such lot, piece and parcel of land free and clear of garbage, waste, trash, debris, and junk.

The property needs to be mowed, all high weeds and grass trimmed and edged from the sidewalk, and all debris cleaned up.

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 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 **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.

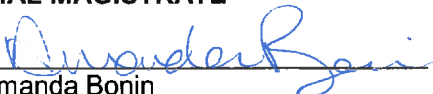
NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **December 13, 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 **January 24, 2018, 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 17th day of October 2017.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: 
Amanda Bonin

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Deborah E Ellison 37 Woodlake Drive Port Orange, FL 32129, RE: 37 Woodlake Drive Port Orange, FL 32129, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

this 17th day of October 2017.

Time: approx. 2:19 p.m.


Amanda Bonin

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to, Deborah E Ellison 37 Woodlake Drive Port Orange, FL 32129, RE: 37 Woodlake Drive Port Orange, FL 32129, was
☒ Posted at City Hall
☒ Sent via certified and regular

this 20th day of October, 2017.



Secretary, Special Magistrate

RIGHT TO APPEAL

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

ACCOMMODATIONS

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

Case Cost Sheet Log

Case No. 17-1722

Name	Activity	Activity_Date	Status	Cost
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law & Order	12/13/2017		\$27.00
Whitepalm PT Bay LLC	Cost to mail Finding of Fact to 3301 West End Ave Ste. 200, Nashville, TN 37203	12/13/2017		\$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. 17-1722

To:

Whitepalm PT Bay LLC &
Whitepalm AR SC LLC &
Whitepalm Beaty AR LLC
3301 West End Ave Ste 200
Nashville, TN 37203

Re: 5400 S Williamson Blvd

Port Orange, FL 32128

Parcel ID: 6318-00-00-0009

LEGAL DESCRIPTION: 18 16 33 & 13 16 32 PART OF SW 1/4 OF SEC 18 & SE 1/4 OF SEC 13 LYING SELY & NELY OF ROYAL PALM PUD PH 1 & SLY OF WILLIAMSON BLVD MEAS 1170.50 FT ON SW R/W OF WILLIAMSON BLVD & MEAS 1000.00 FT ON SELY LINE OF ROYAL PALM PUD PER OR 7097 PG 0125 PER OR 7097 PG 0130

Volusia County Public Records

Volusia County, FL

An inspection of the premises on October 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 fourteen days to correct. A re-inspection was done on October 26, 2017, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by December 1, 2017.

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

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

The missing/damaged fencing must be repaired and/or replaced.

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 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 **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 \$ 100.00 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **December 13, 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 **January 24, 2018, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

For further information regarding this matter, you may contact the undersigned Code Compliance Inspector at (386) 506-5616.

DATED this 10th day of November, 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 Whitepalm PT Bay LLC, Whitepalm AR SC LLC, & Whitepalm Beaty AR LLC 5400 S Williamson Blvd. Port Orange, FL 32128, RE: 5400 S Williamson Blvd. Port Orange, FL 32128, was

☒ Hand-delivered

☐ Posted at the property

Recipient of hand delivered documents: Ashley Callis Assistant Manager

this 10th day of November 2017.

Time: approx. 11:00 AM

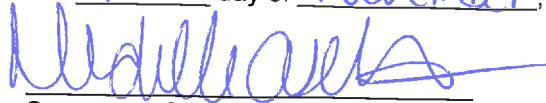
Amanda Bonin
Amanda Bonin, Code Compliance Inspector

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Whitepalm PT Bay LLC, Whitepalm AR SC LLC, & Whitepalm Beaty AR LLC 3301 West End Ave Ste 200 Nashville, TN 37203, RE: 5400 S Williamson Blvd. Port Orange, FL 32128, was

☒ Posted at City Hall

☐ Sent via certified and regular

this 14th day of November, 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

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

vs.

CASE NO: 17-1722

WHITEPALM PT BAY LLC &
WHITEPALM AR SC LLC &
WHITEPALM BEATY AR LLC,

Respondent.

Property Address: 5400 S Williamson Blvd

Port Orange, FL 32127

Parcel ID: 6318-00-00-0009

AFFIDAVIT OF HAND DELIVERY
NOTICE OF VIOLATION AND
NOTICE OF HEARING

STATE OF FLORIDA
COUNTY OF VOLUSIA

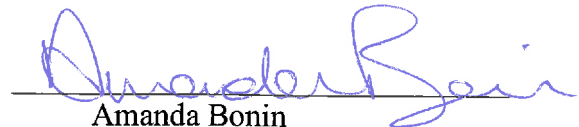
BEFORE ME, the undersigned authority, personally appeared Amanda Bonin, Code Compliance Inspector, City of Port Orange, Florida, who after being duly sworn, deposes and says:

1. That the statements set forth herein are based upon personal knowledge.
2. That I am a resident of the State of Florida, over twenty-one years of age, and not a party to this action.
3. That, according to the records of the Volusia County Property Appraisers Office, the property located at 5400 S Williamson Blvd, Port Orange, Florida 32128, is owned by Whitepalm PT Bay LLC & Whitepalm AR SC LLC & Whitepalm Beaty AR LLC.
4. That 5400 S Williamson Blvd, Port Orange, Florida 32128 is the location where the alleged code violation is or was occurring.

