



AGENDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF PORT ORANGE

Meeting Date: Wednesday, January 24, 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.:** 16-1999
Respondent: Mark A & Suzanne A Belyus
Address of Violation: 5807 Clover Lane, Port Orange, FL 32127
Code Officer: Scott Allman
First Notified: 12/20/2017

Compliance: Yes

Cited for violation(s) - Florida Building Code - Building, 5th Edition (2014) Section 105 Permits, 105.1 Required as adopted by the City of Port Orange Land Development Code

4. **CEB Case No.:** 17-1837
Respondent: Patricia A. Hill
Address of Violation: 466 Oxford Drive, Port Orange, FL 32127
Code Officer: Scott Allman
First Notified: 12/18/2017

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.

5. **CEB Case No.:** 17-1772

Respondent: Thomas W. Jones

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

Code Officer: Dennis Boehmer

First Notified: 12/18/2017

Compliance: No

Cited for violation(s) - Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Maintenance of property generally-duty of owner), (d) Maintenance of improved residential lots of the City of Port Orange Code of Ordinances.

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. prohibited of the City of Port Orange Code of Ordinances.

6. CEB Case No.: 17-1524

Respondent: Maxine E. Back-Heffron

Address of Violation: 128 Niver Street, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 12/21/2017

Compliance: No

Cited for violation(s) - Chapter 42 (Nuisances), Article II (Garbage, Junk, and Undergrowth), Section 42-26 (Maintenance of property generally - duty of owner), (d) Maintenance of improved residential lots of the City of Port Orange Code of Ordinances.

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.

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

C. ORDER IMPOSING FINE/LIEN

7. 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:

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

8. **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:

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.

9. **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: Yes

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

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:

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)

11. 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: Yes

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.

12. 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:

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.

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
JANUARY 10, 2018

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: Scott Allman, Code Compliance Inspector
Deborah Pearson, Code Compliance Manager
Amanda Bonin, Code Compliance Inspector
Dena Joseph, Code Compliance Inspector

Attorney Overview of Special Magistrate Code Enforcement Process

There were no members of the public present; therefore, Special Magistrate Fuller dispensed with the overview of the process.

Consideration of Minutes

Special Magistrate Fuller approved the December 13, 2017 meeting minutes as presented.

Oaths

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

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.

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

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)

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 October 27, 2017 by mowing the property and trimming all high weeds and grass, edging the sidewalk, as well as all debris cleaned up. A re-inspection conducted on November 2, 2017 and January 8, 2018 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 January 17, 2018. 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 case may be referred to the City for possible abatement if it is not in compliance by January 17, 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.

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)

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 Fuller.

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)

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 Fuller.

7. CEB Case No.: 17-739

Respondent: Kazma Capital Properties LLC

C/O Mounir S. Kazma

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)

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 Fuller.

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.

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 Fuller.

C. ORDER IMPOSING FINE/LIEN- There were none.

D. PUBLIC COMMENTS- There were none.

E. ADJOURNMENT- 9:10 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. 16-1999

To: Belyus Mark A & Suzanne A
946 Hocking Rd.
Little Hocking, OH 45742

Re: 5807 Clover Lane
Port Orange, FL 32127
Parcel ID: 6322-01-00-0470

LEGAL DESCRIPTION: LOT 47 CAMBRIDGE VILLAS SUB MB 33 PG 175 PER OR 4493 PG 0250 PER OR 7229 PG 2596 PER OR 7268 PG 2305
Volusia County Public Records
Volusia County, FL

An inspection of the premises on December 20, 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 15 days to correct. A re-inspection was done on February 1, 2017, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by January 19, 2018.

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

1. Florida Building Code – Building, 5th Edition (2014) Section 105 Permits, 105.1 Required as adopted by the City of Port Orange Land Development Code. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair...shall first make application to the building official and obtain the required permit.
 - A new fence was installed without a permit. The fence exceeds the permitted height of 6'. The owner was contacted to obtain a building permit which was completed. The building permit was not picked up nor was it paid for and expired six months after being approved. The permit needs to be re-instated, paid for and the fence adjusted to meet code. The fence is required as part of the barrier for the swimming pool.

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 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 **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. \$14.04 - S.A.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **January 24, 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 20th day of December, 2017.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

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

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Belyus, Mark A & Suzanne A, 946 Hocking Rd., Little Hocking, OH 45742, RE: 5807 Clover Lane, was
☐ Hand-delivered Recipient of hand delivered documents: _____
☒ Posted at the property

this 21st day of December, 2017.

