



AGENDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF PORT ORANGE

Meeting Date: Wednesday, June 13, 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 - May 23, 2018

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 18-326 (Continued from April 25, 2018)
Respondent: Regan Herbert Alexander Jr.
Address of Violation: 59 Lawrence Court, Port Orange, FL 32127
Code Officer: Scott Allman
First Notified: 03/22/2018

Compliance: No

Cited for violation(s) - 2017 Florida Building Code, 6th Edition, Section 105 (Permits), Section 105.1 (required) as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Failure to obtain a building permit.

4. **CEB Case No.:** 17-1882 (Continued from May 9, 2018)
Respondent: Barbara & Richard L. Divoll
Address of Violation: 164 Sweetgum Lane, Port Orange, FL 32129
Code Officer: Dennis Boehmer
First Notified: 03/23/2018

Compliance: No

Cited for violation(s) - City of Port orange Code of Ordinances, Chapter 42, Section 42.26(d): Maintenance of improved residential lots

City of Port Orange Land Development Code, Chapter 16, Section 3(b), 4(b)(d): All fences shall be maintained in their original upright condition.

2017 Florida Building Code, 6th Edition, Section 105 (permits), Section 105.1

(Required) as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Failure to Obtain a Building Permit.

5. **CEB Case No.:** 18-395

Respondent: Robert J. Kiecksee

Address of Violation: 1108 Little Garden Circle, Port Orange, FL 32129

Code Officer: Dennis Boehmer

First Notified: 04/25/2018

Compliance: No

Cited for violation(s) - 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). (d) (Maintenance of improved residential lots; (f) Garbage, waste, trash, etc. prohibited; Chapter 42 (Nuisances), Article II (Garbage, junk, and undergrowth), Section 42-32 Storage of vehicles, furniture, etc. and Chapter 70 (Traffic), Article II (Stopping standing and parking), Section 70-49 (Restrictions on abandoned or disabled vehicles), (c) Restrictions, (1)(a), (b), and (2).

6. **CEB Case No.:** 18-0031

Respondent: Nancy A. Henderson

Address of Violation: 5227 Orange Avenue, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 01/08/2018

Compliance: No

Cited for violation(s) - Florida Building Code, 2017, Sixth Edition, Section 105 (Permits), Section 105.1 (Required) as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Failure to Obtain a Building Permit.

7. **CEB Case No.:** 18-0670

Respondent: Dennis O'Donnell

Address of Violation: 530 Orange Avenue, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 05/02/2018

Compliance: No

Cited for violation(s) - Chapter 70 (Traffic), Article II (Stopping, standing, and parking), Section 70-49 (Restrictions on abandoned or disabled vehicles), (c) Restrictions, (1) (a), (b) and (2) 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; and

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.

8. **CEB Case No.:** 17-1528

Respondent: Brian Cotter

Address of Violation: 1427 Breaks Way, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 10/16/2017

Compliance: No

Cited for violation(s) - 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.

9. **CEB Case No.:** 17-1481

Respondent: Susan A. Morris

Address of Violation: 5193 Rogers Avenue, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 10/09/2017

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; Section 42-32 (Storage of vehicles, furniture, etc.; and 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.

C. ORDER IMPOSING FINE/LIEN

10. **CEB Case No.:** 18-103

Respondent: William K. & Balbina A. McDaniels

Address of Violation: 1218 Jeffery Drive, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 01/23/2018

Compliance: No

Cited for violation(s) - Chapter 9, Article II, Section 10(a) of the City of Port Orange

Land Development Code; City of Port Orange Code of Ordinance Chapter 4, Section 42.26 (d) Maintenance of improved residential lots, and (f) Garbage, waste, trash, etc. prohibited.

11. **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: 03/30/2017

Compliance: No

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

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

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

12. **CEB Case No.:** 17-1464

Respondent: Charles & Peggy Collins

Address of Violation: 5481 Pineland Avenue, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 10/04/2017

Compliance: No

Cited for violation(s) - Chapter 42, Article II, Section 42-26 (d) Maintenance of improved residential lots; (f) Garbage, Waste, Trash, etc, prohibited; Section 42-32 Storage of vehicles, furniture, etc.; Chapter 70, Article II, Section 70-49 Restrictions of Disabled or Abandoned Vehicles, (c) Restrictions, (1) (a), (b) and (2) of the City of Port Orange Code of Ordinances.

13. **CEB Case No.:** 18-324

Respondent: Carol A. Kovacs, TR and Kovacs Family Trust

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

Code Officer: Scott Allman

First Notified: 03/02/2018

Compliance: No

Cited for violation(s) - City of Port Orange Code of Ordinances Chapter 42, Section 42-32 Storage of vehicles, furniture, etc. and Chapter 42, Section 42-26(f) Garbage, waste, trash, etc. prohibited; and

International Property Maintenance Code 2018, Section 304 Exterior Structure, 304.1 General. 304.1.1 Unsafe conditions.

14. **CEB Case No.:** 18-173

Respondent: Constance J. Potter
Debbie S. Potter

Address of Violation: 910 Cobblestone Lane, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 02/01/2018

Compliance: No

Cited for violation(s) - Chapter 1, Section 108 Unsafe Structures & Equipment; Chapter 1, Section 109 Emergency Measures; Chapter 3, Section 304 Exterior Structure, Section 304.1 General; Section 304.1.1 Unsafe Conditions; Section 304.3 Premises Identification; Section 304.4 Structural Members, and Section 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.

15. **CEB Case No.:** 18-141

Respondent: Jessica Lynn Lincicome

Address of Violation: 9 Raintree Drive, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 01/30/2018

Compliance: No

Cited for violation(s) - City of Port Orange Code of Ordinances, Chapter 42, Article V, Division 2 (Nuisance Trees), Section 42-103, (Declaration of Nuisance), (a)(2); and

City of Port Orange Code of Ordinances, Chapter 42, Section 42-26 (Cleanliness of property generally - Duty of Owner), (d) Maintenance fo improved residential lots.

D. ADJOURNMENT

ANY PERSON WHO DECIDES TO APPEAL ANY DECISION MADE BY THE **CODE ENFORCEMENT SPECIAL MAGISTRATE** WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE HE OR SHE MAY NEED TO ENSURE AT HIS OR HER OWN EXPENSE FOR THE TAKING AND PREPARATION OF A VERBATIM RECORD OF ALL TESTIMONY AND EVIDENCE OF THE PROCEEDINGS UPON WHICH THE APPEAL IS TO BE BASED. NOTE: IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS AN ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT THE CITY CLERK FOR THE CITY OF PORT ORANGE, 1000 CITY CENTER CIRCLE, PORT ORANGE, FLORIDA 32129, TELEPHONE NUMBER 386-506-5563, CITYCLERK@PORT-ORANGE.ORG, AS FAR IN ADVANCE AS POSSIBLE, BUT PREFERABLY WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING DATE. IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 7-1-1 or 1-800-955-8771. 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 MINUTES
COUNCIL CHAMBERS
1000 CITY CENTER CIRCLE
MAY 23, 2018

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

PRESENT: David Fuller, Special Magistrate

ALSO PRESENT: Scott Allman, Code Compliance Inspector
Amanda Bonin, Code Compliance Inspector
Dennis Boehmer, Code Compliance Inspector
Debbie Pearson, Code Enforcement Manager
Robin Fenwick, City Clerk

Attorney Overview

Dispensed with the overview as no members of the public were present at this time of the meeting.

Consideration of Minutes

Special Magistrate Fuller approved the May 9, 2018 meeting minutes as presented.

Oaths

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

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 17-1666

Respondent: Home Sweet Home Services, LLC

Address of Violation: 914 N. Lakewood Terrace, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 04/20/2018

Compliance: No

Cited for violation(s) - Sixth Edition (2017) Florida Building Code, Section 105.1 (Permits Requested) as adopted by Chapter 8, Article 1 of the City of Port Orange Land Development Code.

Mr. Allman testified as to the condition of the property, as well as the notice provided to the property owner. Photos were submitted and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected on or before May 17, 2018 by restoring the porch to its original condition or by obtaining a permit for enclosing the porch. Reinspection was conducted on May 18, 2018 and found the property remains in non-compliance.