5. That I hand delivered a Notice of Violation and Request for Hearing on the property at 5400 S Williamson Blvd, Port Orange, Florida 32128, at 11:00 a.m. on the 9th day of November 2017, to Ashley Callis, Assistant Manager, who is 15 years of age or over, as required by Florida Statute Section 162.12(2)(b)(1). A copy of the Notice and Request is attached hereto and made a part hereof.

FURTHER AFFIANT SAYETH NOT.

DATED this 10th day of November 2017.



Amanda Bonin
Code Compliance Inspector

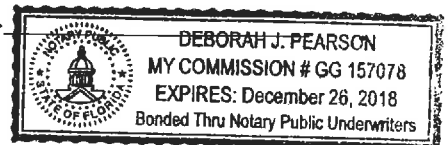
**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was sworn to before me on the 10th day of November 2017, by Amanda Bonin, who is personally known to me.



Notary Public, State of Florida

Commission No.



Case Cost Sheet Log

Case No. 16-1780

Name	Activity	Activity_Date	Status	Cost
Kristina Lowery	Cost to mail Notice of Violation/Notice of Hearings to 5310 Ridgewood Ave , Port Orange, FL 32127	11/10/2017	green card returned signed by "Dylan Lowery"	\$7.02
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law & Order	12/13/2017		\$27.00
Kristina Lowery	Cost to mail Finding of Fact	12/13/2017		\$7.02

Total: 41.04



NOTICE OF VIOLATION AND NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 16-1780

To: Lowery, Kristina Marie
5310 Ridgewood Ave.
Port Orange, FL 32127

Re: 5310 Ridgewood Ave.

Port Orange, FL 32127

Parcel ID: 6310-07-16-0010

LEGAL DESCRIPTION: LOTS 1 & 28 BLK 16 ALLANDALE MB 4 PG 146 PER OR 4813 PG 0599 PER OR 7074 PG 4520

Volusia County Public Records

Volusia County, FL

An inspection of the premises on November 7, 2016, indicates that certain violation(s) of the City of Port Orange Code exists.

Property owner was notified of the violations noted below and given 30 days to correct. A re-inspection was done on June 2, 2017, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by **December 9, 2017**.

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

1. City of Port Orange Land Development Code, Ch. 3, Art. II, Sec. 8

Nonconforming structures. A nonconforming structure existing prior to the adoption of this code shall continue to have such nonconforming status and shall be subject to the applicable provisions of this code including the following which shall apply so long as the use of land or structure remains otherwise lawful:

(d) No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.

2. Florida Building Code 5th Edition (2014) Section 105 Permits, 105.1 Required as adopted by the City of Port Orange Land Development Code, Chapter 8 Building & Fire Codes, Article I, Section 1(b)

Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure... shall first make application to the building official and obtain the required permit.

A door was removed and the opening closed in and windows were replaced without building permits. A building permit application along with the appropriate information is required. If there were walls removed, electrical, or plumbing installed, permits are also required.

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 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 **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 **December 13, 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 **January 24, 2018, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

For further information regarding this matter, you may contact the undersigned Code Compliance Inspector at (386) 506-5644.

DATED this 10th day of November, 2017.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Deborah Pearson
Deborah Pearson

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Kristina Marie Lowery, 5310 Ridgewood Avenue, Port Orange, FL 32127, RE: 5310 Ridgewood Avenue, Port Orange, FL, was

☐ Hand-delivered

☒ Posted at the property

Recipient of hand delivered documents: _____

this 10th day of November, 2017.

Time: approx. 1:15 pm

Deborah Pearson
Deborah Pearson

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Kristina Marie Lowery, 5310 Ridgewood Avenue, Port Orange, FL 32127, RE: 5310 Ridgewood Avenue, Port Orange, FL, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 10 day of November, 2017.

Adam Stenrich
Secretary, Special Magistrate

RIGHT TO APPEAL

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

ACCOMMODATIONS

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



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 17-739

To: Kazma Capital Properties LLC
C/O Mounir S. Kazma, Registered Agent
1166 Southwinds Dr
Port Orange, FL 32129
Re: 6022 Dalford Rd
Port Orange, FL 32127
Parcel ID: 6328-00-00-0065

LEGAL DESCRIPTION: 28 16 33 W 239 FT OF N 84 FT OF S 1/2 OF NE 1/4 OF NE 1/4 PER OR 3385 PG 0165 PER OR 7120 PGS 3322-3323 INC
Volusia County Public Records
Volusia County, FL

An inspection of the premises on November 3, 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 November 16, 2017, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by December 4, 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 the property found high weeds and grass and fallen tree limbs. A re-inspection found that the property is not being mowed and maintained, tree limbs still on the ground and is still in violation. The property needs to be mowed, high weeds trimmed and all yard debris removed.