Time: approx. 11:00 AM

J. Scott Allman
J. Scott Allman
Code Compliance Inspector

☐ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Belyus, Mark A & Suzanne A, 946 Hocking Rd., Little Hocking, OH 45742, RE: 5807 Clover Lane, was,

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

this _____ day of _____, 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. 17-1837

Name	Activity	Activity_Date	Status	Cost
Patricia A Hill	Cost to mail Notice of Violation/Notice of Hearings to 466 Oxford Dr, Port Orange, FL 32127	12/19/2017	both returned "deceased"	\$7.02
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law & Order	01/24/2018		\$27.00
Patricia A Hill	Cost to mail Finding of Fact to 466 Oxford Dr, Port Orange, FL 32127	01/24/2018		\$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. 17-1837

To: Patricia A. Hill
466 Oxford Dr
Port Orange, FL 32127
Re: 466 Oxford Dr
Port Orange, FL 32127

Parcel ID: 6322-01-00-0780

E 72.5 FT OF LOT 78 & W 2.5 FT OF LOT 79 CAMBRIDGE VILLAS SUB MB 33 PG 175 PER OR 1957 PG 0877 PER OR 5071 PG 3436

Volusia County Public Records
Volusia County, FL

An inspection of the premises on December 4, 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 December 15, 2017, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by January 5, 2018.

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 yard debris. A re-inspection found that the property is not being mowed and maintained, yard debris 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 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 **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 24, 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 18th day of December, 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 Patricia A. Hill, 466 Oxford Dr, Port Orange, FL 32127, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

this 18th day of December, 2017.

Time: approx. 2:40 p.m.

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 Patricia A. Hill, 466 Oxford Dr, Port Orange, FL 32127, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 19th day of December, 2017.

Michelle Cella
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. 17-1772

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	12/19/2017	Certified returned "not deliverable"	\$7.02
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law & Order	01/24/2018		\$27.00
Thomas W Jones	Cost to mail Finding of Fact to 705 Herbert St., Port Orange, FL 32129	01/24/2018		\$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. 17-1772

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 **November 15, 2017**, indicates that certain violation(s) of the City of Port Orange Code exists.

Property is currently vacant. Previously heard by the Special Magistrate on September 27, 2017 and found in violation.

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

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

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 November 15, 2017 revealed very high grass on the property. Entire property is in need of mowing 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
 - Initial inspection conducted on November 15, 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 November 15, 2017 revealed trash and debris on site which needs to be removed.

The code officer will be asking that the special magistrate consider this case as a health and safety issue due to the height of the grass and the trash on the property in that it's possible that this will result in the harboring of insects, rodents, snakes, etc.

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 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 **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 **January 24, 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- 5643.

DATED this 18TH day of DECEMBER, 2017.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: 
Dennis Boehmer, 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

this 18TH day of DECEMBER, 2017.

Time: approx. 2:35 PM



Dennis Boehmer, 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 19th day of December, 2017.

Michelle Cella
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. 17-1524

Name	Activity	Activity_Date	Status	Cost
Maxine E Back-Heffron	Cost to mail Notice of Violation/Notice of Hearings to 19 Walnut Street, Oneonta, NY 13820	12/22/2017	green card returned signed by "Michelle Cunin?"	\$7.02
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law & Order	01/24/2018		\$27.00
Maxine E Back-Heffron	Cost to mail Finding of Fact to 19 Walnut Street, Oneonta, NY 13820	01/24/2018		\$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. 17-1524

To: Maxine E. Back-Heffron
Maxine Back-Heffron Living Trust
Property Owner
C/O 19 Walnut Street
Oneonta, NY 13820

Re: 128 Niver Street
Port Orange, FL 32127
Parcel ID: 6310-07-76-0090
LEGAL DESCRIPTION: LOTS 9 & 10 & W 1/2 OF LOT 11 BLK C ALLANDALE MB 4 PG 146 PER OR 4900 PG 1688
PER OR 6188 PG 0426
Volusia County Public Records
Volusia County, FL

An inspection of the premises on **October 13, 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 January 14, 2018 by mowing entire property and removing any downed trees, limbs, etc. In addition, the fence must be removed or a new one installed in its place which will require that a permit be obtained through the City of Port Orange Building Department. Old panels or parts of the fence that are on the ground must be removed and placed out for trash pick-up.