The property owner, Julie Anderson, was sworn in and testified as to the condition of the property. She did not get a permit because she didn't know she needed one as it was repairing hurricane damage. She has a contractor and has submitted the application for the permit. A survey is required, which will take approximately 30 days.

Mr. Allman recommended the property owners be found in violation of the above referenced code with the violations to be corrected on or before August 7, 2018, with the hearing to set the fine/lien being August 8, 2018. In the event the property is not brought into compliance on or before the compliance date, and/or not maintained in a state of compliance, a daily fine of \$100.00 per day will be assessed for each day the property is in violation beyond the compliance date. Accused should be further ordered to contact the Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the order. Mr. Allman requested any future violations under this ordinance being considered repeat. The cost sheet in the amount of \$41.28 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Special Magistrate Fuller granted the recommendations as presented. The property owner has until August 7, 2018 to bring the property into compliance as to all violations cited and shall notify the code officer for re-inspection or a \$100.00 daily fine will be imposed. The costs to date of \$41.28 will be ordered as well.

4. CEB Case No.: 17-1773

Respondent: Matilde Stack

Address of Violation: 3834 Long Grove Lane, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 04/10/2018

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.

Amanda Bonin, Code Compliance Inspector, was sworn in by Special Magistrate Fuller and testified as to the condition of the property, as well as the notice provided to the property owner. Photos were submitted and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected on or before May 1, 2018 by replacing all rotten siding, which requires a permit, properly surface coating the siding (painting), and repairing or replacing the attic vent, replacement will require a permit as well. Re-

inspection was conducted on May 21, 2018 and 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 June 18, 2018. In the event the property is not brought into compliance on or before the compliance date, and/or not maintained in a state of compliance, a daily fine of \$100.00 per day should be assessed for each day the property is in violation beyond the compliance date. Accused should be further ordered to contact the Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the order. Ms. Bonin requested any future violations under this ordinance be considered repeat. The cost sheet in the amount of \$41.28 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Yasmeen St. Clair, Property Owner's daughter, was sworn in and testified as to the condition of the property. She asked for a compliance date in September. Ms. Bonin agreed to a later compliance date but recommended August 20, 2018 with a hearing date of August 22, 2018 if it is not in compliance.

Special Magistrate Fuller found the property in non-compliance with a compliance date of August 20, 2018. The Property Owner shall notify the code officer for re-inspection or a \$50.00 daily fine will be assessed. The costs to date of \$41.28 will be ordered as well. The hearing to set the fine/lien shall be held on August 22, 2018 should the property not be in compliance by August 20, 2018.

C. ORDER IMPOSING FINE/LIEN

5. CEB Case No.: 17-1642

Respondent: Valerie Potter

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

Code Officer: Amanda Bonin

First Notified: 02/06/2018

Compliance: No

Cited for violation(s) - Chapter 1, Section 108 Unsafe Structures and Equipment, 108.1.1 Unsafe Structures; 108.1.3 Structure unfit for human occupancy; 108.1.5 Dangerous Structure or premises of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code and

Chapter 3, Section 301 General, 301.3 Vacant Structures and Land; Section 304, Exterior Structure, 304.13 Windows Skylight and door frames; and 304.15 Doors of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code.

Ms. Bonin requested a continuance as asbestos was found on the property and the contractor could not move forward with abatement. Special Magistrate Fuller granted the continuance until June 27, 2018.

6. CEB Case No.: 17-1397

Respondent: Lilly H. Ogden & Rose C.

Address of Violation: 43 Springwood Sq., Port Orange, FL 32129

Code Officer: Dennis Boehmer

First Notified: 02/02/2018

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.

Dennis Boehmer, Code Compliance Inspector, was sworn in and requested an Order Setting Fine/Lien as the property was not in compliance on or before May 13, 2018 as ordered in the previous hearing on March 14, 2018 by the Special Magistrate. The property remains in non-compliance. The daily fine in the amount of \$250.00 began on May 14, 2018 with a total cost to date of \$2,500. A cost sheet for mailing and recording costs in the amount of \$113.84 was tendered and submitted into evidence without objection.

Special Magistrate Fuller found the property in non-compliance and awarded the daily fine of \$250.00 per day beginning May 14, 2018 for a total fine due in the amount of \$2,500 plus total costs of mailing and recording to date of \$113.84. The daily fine shall continue until the property is brought into compliance.

7. CEB Case No.: 18-310

Respondent: Stacey L. Algieri

Address of Violation: 5245 Sydney Street, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 03/02/2018

Compliance: No

Cited for violation(s) - Chapter 42, Section 42-26 Cleanliness of property generally - Duty of owner (d) maintenance of improved residential lots, and (f) garbage, waste, trash, etc. prohibited; Section 42-32 Storage of vehicles, furniture, etc. of the City of Port Orange Code of Ordinances, and

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

Mr. Allman requested a continuance until June 27, 2018 to allow the vendor time to abate the violations. Special Magistrate Fuller granted the request.

ADJOURNMENT – 9:52 a.m.

Special Magistrate David Fuller

Case Cost Sheet Log

Case No. 18-326 (Continued from April 25, 2018)

Name	Activity	Activity_Date	Status	Cost
Regan Herbert Alexander Jr.	Cost to mail Notice of Violation/Notice of Hearings to 59 Lawrence Court, Port Orange, FL 32127	03/23/2018	Certified mail returned "unable to forward"	\$7.14
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law, & Order	06/13/2018		\$27.00
Regan Herbert Alexander Jr.	Cost to mail Finding of Fact, Conclusion of Law, & Order to 59 Lawrence Court, Port Orange, FL 32127	06/13/2018		\$7.14

Total: 41.28



NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 18-326

To: Regan Herbert Alexander Jr.
59 Lawrence Court
Port Orange, FL 32127

Re: 59 Lawrence Court
Port Orange, FL 32127

Parcel ID: 6315-08-00-0590

LEGAL DESCRIPTION: LOT 59 SOUTHERN PINES SUB MB 33 PG 47 PER OR 4617 PG 2272 PER OR 6882 PG 3617
Volusia County Public Records
Volusia County, FL

An inspection of the premises on March 2, 2018, 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 **April 16, 2018**.

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

1. 2017 Florida Building Code, 6th Edition, Section 105 (Permits), Section 105.1 (Required) as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Failure to Obtain a Building Permit: Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any required impact-resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

- An inspection of the property was conducted on March 2, 2018. During the inspection, I observed a shed being built without a permit. To comply with this notice, a permit must be obtained or the shed must be 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 April 25, 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 \$ 7.14 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 **April 25, 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 **June 13, 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 22 day of March, 2018.

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 Regan Herbert Alexander Jr., 59 Lawrence Court, Port Orange, FL 32127 RE: 59 Lawrence Court, Port Orange, FL 32127, was

☐ Hand-delivered

☒ Posted at the property

Recipient of hand delivered documents: _____

this 22 day of March, 2018.

Time: approx. 12:15 p.m.

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 Regan Herbert Alexander Jr., 59 Lawrence Court, Port Orange, FL 32127 RE: 59 Lawrence Court, Port Orange, FL 32127, was

☒ Posted at City Hall
☒ Sent via certified and regular

this 23 day of March, 2018.


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.

PART 2—ADMINISTRATION AND ENFORCEMENT

SECTION 103
DEPARTMENT OF BUILDING SAFETY
RESERVEDSECTION 104
DUTIES AND POWERS OF BUILDING OFFICIAL

[A] 104.1 General. Reserved.

[A] 104.2 Applications and permits. Reserved.

[A] 104.2.1 Determination of substantially improved or substantially damaged existing buildings and structures in flood hazard areas. Reserved.

[A] 104.3 Notices and orders. Reserved.

[A] 104.4 Inspections. Reserved.

[A] 104.5 Identification. Reserved.

[A] 104.6 Right of entry. Reserved.

[A] 104.7 Department records. Reserved.

[A] 104.8 Liability. Reserved.

[A] 104.8.1 Legal defense. Reserved.