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** January 10, 2018, 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 January 10, 2018, 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 February 28, 2018, 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 17th day of November, 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 Kazma Capital Properties LLC, C/O Mounir S. Kazma, Registered Agent, RE: 6022 Dalford Rd, Port Orange, FL 32127, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

this 17 day of November, 2017.

Time: approx. 10:15 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 Kazma Capital Properties LLC, C/O Mounir S. Kazma, Registered Agent, RE: 6022 Dalford Rd, Port Orange, FL 32127, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 20th day of November, 2017.



Secretary, Special Magistrate

RIGHT TO APPEAL

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

ACCOMMODATIONS

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

Case Cost Sheet Log

Case No. 17-1132

Name	Activity	Activity_Date	Status	Cost
Deborah T Kiernan Correia	Cost to mail Notice of Violation/Notice of Hearings to 51 Golden Gate Circle, Port Orange, FL 32129	11/13/2017	certified mail was returned "unclaimed"	\$7.02
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law & Order	12/13/2017		\$27.00
Deborah T Kiernan Correia	Cost to mail Finding of Fact	12/13/2017		\$7.02

Total: 41.04



NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 17-1132

To: DEBORAH T KIERNAN CORREIA
Property Owner
51 Golden Gate Circle
Port Orange, FL 32129

Re: 51 Golden Gate Circle
Port Orange, FL 32129
Parcel ID: 6308-02-00-0510

LEGAL DESCRIPTION: LOT 51 TWINGATES MOBILE ESTS MB 33 PG 48 PER OR 2786 PG 1778 OR 3902 PG 0004 PER OR 5437 PG 1710

Volusia County Public Records
Volusia County, FL

An inspection of the premises on August 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 December 11, 2017 by mowing the entire property and clearing out all overgrowth on the ground and that is covering the mobile home on the walls and on the roof, removing all outside storage and properly storing in an enclosed building, removing any trash and debris on site, removing all sheds out back that were never permitted or are in a state of disrepair and are not structurally sound, repairing the roof and removing tarp that is being used as a permanent fix, and either removing the dilapidated fence, repairing or installing a new fence, which will require a permit be obtained through the Port Orange Building Department.

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.
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), (f) 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
3. 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.
4. Chapter 3 (General Requirements), Section 302 (Exterior Property Areas), 302.7 (Accessory Structures) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.
5. Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.7 (Roofs and Drainage) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

6. Chapter 16 (Miscellaneous Regulations), Section 3 (Fences and Walls), (b) General Provisions (4) Design and Maintenance, (b) and (d) of the City of Port Orange Land Development Code:
- (b) All fences shall be maintained in their original upright condition.
 - (d) Missing boards, pickets, or posts shall be replaced in a timely manner with material of the same type and quality.

NARRATIVE:

Initial inspection of the property conducted on August 7, 2017 after receiving a complaint concerning the junk and debris from this location pushing over a neighboring fence that was being installed. I observed numerous violations in the back yard through the fence before it was completed. The back yard of the residence is extremely overgrown (along with growth all over the mobile home and on the roof), there is an abundance of outside stored items, there are at least 3 sheds on site that are in poor condition with holes and some are falling apart; none of which were ever permitted to be on site. There is a fence that belongs to this property that is falling and in poor shape, there is trash and debris on site, and the roof is in obvious disrepair and covered with a blue tarp that has been there for some time. I left a door hanger asking for the owner to contact me but I did not hear back. I conducted a re-inspection on October 11, 2017 and found that none of the violations have been corrected. I was also contacted by the owner of one of the abutting properties who stated that nothing has been done to repair the issues and that they continue to exist. Therefore, I am now proceeding with a notice of violation.

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 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 **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 \$ 2.02 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 **December 13, 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 **Special Magistrate on January 24, 2018, 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 10th day of November, 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 **DEBORAH T KIERNAN CORREIA, 51 GOLDEN GATE CIRCLE, PORT ORANGE FL 32129**,

RE: 51 GOLDEN GATE CIRCLE, PORT ORANGE, FL 32129, was

☐ Hand-delivered Recipient of hand delivered documents: _____

☒ Posted at the property

Time: approx. 11:15 AM

this 10th day of November, 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 **DEBORAH T KIERNAN CORREIA, 51 GOLDEN GATE CIRCLE, PORT ORANGE FL 32129**,

RE: 51 GOLDEN GATE CIRCLE, PORT ORANGE, FL 32129, was

☐ Posted at City Hall

☒ Sent via certified and regular

this 13th day of November, 2017.

Nichelle Oels
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.