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

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 October 13, 2017 revealed very high grass on the property. A 10-day door hanger was left with the tenant informing him that the entire property needed to be mowed and maintained and that the fallen tree in the front yard must be cut up and removed. A re-inspection was conducted on October 24, 2017 and only the front side of the property was mowed. The tree was cut up and placed out for pick up. There are other trees down in the back yard that are still on the ground which need to be removed and the entire property is in need of mowing
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 October 13, 2017 revealed old fence panels and parts still on the ground on the outside of the property. Door hanger stated that they need to be removed and placed out for trash pick-up. A re-inspection conducted on October 24, 2017 resulted in these materials still being on site.
3. Chapter 16 (Miscellaneous Regulations), Section 3 (Fences and Walls), (b) General Provisions, (4) Design and Maintenance, (b), (d), and (f) 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

(f) The side of a fence or wall oriented to an adjoining property shall not create an adverse visual impact on such adjoining property.

- Initial inspection on October 13, 2017 revealed fence that is partially down and/or parts that are leaning. Door hanger stated that the fence must be placed back in its original upright position and that all missing panels, pickets, posts, etc. shall be replaced or the fence must be removed. If a new one is to be installed, a permit will be required through the City of Port Orange Building Department. The re-inspection which was conducted on October 24, 2017 resulted in non-compliance in that the dilapidated fence remains on site.

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 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 **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 24, 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- 5645.

DATED this 21st day of December, 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 Maxine E. Back-Heffron, Maxine Back-Heffron Living Trust, Property Owner, C/O 19 Walnut Street, Oneonta, NY 13820
RE: 128 Niver Street, Port Orange, FL 32127, was

☐ Hand-delivered Recipient of hand delivered documents: _____

☒ Posted at the property

Time: approx. 12:55 PM

this 21st day of December, 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 Maxine E. Back-Heffron, Maxine Back-Heffron Living Trust, Property Owner, C/O 19 Walnut Street, Oneonta, NY 13820
RE: 128 Niver Street, Port Orange, FL 32127

☒ Posted at City Hall

☒ Sent via certified and regular

this 22 day of December, 2017.

Adam X. Murch
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. 17-1721

Name	Activity	Activity_Date	Status	Cost
Springwood Square Joint Venture	Cost to mail Notice of Violation/Notice of Hearings to 73 W. Granada Blvd. Ormond Beach, FL 32174	11/10/2017	green card returned signed "L. Nash"	\$7.02
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law & Order	12/13/2017		\$27.00
Springwood Square Joint Venture	Cost to mail Finding of Fact	12/13/2017		\$7.02
Clerk of Court	Fee to record Order Imposing Fine/Lien	01/24/2018		\$44.00
Springwood Square Joint Venture	Cost to Mail Order Imposing Fine/Lien	01/24/2018		\$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. 17-1721

To: Springwood Square Joint Ventures
Property Owner
73 W. Granada Boulevard
Ormond Beach, FL 32174-6302

Re: Springwood Square Common Ground
Port Orange, FL 32129
Parcel ID: 6337-15-00-1090

LEGAL DESCRIPTION: LOTS 109 & 110 COMMON AREAS SPRINGWOOD SQUARE MB 36 PG 178
Volusia County Public Records
Volusia County, FL

You are hereby notified as the owner, partner or any partners involved in the formation of Springwood Square Joint Ventures that an inspection of the premises on March 9, 2017, indicates that certain violation(s) of the City of Port Orange Code exists.

Code enforcement had a previous case at this location (Case# 11-1280) which resulted in fines and abatement costs.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by December 11, 2017 by mowing all common areas and removing all trash and debris.

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.
 - Property was inspected on March 9, 2017 after receiving a complaint from a concerned citizen regarding the common areas in the complex being extremely overgrown. Inspection resulted in the same. At this time, the common areas must be mowed in their entirety.
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 of the City of Port Orange Code of Ordinances:
 - Property was inspected on March 9, 2017 after receiving a complaint from a concerned citizen regarding the common areas in the complex being full of trash and debris. In order for the property to be in compliance, all trash and debris must be removed from the common areas.

Code enforcement will ask that the Special Magistrate find this case as a health and safety hazard due to the possible harboring of insects, rodents, etc. and give the City of Port Orange the authority to abate the violations and lien the property for all costs associated with the enforcement of this case.

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 \$ 7.44 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- 5645.

DATED this 9th 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:
Springwood Square Joint Ventures, 73 W. Granada Boulevard, Ormond Beach, FL 32174-6302

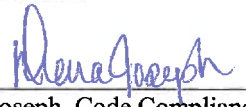
RE: Springwood Square Common Areas, Port Orange, FL 32129

☐ Hand-delivered Recipient of hand delivered documents: _____

☒ Posted at the property

Time: approx. 11:30 Am

this 9th day of November, 2017.