[A] 104.9 Approved materials and equipment. Materials, equipment and devices *approved* by the *building official* shall be constructed and installed in accordance with such approval.

[A] 104.9.1 Used materials and equipment. The use of used materials that meet the requirements of this code for new materials is permitted. Used equipment and devices shall not be reused unless *approved* by the *building official*.

[A] 104.10 Modifications. Reserved.

[A] 104.10.1 Flood hazard areas. Reserved.

[A] 104.11 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been *approved*. An alternative material, design or method of construction shall be *approved* where the *building official* finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code in quality, strength, effectiveness, *fire resistance*, durability and safety. Where the alternative material, design or method of construction is not *approved*, the *building official* shall respond in writing, stating the reasons why the alternative was not *approved*.

[A] 104.11.1 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from *approved* sources.

[A] 104.11.2 Tests. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the *building official* shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the *building official* shall approve the testing procedures. Tests shall be performed by an *approved agency*. Reports of such tests shall be retained by the *building official* for the period required for retention of public records.

SECTION 105
PERMITS

[A] 105.1 Required. Any *owner* or owner's authorized agent who intends to construct, enlarge, alter, *repair*, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, *repair*, remove, convert or replace any impact-resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the *building official* and obtain the required *permit*.

[A] 105.1.1 Annual facility permit. In lieu of an individual *permit* for each *alteration* to an existing electrical, gas, mechanical, plumbing or interior nonstructural office system(s), the *building official* is authorized to issue an annual *permit* for any occupancy to facilitate routine or emergency service, repair, refurbishing, minor renovations of service systems or manufacturing equipment installations/relocations. The building official shall be notified of major changes and shall retain the right to make inspections at the facility site as deemed necessary. An annual facility permit shall be assessed with an annual fee and shall be valid for one year from date of issuance. A separate permit shall be obtained for each facility and for each construction trade, as applicable. The permit application shall contain a general description of the parameters of work intended to be performed during the year.

[A] 105.1.2 Annual permit records. The person to whom an annual *permit* is issued shall keep a detailed record of *alterations* made under such annual *permit*. The *building official* shall have access to such records at all times or such records shall be filed with the *building official* as designated.

105.1.3 Food permit. In accordance with Section 500.12, *Florida Statutes*, a food permit from the Department of Agriculture and Consumer Services is required of any person who operates a food establishment or retail store.

105.1.4 Public swimming pool. The local enforcing agency may not issue a building permit to construct, develop, or modify a public swimming pool without proof of application, whether complete or incomplete, for an operating permit pursuant to Section 514.031, *Florida Statutes*. A certificate of completion or occupancy may not

Case Cost Sheet Log

Case No. 17-1882 (Continued from May 9, 2018)

Name	Activity	Activity_Date	Status	Cost
Barbara & Richard L. Divoll	Cost to mail Notice of Violation/Notice of Hearings to 67 Tamarind Drive, Key West, FL 33040	03/27/2018	Both green cards were signed for by Barbara Divoll on March 29, 2018	\$13.34
Clerkk of Court	Fee to record Finding of Fact, Conclusion of Law, & Order	06/13/2018		\$27.00
Barbara & Richard L. Divoll	Cost to mail Finding of Fact, Conclusion of Law & Order to 67 Tamarind Drive, Key West, FL 33040	06/13/2018		\$13.34

Total: 53.68



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 17-1882

To: Barbara & Richard L Divoll
67 Tamarind Drive
Key West, FL 33040

Re: 164 Sweetgum Lane
Port Orange, FL 32129
Parcel ID: 6337-09-01-1640

LEGAL DESCRIPTION: LOT 164 SPRINGWOOD VILLAGE UNIT 1 MB 34 PG 167 INC PER OR 4132 PG 1183 PER OR 5606 PG 3036

Volusia County Public Records
Volusia County, FL

An inspection of the premises on December 12, 2017, indicates that certain violation(s) of the City of Port Orange Code exists. A reinspection on March 21, 2018, showed the violations still the same.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by **April 27, 2018**.

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

1. **City of Port Orange Code of Ordinances, Chapter 42, Section 42-26(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.*
 - Upon inspection of this property, I observed that the fenced-in patio was covered in high weeds and grass. To comply with this notice, mow, cut back all high weeds and grass, and maintain in this condition.
2. **City of Port Orange Land Development Code, Chapter 16, Section 3(b),4(b)(d):** *All fences shall be maintained in their original upright condition. Missing boards, pickets, or posts shall be replaced in a timely manner with material of the same type and quality.*
 - Upon inspection of this property, I observed the fence surrounding the patio area is dilapidated and falling down. To comply with this notice, the fence needs to be removed, repaired, or replaced with a building permit.
3. **2017 Florida Building Code, 6th Edition, Section 105 (Permits), Section 105.1 (Required) as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances:** *Failure to Obtain a Building Permit: Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any required impact-resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.*
 - Upon inspection of this property, I observed that part of the Mansard roof was tarped and another part of the roof was missing shingles. To comply with this notice, an approved building permit is required for the repair/replacement of all rotten wood and roofing materials.

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 May 9, 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 \$ 19,288 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.

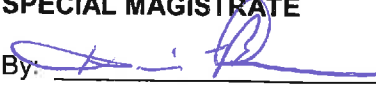
NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **May 9, 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 **June 13, 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 23RD day of MAY, 2018.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: 

Dennis A. Boehmer

☐ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Barbara & Richard L Divoll, 67 Tamarind Drive, Key West, FL 33040, RE: 164 Sweetgum Lane Port Orange, FL 32129, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

Time: approx. 2:00 pm

this 23RD day of MARCH, 2018.



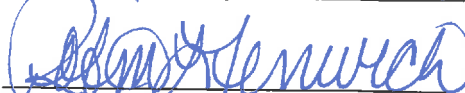
Dennis A. Boehmer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to: Barbara & Richard L Divoll, 67 Tamarind Drive, Key West, FL 33040, RE: 164 Sweetgum Lane Port Orange, FL 32129

☒ Posted at City Hall

☒ Sent via certified and regular

this 26 day of MARCH, 2018.



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. 18-395

Name	Activity	Activity_Date	Status	Cost
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law, & Order	06/13/2018		\$27.00
Robert J. Kiecksee	Cost to mail Finding of Fact, Conclusion of Law & Order to 1108 Little Garden Cir, Port Orange, FL 32129	06/13/2018		\$7.14

Total: 34.14



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 18-395

To: Robert J Kiecksee
1108 Little Garden Cir
Port Orange, FL 32129

Re: 1108 Little Garden Cir
Port Orange, FL 32129
Parcel ID: 6305-09-00-0360
LEGAL DESCRIPTION: LOT 36 TRACT II BENNETTS HAMMOCK REPLAT MB 42 PG 138 PER OR 4239 PG 2706
Volusia County Public Records
Volusia County, FL

An inspection of the premises on March 22, 2018, indicates that certain violation(s) of the City of Port Orange Code exists.

A re-inspection was done on April 6, 2018, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by **May 6, 2018**.

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

1. 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), (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.
 - The initial inspection of this property found high weeds and grass, and overgrown cacti plants leaning over the walk way. To correct the violation, the property needs to be mowed and all high weeds trimmed, to include trimming back the cacti, as they pose a health and safety concern for anyone walking along the sidewalk entering/exiting the property.
2. Chapter 42, (Nuisances), of the City of Port Orange Code of Ordinances, Article II, (Garbage, Junk and Undergrowth), Section 42-26, (Cleanliness of Property Generally Duty of Owner), (f) Garbage, waste, trash, etc., prohibited. The owner of every lot, piece, and parcel of land located within the city shall keep each such lot, piece, and parcel of land free and clear of garbage, waste, trash, debris and junk.
 - The initial inspection of this property found garbage and debris laying in and around the porch area. To correct the violation, all garbage and debris must be removed from the property.
3. Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-32 Storage of vehicles, furniture, etc. No owner of property within the city shall permit the storage of vehicles or parts of vehicles, furniture, appliances or other personal property upon the premises, except in an enclosed building.
 - The initial inspection of this property found various stored items laying in and around the porch area. To correct the violation, remove all stored items from the front porch.

4. Chapter 70 (Traffic), Article II (Stopping standing and parking), Section 70-49 (Restrictions on abandoned or disabled vehicles), (c) Restrictions, (1) (a), (b) and (2) of the City of Port Orange Code of Ordinances. No disabled or abandoned vehicle shall remain on residentially-zoned or agriculturally-zoned private property unless such vehicle is: Within a completely enclosed garage; or parked in a carport, parking space or city-approved parking area and covered solely with a standard vehicle cover in good repair, so long as any portion of the vehicle which is not covered is not in a state of disrepair. No disabled or abandoned vehicle parked on residentially-zoned or agriculturally-zoned private property shall be covered by material other than a standard vehicle cover in good repair unless such vehicle is parked inside a completely enclosed garage.

- The initial inspection of this property found an unlicensed/inoperable Ford E150 van on the driveway. To correct the violation, the vehicle needs to be registered 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 June 13, 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 **June 13, 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 **August 8, 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 25th day of April, 2018.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: [Signature]
Dennis A. Boehmer

☐ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Robert J Kiecksee, 1108 Little Garden Cir, Port Orange, FL 32129, was

☒ Hand-delivered

Recipient of hand delivered documents: _____

☐ Posted at the property

Time: approx. 2:00 PM

this 25th day of April, 2018.

Dennis A. Boehmer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Robert J Kiecksee, 1108 Little Garden Cir, Port Orange, FL 32129, was

☒ Posted at City Hall

☐ Sent via certified and regular

this 30 day of April, 2018.

[Signature]
Secretary, Special Magistrate

RIGHT TO APPEAL

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

ACCOMMODATIONS

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

Case Cost Sheet Log

Case No. 18-0031

Name	Activity	Activity_Date	Status	Cost
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law, & Order	06/13/2018		\$27.00
Nancy A. Henderson	Cost to mail Finding of Fact, Conclusion of Law, & Order to 5227 Orange Avenue, Port Orange, FL 32127	06/13/2018		\$7.14

Total: 34.14



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 18-0031

To: Nancy A Henderson
5227 Orange Avenue
Port Orange, FL 32127

Re: 5227 Orange Avenue
Port Orange, FL 32127
Parcel ID: 631007640120

LEGAL DESCRIPTION: LOTS 12 & 13 BLK 64 ALLANDALE PER OR 3777 PG 1676 PER OR 6626 PG 4546
Volusia County Public Records
Volusia County, FL

An inspection of the premises on January 8, 2018, indicates that certain violation(s) of the City of Port Orange Code exists.

Property owner was notified of the violations noted below and given 6 days to correct. A re-inspection was done on May 2, 2018, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by **May 22, 2018**. *ROMD May 31, 2018*

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

1. Florida Building Code, 2017, Sixth Edition, Section 105 (Permits), Section 105.1 (Required) as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Failure to Obtain a Building Permit: Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert, or replace any required impact-resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.
 - The initial inspection of this property found a shed installed on the property without a building permit. To correct the violation, comply with this notice, the owners must obtain an approved permit through the City of Port Orange Building Department for the shed that was installed on the property or it must be 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 June 13, 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 \$ 0 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 **June 13, 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 **August 8, 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 16th day of May, 2018.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Dena Joseph
Dena Joseph

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Nancy A Henderson, 5227 Orange Avenue, Port Orange, FL 32127, RE: 5227 Orange Avenue, Port Orange, FL 32127, was

- ☒ Hand-delivered
☐ Posted at the property

Recipient of hand delivered documents:

Nancy Henderson-owner

Time: approx. 10:30 AM

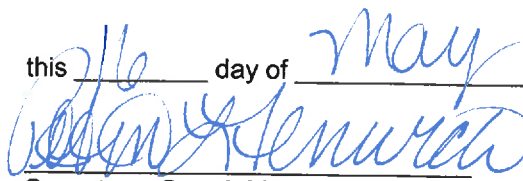
this 16th day of May, 2018.

Dena Joseph
Dena Joseph

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Nancy A Henderson, 5227 Orange Avenue, Port Orange, FL 32127, RE: 5227 Orange Avenue, Port Orange, FL 32127, was

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

this 21st day of May, 2018.


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. 18-0670

Name	Activity	Activity_Date	Status	Cost
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law, & Order	06/13/2018		\$27.00
Dennis O'Donnell	Cost to mail Finding of Fact, Conclusion of Law, & Order to P.O. Box 290251, Port Orange, FL 32129	06/13/2018		\$7.14

Total: 34.14



NOTICE OF REPEAT VIOLATION AND NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 18-0670

To: Dennis O'Donnell
PO Box 290251
Port Orange, FL 32129

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

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

An inspection of the premises on May 2, 2018, indicates that certain repeat violation(s) of the City of Port Orange Code exists.

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

1. Chapter 70 (Traffic), Article II (Stopping standing and parking), Section 70-49 (Restrictions on abandoned or disabled vehicles), (c) Restrictions, (1) (a), (b) and (2) of the City of Port Orange Code of Ordinances: (1) No disabled or abandoned vehicle shall remain on residentially-zoned or agriculturally-zoned private property unless such vehicle is: Within a completely enclosed garage; or parked in a carport, parking space or city-approved parking area and covered solely with a standard vehicle cover in good repair, so long as any portion of the vehicle which is not covered is not in a state of disrepair. (2) No disabled or abandoned vehicle parked on residentially-zoned or agriculturally-zoned private property shall be covered by material other than a standard vehicle cover in good repair unless such vehicle is parked inside a completely enclosed garage.
 - The initial inspection of this property found several unregistered and inoperable vehicles on site. To correct the violation, all disabled/unregistered vehicles must be covered with a standard vehicle cover, parked in an enclosed garage, or removed from the property.
2. Chapter 42, (Nuisances), of the City of Port Orange Code of Ordinances, Article II, (Garbage, Junk and Undergrowth), Section 42-26, (Cleanliness of Property Generally Duty of Owner), (f) Garbage, waste, trash, etc., prohibited. The owner of every lot, piece, and parcel of land located within the city shall keep each such lot, piece, and parcel of land free and clear of garbage, waste, trash, debris and junk.
 - The initial inspection of this property found trash and debris outdoors. To correct the violation, all garbage and debris must be cleaned up and removed from the property.
3. Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-32 Storage of vehicles, furniture, etc. No owner of property within the city shall permit the storage of vehicles or parts of vehicles, furniture, appliances or other personal property upon the premises, except in an enclosed building.
 - The initial inspection of this property found outside storage by the front door. To correct the violation, all outside stored items must be properly stored or removed from the property.

A fine up to \$5000 per day per violation for a repeat violation may be assessed by the Special Magistrate.

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

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate June 13, 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 \$ 0 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 **June 13, 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 **August 8, 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 May, 2018.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Dena Joseph
Dena Joseph

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing
to Dennis O'Donnell, PO Box 290251, Port Orange, FL 32129, RE: 530 Orange Avenue, Port Orange, FL 32127, was
☒ Hand-delivered Recipient of hand delivered documents: Dennis O'Donnell - owner
☐ Posted at the property

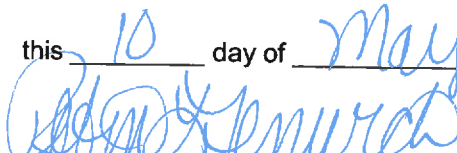
Time: 10:14 AM

this 9th day of May, 2018.

Dena Joseph
Dena Joseph

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Dennis O'Donnell, PO Box 290251, Port Orange, FL 32129, RE: 530 Orange Avenue, Port Orange, FL 32127, was
☒ Posted at City Hall
☐ Sent via certified and regular

this 10 day of May, 2018.