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:
Springwood Square Joint Ventures, 73 W. Granada Boulevard, Ormond Beach, FL 32174-6302

RE: Springwood Square Common Areas, Port Orange, FL 32129

☒ Posted at City Hall

☒ Sent via certified and regular

this 10 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
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 17-1721**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

SPRINGWOOD SQUARE JOINT VENTURES
SPRINGWOOD SQUARE COMMON GROUND
6337-15-00-1090

Recorded in the Public Records:
Instrument # 2017 242 209 12/15/17
Book: 7483 Page: 4981

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 DECEMBER 13, 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), SPRINGWOOD SQUARE JOING VENTURES, (hereinafter referred to as "Respondent(s)", whose mailing address is 73 W. GRANADA BLVD., ORMOND BEACH, FL 32174 are the owner(s) of the property located at SPRINGWOOD SQUARE COMMON GROUND, and more particularly described as:

LOTS 109 & 110 COMMON AREAS SPRINGWOOD SQUARE MB 36 PG 178

B. Property weeds and grass are overgrown as well as trash and debris in area. This condition was first observed at the real property described above on MARCH 9, 2017; re-inspections were made on NOVEMBER 9, 2017 and confirmed the condition as being the same. Respondent(s) received notice via certified mail, posted on the property and City Hall November 9, 2017, that the aforesaid conditions constituted a violation of Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (cleanliness of property generally-duty of owner), (d) & (f), and was to be corrected by DECEMBER 11, 2017.

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

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

CONCLUSION OF LAW:

Respondent(s), by reason of the foregoing, has/have violated the above referenced code, 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 and cleaning up all trash and debris and fallen limbs, trees, etc. on or before **January 3, 2018** ("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 13th day of December, 2017.

Attest: Michelle Cella
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), **SPRINGWOOD SQUARE JOINT VENTURES**, 73 W. GRANADA BLVD., ORMOND BEACH, FL 32174 by Certified and Regular Mail this 14th day of December, 2017.



Secretary, Code Enforcement Special Magistrate

Case Cost Sheet Log

Case No. 17-1471

Name	Activity	Activity_Date	Status	Cost
Rogelia Roig	Cost to mail Notice of Violation/Notice of Hearings to 734 Elton Ave. APT K9, Bronx, NY 10455	11/10/2017	green card returned "delivered" but unsigned	\$7.02
Olga Roig	Cost to mail Notice of Violation/Notice of Hearings to 734 Elton Ave. APT K9, Bronx, NY 10455	11/10/2017	green card returned "delivered" but unsigned	\$7.02
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law & Order	12/13/2017		\$27.00
Rogelia Roig	Cost to mail Finding of Fact to 734 Elton Ave. APT K9, Bronx, NY 10455	12/13/2017		\$7.02
Olga Roig	Cost to mail Finding of Fact to 734 Elton Ave. APT K9, Bronx, NY 10455	12/13/2017		\$7.02
Clerk of Court	Fee to record Order Imposing Fine/Lien	01/24/2018		\$44.00
Rogelia Roig	Cost to mail Order Imposing Fine/Lien	01/24/2018		\$7.02
Olga Roig	Cost to mail Order Imposing Fine/Lien	01/24/2018		\$7.02

Total: 113.12



NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 17-1471

To: Rogelia & Olga Roig
Property Owners
734 Elton Avenue
Apartment K9
Bronx, NY 10455

Re: 211 Oak Street
Port Orange, FL 32127
Parcel ID: 6341-04-01-0110

LEGAL DESCRIPTION: W 45 FT OF E 289 FT W OF HWY OF S110 FT OF LOT 1B ELIZABETH BUNCH GRANT PORT ORANGE
PER OR 4245 PG 4956
Volusia County Public Records
Volusia County, FL

An inspection of the premises on October 9, 2017, indicates that certain violation(s) of the City of Port Orange Code exists.

Property owner was notified of the violations noted below and given 5 days to correct. A re-inspection was done on November 8, 2017, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by November 19, 2017 by mowing entire property to include trimming of all high weeds on site and removing all fallen limbs, branches, etc.

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.
 - Property was inspected on October 9, 2017 after self initiating a case due to the condition of the yard. Upon inspection, I found the yard to be high and in violation of the above ordinance. I left a 5-day door hanger informing the resident that the property must be mowed in its entirety and maintained to include trimming of all high weeds on site and that all fallen limbs and branches are to be removed. A re-inspection was conducted on November 8, 2017 and nothing has been done to bring the property into compliance. In order to bring the property into compliance, property must be mowed in its entirety and ALL high weeds on site must be trimmed to a height less than 10 inches and all fallen branches, limbs, etc. must be removed.

Code enforcement will ask that the Special Magistrate find this case as a health and safety hazard due to the possible harboring of insects, rodents, etc. and give the City of Port Orange the authority to abate the violations and lien the property for all costs associated with the enforcement of this case.