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. 17-1528

Name	Activity	Activity_Date	Status	Cost
Brian Cotter	Cost to mail Notice of Violation/Notice of Hearings to P.O. Box 291882	06/13/2018		\$7.14
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law, & Order	06/13/2018		\$27.00
Brian Cotter	Cost to mail Finding of Fact, Conclusion of Law, & Order to P.O. Box 291882	06/13/2018		\$7.14

Total: 41.28



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 17-1528

To: Brian Cotter
PO Box 291882
Port Orange, FL 32129

Re: 1427 Breaks Way
Port Orange, FL 32127
Parcel ID: 6314-06-00-0480

LEGAL DESCRIPTION: LOT 48 HARBOR POINT PHASE III MB 35 PGS 48-49 INC PER OR 3794 PG 1137 PER OR 5896
PGS 0730-0731 INC PER OR 6330 PG 0955 PER OR 6642 PG 0996
Volusia County Public Records
Volusia County, FL

An inspection of the premises on October 16, 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 6 days to correct. A re-inspection was done on May 1, 2018, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by **May 22, 2018**.

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

- 1) Chapter 3 (General Requirements), Section 302 (Exterior Property Areas), 302.7 (Accessory Structures) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.
 - Initial inspection revealed a dilapidated shed on the property. In order to bring the property into compliance, the shed must be repaired 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 June 13, 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 \$ 7.14 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 **June 13, 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 **August 8, 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 May, 2018.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Dena Joseph
Dena Joseph

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Brian Cotter, P.O. Box 291882, Port Orange, FL 32129, RE: 1427 Breaks Way, Port Orange, FL 32127, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

Time: approx. 12:17 pm

this 9th day of May, 2018.

Dena Joseph
Dena Joseph

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to, Brian Cotter, P.O. Box 291882, Port Orange, FL 32129, RE: 1427 Breaks Way, Port Orange, FL 32127 was

☒ Posted at City Hall

☒ Sent via certified and regular

this 10 day of May, 2018.


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. 17-1481

Name	Activity	Activity_Date	Status	Cost
Susan A. Morris	Cost to mail Notice of Violation/Notice of Hearings to 109 Morris Lane, Lafayette, TN 37083	05/04/2018	Green card signed by Susan Morris on 5/10/18	\$7.14
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law, & Order	06/13/2018		\$27.00
Susan A. Morris	Cost to mail Finding of Fact, Conclusion of Law, & Order to 109 Morris Lane, Lafayette, TN 37083	06/13/2018		\$7.14

Total: 41.28



NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

REVISED HEARING DATE AND CORRECTION DATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 17-1481

To: Susan A. Morris
Property Owner
109 Morris Lane
Lafayette, TN 37083

Re: 5193 Rogers Avenue
Port Orange, FL 32127
Parcel ID: 6310-07-80-0060

LEGAL DESCRIPTION: LOTS 6 & 7 BLK G ALLANDALE SUB MB 4 PG 146 PER OR 2279 PG 1675
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 10 days to correct. Re-inspections were completed on October 27, 2017, November 15, 2017 and again on December 4, 2017 resulting in non-compliance. The most recent inspection was done on March 19, 2018 resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by May 16, 2018 by removing all downed trees, limbs, brush, etc., removing all outside storage and storing in an enclosed building, and removing all trash and debris, mowing property and removing all high weeds and undergrowth, and repairing area of roof that was damaged during the hurricanes. A permit will need to be obtained from the City of Port Orange for the repairs to the roof as there is extensive damage to the back side of the home.

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 9, 2017 revealed high grass on the property along with a tree that had fallen onto the home resulting in a large amount of fallen limbs, brush, etc. on the ground. In addition, the back yard is severely overgrown with grass and undergrowth. A 10-day door hanger was left stating that the debris must be cleaned up and placed by the road for pick up. The resident informed me that he received a bid for \$3,000.00 to clean up the property and that he did not have the money. He said that he was going to get it done in phases. The backside of the property, though partially mowed, is to be considered a health and safety issue.
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 October 9, 2017 revealed items being stored on the outside of the home, particularly under the carport area and around the property. I left a 10-day door hanger stating that all outside storage must be removed and placed 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 October 9, 2017 revealed trash and debris on site. The 10-day door hanger stated that all trash and debris on site must be removed from the property.

4. **Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.7 (Roofs and Drainage) of the 2018 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances:** The roof and flashing shall be sound, tight and not have defects that admit rain.

Initial inspection on October 9, 2017 revealed a tree that fell on the roof and porch area at the back of the home which is in dire need of repair. A permit will need to be obtained through the City of Port Orange. A certified roofing contractor will need to be hired to evaluate this section and do the necessary repairs as per the permit.

5. **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:**

(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.

- Initial inspection conducted on October 9, 2017 revealed a fence that is falling down or has fallen down on the property and is very damaged. Either remove the chain link fence or replace it. **NOTE: Replacement will require that you obtain a permit through the City of Port Orange Building Department.**

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.

NOTE:

The code officer will be asking that the special magistrate find the violation as a health and safety risk due to the possible harboring of rodents, insects, snakes, etc. In this case, the city will have the option to abate the violations and lien the property for all costs of abatement.

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 June 13, 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 \$ 7,514 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 **June 13, 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 August 8, 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 2nd day of May, 2018.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Dena Joseph
Dena Joseph, Code Compliance Inspector

X I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to:

Susan A. Morris, 109 Morris Lane, Lafayette, TN 37083

RE: 5193 Rogers Avenue, Port Orange, FL 32127

Was:

☐ Hand-delivered Recipient of hand delivered documents: _____

X ☒ Posted at the property

Time: approx. 4:05 pm

this 2nd day of May, 2018.

Dena Joseph
Dena Joseph, Code Compliance Inspector

X I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to:

Susan A. Morris, 109 Morris Lane, Lafayette, TN 37083

RE: 5193 Rogers Avenue, Port Orange, FL 32127

Was:

X ☒ Posted at City Hall

X ☒ Sent via certified and regular

this 3rd day of May, 2018.

[Signature]
Secretary, Special Magistrate

RIGHT TO APPEAL

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

ACCOMMODATIONS

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

Case Cost Sheet Log

Case No. 18-103

Name	Activity	Activity_Date	Status	Cost
William & Balbina McDaniels	Cost to mail Notice of Violation/Notice of Hearings to Property Owners at 1218 Jeffery Drive, Port Orange, FL 32129	03/21/2018	Certified mailings returned "unclaimed"	\$13.34
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law, and Order	04/25/2018		\$27.00
William & Balbina McDaniels	Cost to mail Finding of Fact, Conclusion of Law, & Order to Property Owners at 1218 Jeffery Drive, Port Orange, FL 32129	04/25/2018	Certified mailings returned "unclaimed"	\$13.34
Clerk of Court	Fee to record Order Imposing Fine/Lien	06/13/2018		\$44.00
William & Balbina McDaniels	Cost to mail Order Imposing Fine/Lien to Property Owners at 1218 Jeffery Drive, Port Orange, FL 32129	06/13/2018		\$13.34

Total: 111.02



NOTICE OF VIOLATION AND NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 18-103

To: McDaniels William K & Balbina A McDaniels
1218 Jeffery Dr.
Port Orange, FL 32129

Re: 1218 Jeffery Dr.
Port Orange, FL 32129
Parcel ID: 6307-03-00-1050

LEGAL DESCRIPTION: LOT 105 WILLOW RUN UNIT 2 MB 36 PGS 16 TO 18 INC PER OR 4592 PG 2514
Volusia County Public Records
Volusia County, FL

An inspection of the premises on January 23, 2018, 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 February 1, 2018, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by **April 3, 2018**.

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

- City of Port Orange Land Development Code Ch. 9, Article II, Section 10(a) It is hereby unlawful for any person to cut down, move, remove or destroy through damaging or to authorize the same, of any tree or natural vegetation referenced in this article without obtaining a tree removal permit in accordance with the provisions of this article.
- City of Port Orange Code of Ordinances Ch. 4, Section 42-26 (d) Maintenance of improved residential lots. The owner of an improved lot in a residential zone with lot sizes of one acre or less shall keep such lot free and clear of all fallen trees and limbs. All weeds, grass and undergrowth shall be cut to a height not exceeding ten inches. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than ten inches within such natural areas.
- City of Port Orange Code of Ordinances Ch. 4, Section 42-26 (f) Garbage, waste, trash, etc., prohibited. The owner of every lot, piece and parcel of land located within the city shall keep each such lot, piece and parcel of land free and clear of garbage, waste, trash, debris and junk.