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 \$ 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 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- 5645.

DATED this 9th day of November, 2017.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: [Signature]
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:
Rogelia & Olga Roig, Property Owners, 734 Elton Avenue, Apartment K9, Bronx, NY 10455

RE: 211 Oak Street, Port Orange, FL 32127

☐ Hand-delivered Recipient of hand delivered documents: _____

☒ Posted at the property

Time: approx. 12:30 PM

this 9th day of November, 2017.


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:
Rogelia & Olga Roig, Property Owners, 734 Elton Avenue, Apartment K9, Bronx, NY 10455

RE: 211 Oak Street, Port Orange, FL 32127

☒ Posted at City Hall

☒ Sent via certified and regular

this 10 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
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 17-1471**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

ROGELIA & OLGA ROIG
211 OAK STREET, PORT ORANGE, FL 32127
6341-04-01-0110

Recorded in the Public Records:
Instrument # 2017 242 208 12/15/17
Book: 7483 Page: 4978

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 DECEMBER 13, 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), ROGELIA & OLGA ROIG , (hereinafter referred to as "Respondent(s)", whose mailing address is 734 ELTON AVE. APT.K9, BRONX, NY 10455 are the owner(s) of the property located at 211 OAK STREET, PORT ORANGE, FL 32127, and more particularly described as:

W 45 FT OF E 289 FT W OF HWY OF S110 FT OF LOT 1B ELIZABETH BUNCH GRANT PORT ORANGE PER OR 4245 PG 4956

B. The property has high weeds and grass, as well as fallen debris in the yard. This condition was first observed at the real property described above on October 9, 2017 re-inspections were made on November 20, 2017 and December 11, 2017 and confirmed the condition as being the same. Respondent(s) received notice via certified mail, posted on the property and City Hall November 10, 2017, that the aforesaid conditions constituted a violation of Chapter 42, Article II, Section 42-26 (d), and was to be corrected by November 19, 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:

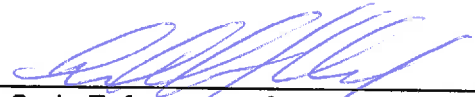
A. Respondent(s) shall correct the aforesaid violation by mowing entire property to include trimming of all high weeds on site and removing all fallen limbs, branches, etc. **on or before January 3, 2018** ("Compliance Date"). In the event that the property is not brought into compliance on or before 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 \$55.08 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.

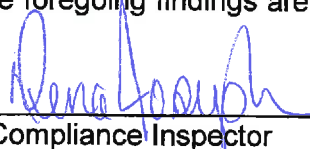
C. A certified copy of this Order may be recorded in the public records of Volusia County, Florida, and shall thereafter constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property. The findings in this Order shall be binding upon Respondent(s) 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 13th day of December, 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), ROGELIA & OLGA ROIG, 734 ELTON AVE. APT.K9, BRONX, NY 10455 by Certified and Regular Mail this 14th day of December, 2017.



Secretary, Code Enforcement Special Magistrate

Case Cost Sheet Log

Case No. 17-1671

Name	Activity	Activity_Date	Status	Cost
Marguerite Sanders	Cost to mail Notice of Violation/Notice of Hearings to 5613 Ridgewood Ave, Port Orange, FL 32127	11/03/2017	Certified Mail returned "unclaimed"	\$7.02
Dean Maxwell	Cost to mail Notice of Violation/Notice of Hearings to 5613 Ridgewood Ave, Port Orange, FL 32127	11/03/2017	Certified Mail returned "unclaimed"	\$7.02
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law & Order	12/13/2017		\$27.00
Marguerite Sanders	Cost to mail Finding of Fact	12/13/2017		\$7.02
Dean Maxwell	Cost to mail Finding of Fact	12/13/2017		\$7.02

Total: 55.08



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 17-1671

To: Marguerite Sanders & Dean I Maxwell JWTRS
5613 Ridgewood Ave.
Port Orange, FL 32127

Re: 5589 Ridgewood Ave.
Port Orange, FL 32127

Parcel ID: 6314-01-14-0070

LEGAL DESCRIPTION: 14 16 33 S ½ OF LOT 6 & LOTS 7 & 8 BLK 14 HARBOR POINT MG 11 PG 91 PER OR 4590 PG 1751 PER OR 6079 PGS 2376-2379 INC PER OR 6139 PGS 4030-4031 PER OR 7160 PG 1402 PER OR 7160 PG 1403
Volusia County Public Records
Volusia County, FL

An inspection of the premises on November 1, 2017, indicates that certain violation(s) of the City of Port Orange Code exists.

Property owner was previously notified of the violations noted below and given 30 days to correct. A re-inspection was done on November 1, 2017, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by November 27, 2017.

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

1. Chapter 13, Section 3.5 Opaque fence or wall requirements (a) of the City of Port Orange Land Development Code.

A minimum six-foot high opaque fence, wall, or living wall shall be installed between existing or future single-family developments...with the following city zoning designations (...CC...).

The dilapidated 6' high wood fence that separates this commercial property from the adjacent residential property has rotted posts, missing pickets, and is storm damaged and falling down. The fence needs to be replaced. It may be placed on the property line and will be the commercial property owner's responsibility to maintain. A building permit is required for the fence replacement.

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

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

DATED this 2nd 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 Marguerite Sanders & Dean I Maxwell JWTRS, 5613 Ridgewood Avenue, Port Orange, FL 32127, RE: 5589 Ridgewood Avenue, Port Orange, FL, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

Time: approx. 1:45 pm

this 2nd day of November, 2017.

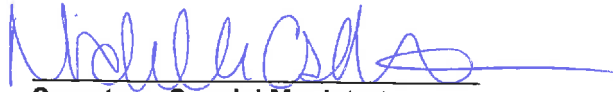
Deborah Pearson
Deborah Pearson

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Marguerite Sanders & Dean I Maxwell JWTRS, 5613 Ridgewood Avenue, Port Orange, FL 32127, RE: 5589 Ridgewood Ave., Port Orange, FL 32127, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 3rd 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. 17-1554

Name	Activity	Activity_Date	Status	Cost
Bhoola Investments	Cost to mail Notice of Violation/Notice of Hearings to 2300 N Atlantic Ave PH202, Daytona Beach FL 32118	11/07/2017	green card returned signed by "S.Bhoola"	\$7.02
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law & Order	12/13/2017		\$27.00
Bhoola Investments	Cost to mail Finding of Fact	12/13/2017		\$7.02
Clerk of Court	Fee to record Order Imposing Fine/Lien	01/24/2018		\$44.00
Bhoola Investments	Cost to mail Order Imposing Fine/Lien	01/24/2018		\$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. 17-1554

To: Bhoola Investments
2300 N Atlantic Avenue PH202
Daytona Beach, FL 32118
Re: HIDDEN LAKE DR PORT ORANGE 32129
Port Orange, FL 32129
Parcel ID: 6307-12-00-0001
LEGAL DESCRIPTION: RETENTION AREA HIDDEN LAKE PHASE IV-A MB 40 PGS 86 & 87
Volusia County Public Records
Volusia County, FL

An inspection of the premises on October 18, 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 November 17, 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.

The retention area behind 1315 W Dexter is extremely overgrown and in need of immediate mowing.

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 6th day of November, 2017.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Amanda Bonin
Amanda Bonin

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Bhoola Investments Re: HIDDEN LAKE DR PORT ORANGE 32129, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

this 6th day of November, 2017.

Time: approx. 11:39am

Amanda Bonin
Amanda Bonin

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Bhoola Investments 2300 N Atlantic Avenue PH202 Daytona Beach, FL 32118, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 8th day of November, 2017.

Nichelle C. Sel...
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. 17-1554**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

BHOOLA INVESTMENTS
HIDDEN LAKE DRIVE, PORT ORANGE, FL 32129
6307-12-00-0001

Recorded in the Public Records:
Instrument # 2017 242 177 12/15/17
Book: 7483 Page: 4894

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 DECEMBER 13, 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), BHOOLA INVESTMENTS , (hereinafter referred to as "Respondent(s)", whose mailing address is 2300 N ATLANTIC AVE PH202, DAYTONA BEACH, FL 32118 are the owner(s) of the property located at HIDDEN LAKE DRIVE, PORT ORANGE, FL 32129 , and more particularly described as:

RETENTION AREA HIDDEN LAKE PHASE IV-A MB 40 PGS 86 & 87

B. The retention area behind 1315 W Dexter is extremely overgrown and in need of immediate mowing. This condition was first observed at the real property described above on OCTOBER 18, 2017; re-inspections were made on NOVEMBER 17, 2017 and confirmed the condition as being the same. Respondent(s) received notice via certified mail, posted on the property and City Hall NOVEMBER 6, 2017, that the aforesaid conditions constituted a violation of City of Port Orange Code of Ordinances Chapter 42 Article 2 Section 42-26. - Cleanliness of property generally—Duty of owner (d), and was to be corrected by NOVEMBER 17, 2017.