I observed trees had been removed from this property and the debris placed in several piles in the backyard. A tree removal permit is required for all trees removed. To comply, remove all tree debris from property and apply and receive a tree removal permit from the City of Port Orange.

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 April 25, 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 \$ 14.28 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.

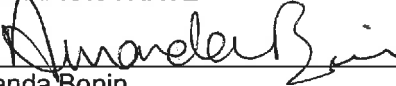
NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **April 25, 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 **June 13, 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 20th day of March, 2018.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

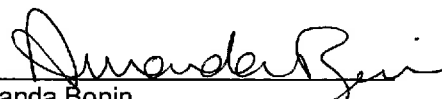
By: 
Amanda Bonin

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to McDaniels William K & Balbina A McDaniels, 1218 Jeffery Dr., Port Orange, FL 32129, RE: 1218 Jeffery Dr., Port Orange, FL 32129, was

☐ Hand-delivered Recipient of hand delivered documents: _____

☒ Posted at the property this _____ day of _____, 2018.

Time: approx. 2:55 pm

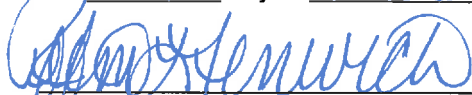
By: 
Amanda Bonin

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to McDaniels William K & Balbina A McDaniels, 1218 Jeffery Dr., Port Orange, FL 32129, RE: 1218 Jeffery Dr., Port Orange, FL 32129, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 21 day of March, 2018.



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. 18-103**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

WILLIAM K. & BALBINA A. MCDANIELS
1218 JEFFERY DRIVE
PORT ORANGE FL 32129
PARCEL ID: 6307-03-00-1050

Recorded in the Public Records:
Instrument # 2018 083331 04/25/18
Book: 7537 Page: 806

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 April 25, 2018, 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), William K. & Balbina A. McDaniels, (hereinafter referred to as "Respondent(s)", whose mailing address is 1218 Jeffery Drive, Port Orange, FL 32129, is/are the owner(s) of the property located at 1218 Jeffery Drive, Port Orange, FL 32129, and more particularly described as:

LOT 105 WILLOW RUN UNIT 2 MB 36 PGS 16 TO 18 INC PER OR 4592 PG 2514

B. All tree debris from the property needs to be removed. This condition was first observed at the real property described above on January 23, 2018; re-inspection was made on April 24, 2018 and confirmed the condition as being the same. Respondent(s) received notice via certified mail, posted on the property and City Hall on March 21, 2018, that the aforesaid conditions constituted a violation of Chapter 9, Article II, Section 10(a) of the City of Port Orange Land Development Code; City of Port Orange Code of Ordinance Chapter 42, Section 42.26 (d) Maintenance of improved residential lots, and (f) Garbage, waste, trash, etc. prohibited, and was to be corrected by April 3, 2018.

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 removing all tree debris from the property on or before May 10, 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 \$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 \$53.68 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 25th day of April, 2018.

Attest: [Signature]
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), William K. and Balbina A. McDaniels, 1218 Jeffery Drive, Port Orange, FL 32129 by Certified and Regular Mail this 25th day of April, 2018.

[Signature]
CITY OF PORT ORANGE, FLORIDA
I HEREBY CERTIFY the foregoing is a true copy of the original filed in this office.

This document has/has not been redacted pursuant to Florida Law.

This 25 day of April, 2018.
By: [Signature]
/s/ Robin L. Fenwick



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, Conclusion of Law & Order	12/13/2017	Green card returned signed	\$7.02
Denise M. Ohle	Cost to mail Finding of Fact, Conclusion of Law & Order	12/13/2017	Certified mail returned "temporarily away"	\$7.02
Robert W. Blohm	Cost to mail Finding of Fact, Conclusion of Law & Order	12/13/2017	Both returned "unable to forward"	\$7.02
Clerk of Court	Fee to record Order Imposing Fine/Lien	06/13/2018		\$44.00
Wells Fargo Bank	Cost to mail Order Imposing Fine/Lien	06/13/2018		\$7.14
Denise M. Ohle	Cost to mail Order Imposing Fine/Lien	06/13/2018		\$7.14
Robert W. Blohm	Cost to mail Order Imposing Fine/Lien	06/13/2018		\$7.14

Total: 134.54



**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

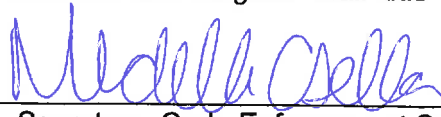
By: 
Code Enforcement Special Magistrate

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

Case Cost Sheet Log

Case No. 17-1464

Name	Activity	Activity_Date	Status	Cost
Charles & Peggy Collins	Cost to mail Notice of Violation/Notice of Hearings to PO Box 768, Alpharetta, GA 30009	03/21/2018	Certified mailings have not been returned; regular mailings were returned "unable to forward"	\$15.12
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law, & Order	04/25/2018		\$27.00
Charles & Peggy Collins	Cost to mail Finding of Fact, Conclusion of Law and Order to PO Box 768, Alpharetta, GA 30009	04/25/2018	Certified mailings were returned "unable to forward"	\$14.70
Clerk of Court	Fee to record Order Imposing Fine/Lien	06/13/2018		\$44.00
Charles & Peggy Collins	Cost to mail Order Imposing Fine/Lien to PO Box 768, Alpharetta, GA 30009	06/13/2018		\$14.70

Total: 115.52



NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 17-1464

To: Charles & Peggy Collins
Property Owners
P.O. Box 768
Alpharetta, GA 30009

Re: 5481 Pineland Avenue
Port Orange, FL 32127

Parcel ID: 6315-04-08-0110

LEGAL DESCRIPTION: LOT 11 BLK 8 COMMONWEALTH MOBILE ESTATES FIRST ADD MB 29 PG 47 PER OR 4843 PG 2088 PER OR 5461 PG 3459

Volusia County Public Records
Volusia County, FL

An inspection of the premises on **October 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 10 days to correct. Re-inspections were completed on October 27, 2017, November 15, 2017 and again on December 4, 2017 resulting in non-compliance. The most recent inspection was done on February 22, 2018 again, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by **March 23, 2018** by mowing grass and removing all high weeds, storing all outside storage in an enclosed building, removing all trash and debris on site, property registering, removing or covering with an approved car cover all inoperable/unlicensed vehicles on site (Jeep and truck) and properly parking all vehicles on an approved driveway or driveway extension.

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 4, 2017 revealed high weeds and grass on the property. Left a 5-day door hanger to mow property to include trimming of all high weeds on site.
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 October 9, 2017 revealed items being stored on the outside of the home. I left a 5-day door hanger stating that all outside storage must be removed and placed 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 October 4, 2017 revealed some trash and debris on site. The 5-day door hanger stated that all trash and debris on site must be removed from the property.
4. **Chapter 70 (Traffic), Article II (Stopping, Standing and Parking), Section 70-49 (Restrictions on Disabled or Abandoned Vehicles, (c) Restrictions, (1) (a), (b) and (2) of the City of Port Orange Code of Ordinances:**
 - (1) No disabled or abandoned vehicle shall remain on residentially-zoned or agriculturally-zoned private property unless such vehicle is:
 - a. Within a completely enclosed garage; or

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

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

- Initial inspection conducted on October 4, 2017 revealed a dune buggy and a Jeep parked on the side of the house in the yard that are not tagged. Left a 5-day door hanger to properly store Jeep on an approved driveway or on a driveway extension, remove, or cover with approved car cover. The dune buggy, if driven on the road, would also need the proper licensing or covering with approved car cover to be in compliance. Most recently, there is now another truck on site without proper registration which will need to be covered with approved car cover, properly registered, or removed from property.