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

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

CONCLUSION OF LAW:

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

ORDER:

A. Respondent(s) shall correct the aforesaid violation by mowing the retention area that is extremely overgrown **on or before DECEMBER 21, 2017** ("Compliance Date"). In the event that the property is not brought into compliance on or before the Compliance Date, and/or not maintained in a state of compliance, a daily fine of **\$100.00** per day will be assessed for each day the property is in violation beyond the Compliance Date. If paragraph D. above is checked and the Respondent(s) has/have not abated the condition by the Compliance Date, then notice of the violation will be given to the City Council. The City Council may repair the condition and charge the Respondent(s) with the reasonable costs of the repairs. Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the Special Magistrate may impose additional fines to cover all costs incurred by the city in enforcing its codes and all costs or repairs pursuant to sub section (a)." The cost to date is \$41.04 as indicated on the cost sheet submitted into evidence. The Respondent(s) will be responsible for 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 13th day of December, 2017.

Attest: Nichelle Cuella
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.

[Signature]
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), BHOOLA INVESTMENTS , 2300 N ATLANTIC AVE PH202, DAYTONA BEACH, FL 32118 by Certified and Regular Mail this 14th day of December, 2017.



Secretary, Code Enforcement Special Magistrate

Case Cost Sheet Log

Case No. 17-1273

Name	Activity	Activity_Date	Status	Cost
Salih Attalla	Cost to mail Notice of Violation/Notice of Hearings to 5556 S. Lancewood Circle, Port Orange, FL 32127	11/10/2017	both returned "not deliverable as addressed"	\$7.02
Forteunh F. Attalla	Cost to mail Notice of Violation/Notice of Hearings to 5556 S. Lancewood Circle, Port Orange, FL 32127	11/10/2017	both returned "not deliverable as addressed"	\$7.02
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law & Order	12/13/2017		\$27.00
Salih Attalla	Cost to mail Finding of Fact	12/13/2017		\$7.02
Forteunh F. Attalla	Cost to mail Finding of Fact	12/13/2017		\$7.02

Total: 55.08



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 17-1273

To: Salih and Forteunh F. Attalla
5556 S. Lancewood Cir
Port Orange, FL 32127

Re: 5556 S. Lancewood Cir
Port Orange, FL 32127

Parcel ID: 6340-02-05-0220

LEGAL DESCRIPTION: LOTS 22 & 23 BLK 5 BAYWOOD MB 23 PGS 14-15 INC PER OR 5180 PG 2276 PER OR 5355 PG 4108 PER OR 5850 PGS 2361-2362

Volusia County Public Records
Volusia County, FL

An inspection of the premises on August 29, 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 November 27, 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** 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 \$ 14.88 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, 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 9th 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 Salih and Forteunh F. Attalla, 5556 S. Lancewood Cir, Port Orange, FL 32127, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

this 9th day of November, 2017.

Time: approx. 10:35 a.m.

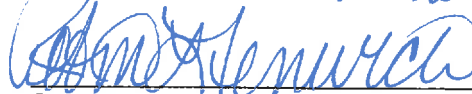
J. Scott Allman
J. Scott Allman

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Salih and Forteunh F. Attalla, 5556 S. Lancewood Cir, Port Orange, FL 32127, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 10 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. 17-426

Name	Activity	Activity_Date	Status	Cost
Wells Fargo Bank	Cost to mail Notice of Violation/Notice of Hearings to 3476 Stateview Blvd., Fort Mills, SC 29715	11/10/2017	green card returned signed	\$7.02
Denise M. Ohle	Cost to mail Notice of Violation/Notice of Hearings to 5201 Wood Street, Port Orange, FL 32127	11/10/2017	green card returned signed by "Denise Ohle"	\$7.02
Robert W. Blohm	Cost to mail Notice of Violation/Notice of Hearings to 5201 Wood Street, Port Orange, FL 32127	11/10/2017	both returned "vacant"	\$7.02
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law & Order	12/13/2017		\$27.00
Wells Fargo Bank	Cost to mail Finding of Fact	12/13/2017		\$7.02
Denise M. Ohle	Cost to mail Finding of Fact	12/13/2017		\$7.02
Robert W. Blohm	Cost to mail Finding of Fact	12/13/2017		\$7.02
Clerk of Court	Fee to record Order Imposing Fine/Lien	01/24/2018		\$44.00
Wells Fargo Bank	Cost to mail Order Imposing Fine/Lien	01/24/2018		\$7.02
Denise M. Ohle	Cost to mail Order Imposing Fine/Lien	01/24/2018		\$7.02
Robert W. Blohm	Cost to mail Order Imposing Fine/Lien	01/24/2018		\$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. 17-426

To: Robert W. Blohm ET AL
And Denise M. Ohle
5201 Wood St
Port Orange, FL 32127

To: Wells Fargo Bank, National Association
3476 Stateview Blvd
MAC # x7801-03K
Fort Mills, SC 29715

Re: 5201 Wood St
Port Orange, FL 32127

Parcel ID: 6310-08-10-0010

LEGAL DESCRIPTION: LOT 1 EXC E 25 FT BLK 10 DEPOT ADD ALLANDALE MB 11 PG 83 PER OR 5176 PG 4617
Volusia County Public Records
Volusia County, FL

**This property has been deemed an unsafe structure by the Interim Building Official Al Tischler.
The relief sought is demolition of the unsafe structure.**

An inspection of the premises on March 30, 2017 indicates that certain violation(s) of the City of Port Orange Code exists. Hurricane Matthew and Irma caused extensive damage to the roof and walls of the home.

Property owner was notified of the violations noted below and given 30 days to correct. Re-inspections were done on May 8, 2017 and again on October 5, 2017, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by **November 30, 2017**.

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

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

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

- During the inspection, I observed missing siding with exposed walls and a damaged roof covered with a blue tarp. To correct the violation, all damaged and rotted wood needs to be replaced and siding re-installed. A permit will be needed to conduct the repairs.

2. 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. The roof and flashing shall be sound, tight and not have defects that admit rain.

- During the inspection, I observed a blue tarp on the roof protecting it from rain and to stop leaks. Additionally, I had conversations with Denise Ohle. She notified me that the roof was leaking. To correct the violation, the roof must be repaired and in good condition not to admit rain. A permit may be needed depending on the extent of the repairs and will be needed if the roof is replaced.

Due to the length of time the materials have been exposed to the weather, a contractor will need to assess the viability of the structure before considering the feasibility of rebuilding.

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

- The Interim Building Official, Al Tischler, has personally inspected the mobile home and deems the mobile home to be unsafe due to the aforementioned damage. Pursuant to the instant ordinance, the unit shall be demolished by either interested party.

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 \$ 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 **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, 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 10th 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 Robert W. Blohm ET AL and Denise M. Ohle, 5201 Wood St, Port Orange, FL 32127 and Wells Fargo Bank, National Association, 3476 Stateview Blvd, MAC # x7801-03K, Fort Mills, SC 29715, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

this 10th day of November, 2017.

Time: approx. 10:10 AM

J. Scott Allman
J. Scott Allman

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Robert W. Blohm ET AL and Denise M. Ohle, 5201 Wood St, Port Orange, FL 32127 and Wells Fargo Bank, National Association, 3476 Stateview Blvd, MAC # x7801-03K, Fort Mills, SC 29715, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 10 day of November, 2017.

Aden Murch
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. 17-426**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

ROBERT W. BLOHM & DENISE M. OHLE
5201 WOOD ST, PORT ORANGE, FL 32127
6310-08-10-0010

Recorded in the Public Records:
Instrument # 2017 242 212 12/15/17
Book: 7484 Page: 001

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 DECEMBER 13, 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), ROBERT W. BLOHM & DENISE M. OHLE , (hereinafter referred to as "Respondent(s)", whose mailing address is 5201 WOOD ST., PORT ORANGE, FL 32127 are the owner(s) of the property located at 5201 WOOD ST., PORT ORANGE, FL 32127, and more particularly described as:

LOT 1 EXC E 25 FT BLK 10 DEPOT ADD ALLANDALE MB 11 PG 83 PER OR 5176 PG 4617

B. The property has missing siding with exposed walls and a damaged roof covered with a blue tarp. This condition was first observed at the real property described above on MARCH 30, 2017; re-inspections were made on MAY 8, 2017 AND OCTOBER 5, 2017 and confirmed the condition as being the same. Respondent(s) received notice via certified mail, posted on the property and City Hall NOVEMBER 10, 2017, that the aforesaid conditions constituted a violation of 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, and was to be corrected by NOVEMBER 30, 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 hiring a licensed contractor to inspect the property to determine if the structure can be repaired, permits for the roof and exterior walls will need to be obtained **on or before January 22, 2018** ("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, the City of Port Orange shall have the option to abate the nuisance, and 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 \$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 13th day of December, 2017.

Attest: 
Secretary, Code Enforcement Special Magistrate

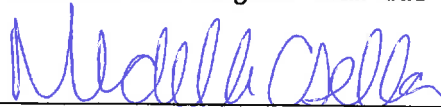
By: 
Code Enforcement Special Magistrate

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), ROBERT W. BLOHM & DENISE M. OHLE, 5201 WOOD ST, PORT ORANGE, FL 32127 by Certified and Regular Mail this 14th day of December, 2017.



Secretary, Code Enforcement Special Magistrate