5. **Chapter 70 (Traffic), Article II (Stopping, Standing and Parking), Section 70-36 (Stopping, standing or parking prohibited in specified places), (a) (1) (k) (1), (2) & (3) of the City of Port Orange Code of Ordinances:**

- (a) Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic control device, no person shall:

- (1) Stop, stand or park a motor vehicle or trailer:

k. On any other portion of the front yard of a residential lot, except on approved driveways. As used in this section, driveways shall be constructed of the following materials:

1. Concrete or paved materials;
2. Nonpaved materials, excluding grass and dirt, provided that loose materials such as gravel, bark or cypress mulch are effectively contained within a border of concrete, railroad ties, or other rigid materials; or
3. Concrete paver strips, paver blocks, or other semi-pervious materials.

- Initial inspection conducted on October 4, 2017, revealed a Jeep and a Dune Buggy on site parked in the yard. Left a 5-day door hanger stating that the vehicles must be moved onto an approved driveway or driveway extension.

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 April 25, 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 \$ 14,28 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.

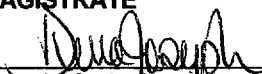
NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **April 25, 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 June 13, 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 15th day of March, 2018.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: 
Dena Joseph, Code Compliance Inspector

X I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to:
Charles & Peggy Collins, Property Owners, P.O. Box 768, Alpharetta, GA 30009
Charles & Peggy Collins, Property Owners, P.O. Box 1011, New Smyrna Beach, FL 32170-1101
RE: 5481 Pineland Avenue, Port Orange, FL 32127

Was:

- ☒ Hand-delivered
☐ Posted at the property

Recipient of hand delivered documents:

Brecky Sherrill - resident

this 15th day of March, 2018.

Time: approx. 12:40PM


Dena Joseph, Code Compliance Inspector

P I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to:
Charles & Peggy Collins, Property Owners, P.O. Box 768, Alpharetta, GA 30009
Charles & Peggy Collins, Property Owners, P.O. Box 1101, New Smyrna Beach, FL 32170-1101
RE: 5481 Pineland Avenue, Port Orange, FL 32127

Was:

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

this 21st day of March, 2018.


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.

Sec. 42-26. - Cleanliness of property generally—Duty of owner.

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Improved lot means any lot which improvements have been made, including, but not limited to, change of grade through filling or excavation, installation of water or sewer line, clearing of property to begin construction, or any other physical alteration which has significantly disturbed the natural vegetation on the site.

Undergrowth means herbaceous plants, plants and grasses with stems that wither away annually as distinguished from trees or shrubs with woody stems that live from year to year.

Unimproved lot means any lot which remains undisturbed and in a natural vegetative state.

- (b) *Purpose and intent.* The city recognizes the need to protect the health, safety and welfare of the citizens of the city through control and elimination of aesthetically displeasing and potentially dangerous accumulations of garbage, waste, trash, debris, junk and undergrowth. It is, therefore, the purpose and intent of this section to reduce or eliminate such conditions within reasonable limits by hereby establishing a duty and responsibility on the part of the owner of designated lots located within the city to keep such lot free and clear of garbage, waste, trash, debris, junk and undergrowth.
- (c) *Maintenance of commercial and industrial zoned lots.* The owner of every improved lot, piece and parcel of land located within a commercial or industrial zone within the city shall keep each such lot, piece or parcel of land free and clear of all fallen trees and limbs and undergrowth exceeding 12 inches in height. 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 12 inches within such natural areas. Owners of unimproved vacant parcels in such zones shall similarly maintain such portion of their property as lies within ten feet of any improved property, any sidewalk, roadway or bicycle path.
- (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.

- (e) *Maintenance of unimproved residential lots.* The owner of an unimproved lot in a residential zone with lot sizes of one acre or less shall keep that portion of his property abutting and within ten feet of any improved lot, sidewalk, street or bicycle path free and clear of all fallen trees and limbs, and all weeds, grass and undergrowth therein shall be cut to a height not exceeding 12 inches within such area.
- (f) *Garbage, waste, trash, etc., prohibited.* The owner of every lot, piece and parcel of land located within the city shall keep each such lot, piece and parcel of land free and clear of garbage, waste, trash, debris and junk.
- (g) *No property maintenance permit required; other restrictions and requirements applicable.* No permit shall be required for the limited property maintenance required by this section; however, the requirements, restrictions and limitations imposed by other sections of this Code and applicable provisions of the land development code pertaining to environmental preservation, tree removal, change of grade, etc., shall be effective. In the event of any conflict between this section and any other provision of this Code or applicable provision of the land development code, the other sections of this Code or applicable provisions of the land development code shall prevail and govern.
- (h) *Abutting property owner maintenance of parkages.* It shall be the duty of every owner of real property within the city to at all times cause to be cut and moved the grass and weeds, and to cause to be cut and trimmed the flowers, vines, shrubbery, and trees not exceeding six feet in height, in a manner that protects and promotes the public health, safety and welfare and presents an aesthetically pleasing appearance in those areas of the parkage most nearly abutting their properties. Parkages abutting improved residential or commercial lots shall be maintained as provided in subsection (d) of this section for improved residential lots. Parkages abutting unimproved residential lots shall be maintained as provided in subsection (e) of this section for the maintained portion of unimproved residential lots. "Parkage" is that space between the private property lot or survey line of the property owner and the paved or graded portion of the public street adjacent thereto and includes that area between a sidewalk and street. Every

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

No owner of property within the city shall permit the storage of vehicles or parts of vehicles, furniture, appliances or other personal property upon the premises, except in an enclosed building.

(Code 1981, § 10-7)

Is otherwise located on property in an apparent state of disuse or neglect, so as to render the vehicle unsightly to a reasonable person viewing the vehicle from outside the property on which the vehicle is located.

- (3) *Owner or occupant* includes the owner, lessee or sublessee of the private property on which the vehicle is located.
- (4) *Parked* means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or embarking or disembarking passengers.
- (5) *Standard vehicle cover* means a nontransparent cover which is designed, manufactured and intended to be used exclusively for the purpose of fitting over the type of vehicle.
- (6) *Vehicle* shall be defined as provided in F.S. § 316.003.

(c) *Restrictions.*

- (1) No disabled or abandoned vehicle shall remain on residentially-zoned or agriculturally-zoned private property unless such vehicle is:
 - a. Within a completely enclosed garage; or
 - b. Parked in a carport, parking space or city-approved parking area and covered solely with a standard vehicle cover in good repair, so long as any portion of the vehicle which is not covered is not in a state of disrepair.
 - (2) No disabled or abandoned vehicle parked on residentially-zoned or agriculturally-zoned private property shall be covered by material other than a standard vehicle cover in good repair unless such vehicle is parked inside a completely enclosed garage.
 - (3) No person shall oppose, obstruct, or resist any code inspector or any person authorized by the code inspector in the discharge of duties or responsibilities provided in this section or section 70-50.
- (d) *Evidence.* In order to conclude that a vehicle is disabled or abandoned, the code inspector must determine that the vehicle has been disabled or abandoned for at least 15 consecutive calendar days, or that the vehicle violates any of the criteria contained in subsection (c)(1) or (c)(2) of this section.
- (e)

Sec. 70-36. - Stopping, standing or parking prohibited in specified places.

- (a) Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic control device, no person shall:
 - (1) Stop, stand or park a motor vehicle or trailer:
 - a. On the roadway side of any motor vehicle stopped or parked at the edge of a curb of a street (i.e., double parked).
 - b. Within an intersection.
 - c. On any sidewalk or on a crosswalk.
 - d. Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of the safety zone, unless the division of road operations of the state department of transportation indicates it differently by signs or markings.
 - e. Alongside or opposite any street excavation, obstruction or vehicle when stopping, standing or parking would obstruct traffic.
 - f. Upon any bridge or elevated structure upon a highway, road or street where parking is not provided for thereon.
 - g. On any railroad tracks.
 - h. At any place where official traffic control devices prohibit stopping.
 - i. In any area containing the raised or painted traffic separator or median.
 - j. On parkage, except for private passenger vehicles, by or with authority of the owner or resident of the private property immediately adjoining such parkage, which authority shall be implied in the absence of a written complaint made by such owner or the duly authorized agent of such owner.
 - k. On any other portion of the front yard of a residential lot, except on approved driveways. As used in this section, driveways shall be constructed of the following materials:
 - 1. Concrete or paved materials;
 - 2. Nonpaved materials, excluding grass and dirt, provided that loose materials such as gravel, bark or cypress mulch are effectively contained within a border of concrete, railroad ties, or other rigid materials; or

3. Concrete paver strips, paver blocks, or other semi-pervious materials.
- (2) Within the public right-of-way, stand or park a motor vehicle or trailer, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:
 - a. Alongside any yellow curb.
 - b. In front of a public or private driveway.
 - c. Within 15 feet of a fire hydrant.
 - d. Within 20 feet of a crosswalk at an intersection.
 - e. Within 30 feet upon the approach to any flashing signal, stop sign or traffic control signal located at the side of a roadway.
 - f. Within 20 feet of the driveway entrance to any fire station and on the side of the street opposite the entrance to any fire station within 75 feet of the entrance (when proper sign posted).
 - g. At any place where official traffic control devices prohibit standing.
 - (3) Within the public right-of-way, park a motor vehicle, whether occupied or not, except temporarily for the purpose of, and while actually engaged in, loading or unloading of merchandise or passengers:
 - a. Within 50 feet of the nearest rail of a railroad crossing or bridge.
 - b. At any place where official signs prohibit parking.
 - (b) No person shall move a motor vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful.

(Code 1981, § 19-30; Ord. No. 1996-11, § 1, 5-7-96; Ord. No. 2005-9, § 1, 5-3-05; Ord. No. 2008-42, § 3, 1-20-09)

**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 17-1464**

CITY OF PORT ORANGE,
a Florida municipal corporation,
Petitioner,

CHARLES & PEGGY COLLINS
5481 PINELAND AVENUE
PORT ORANGE, FL 32127
PARCEL ID: 6315-04-08-0110
Respondent.

Recorded in the Public Records:
Instrument # 2018 083341 04/25/18
Book: 7537 Page: 841

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 April 25, 2018, 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), Charles & Peggy Collins, (hereinafter referred to as "Respondent(s)", whose mailing address is P.O. Box 768, Alpharetta, GA 30009, is/are the owner(s) of the property located at 5481 Pineland Avenue, Port Orange, FL 32127, and more particularly described as:

LOT 11 BLK 8 COMMONWEALTH MOBILE ESTATES FIRST ADD MB 29 PG 47 PER OR
4843 PG 2088 PER OR 5461 PG 3459

B. The unlicensed, inoperable vehicles onsite need to be removed, registered, or covered with an approved car cover. The entire property needs to be mowed and all high weeds on the site trimmed, along with the removal of all trash and debris and outside storage and storing items inside an enclosed building and properly parking all vehicles on an approved driveway or driveway extension. This condition was first observed at the real property described above on October 4, 2017; re-inspection was made on April 4, 2018 and the property was in compliance; however, upon re-inspection on April 24, 2018, the property was in non-compliance once again. Respondent(s) received notice via certified mail, posted on the property and City Hall on March 21, 2018, that the aforesaid conditions constituted a violation of Chapter 42, Article II, Section 42-26 (d) Maintenance of improved residential lots; (f) Garbage, Waste, Trash, etc, prohibited; Section 42-32 Storage of vehicles, furniture, etc.; Chapter 70, Article II, Section 70-49 Restrictions of Disabled or Abandoned Vehicles, (c) Restrictions, (1) (a), (b) and (2) of the City of Port Orange Code of Ordinances., and was to be corrected and remain in compliance on or before March 25, 2018.

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 removing, properly registering, or covering with an approved car cover, all inoperable/unregistered vehicles on site, removing all outside storage and storing in an enclosed building, and removing all trash and debris on or before May 6, 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 \$53.68 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.

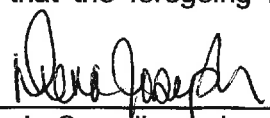
C: A certified copy of this Order may be recorded in the public records of Volusia County, Florida, and shall thereafter constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property. The findings in this Order shall be binding upon Respondent(s) 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 25th day of April, 2018.

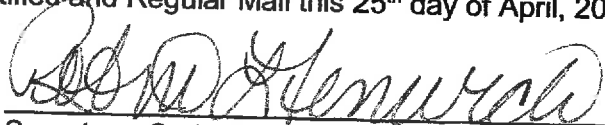
Attest: 
Secretary, Code Enforcement Special Magistrate

By: 
Code Enforcement Special Magistrate

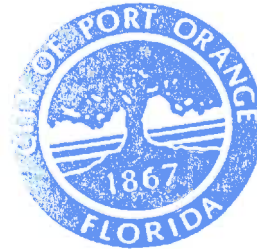
I HEREBY ACKNOWLEDGE AND AGREE that the foregoing findings are true and accurate to the best of my knowledge.


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), Charles & Peggy Collins, P.O. Box 768, Alpharetta, GA 30009 by Certified and Regular Mail this 25th day of April, 2018.


Secretary, Code Enforcement Special Magistrate

CITY OF PORT ORANGE, FLORIDA
I HEREBY CERTIFY the foregoing is a true copy
of the original filed in this office.
This document has/has not been redacted pursuant to Florida Law.
This 25 day of April, 2018.
By: 
/s/ Robin L. Fenwick



Case Cost Sheet Log

Case No. 18-324

Name	Activity	Activity_Date	Status	Cost
Carol A. Kovacs, TR & Kovacs Family Trust	Cost to mail Notice of Violation/Notice of Hearings to 709 Barlow Circle, Port Orange, FL 32127	03/23/2018	Both returned "unable to forward"	\$7.14
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law & Order	04/25/2018		\$27.00
Carol A. Kovacs, TR & Kovacs Family Trust	Cost to mail Finding of Fact, Conclusion of Law & Order to 709 Barlow Circle, Port Orange, FL 32127	04/25/2018	Both returned "unable to forward"; however, the green card was also received signed but undated.	\$7.14
Clerk of Court	Fee to record Order Imposing Fine/Lien	06/13/2018		\$44.00
Carol A. Kovacs, TR & Kovacs Family Trust	Cost to mail Order Imposing Fine/Lien to 709 Barlow Circle, Port Orange, FL 32127	06/13/2018		\$7.14

Total: 92.42



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 18-324

To: Kovacs, Carol A TR & Kovacs Family Trust
709 Barlow Circle
Port Orange, FL 32127

Re: 709 Barlow Circle
Port Orange, FL 32127

Parcel ID: 6315-04-11-0280

LEGAL DESCRIPTION: LOT 28 BLK 11 COMMONWEALTH MOBILE ESTS 1ST ADD MB 29 PG 47 PER OR 4314 PG 4611
PER OR 6299 PGS 2630-2631

Volusia County Public Records

Volusia County, FL

An inspection of the premises on March 2, 2018, indicates that certain violation(s) of the City of Port Orange Code exists.

Property owner is being notified by mail. This correspondence will serve as official notification that the below stated violation(s) must be corrected by **April 16, 2018**.

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

1. City of Port Orange Code of Ordinances, Chapter 42, Section 42-32 Storage of vehicles, furniture, etc. No owner of property within the city shall permit the storage of vehicles or parts of vehicles, furniture, appliances or other personal property upon the premises, except in an enclosed building.
 - An inspection of the property was conducted on March 2, 2018. During the inspection, I observed an assortment of outside storage occurring on the carport such as, but not limited to, extension cords, tools, lawn equipment, pieces of lattice, ladders, old motorcycles, and numerous other items, some of which can be a health and safety issue with high winds/storms. To comply with this notice, all outdoor stored items must be removed or properly stored.
2. City of Port Orange Code of Ordinances, Chapter 42, Section 42-26(f) Garbage, waste, trash, etc., prohibited. The owner of every lot, piece and parcel of land located within the city shall keep each such lot, piece and parcel of land free and clear of garbage, waste, trash, debris and junk.
 - An inspection of the property was conducted on March 2, 2018. During the inspection, I observed garbage, trash, junk and debris in the yard and under the carport. To comply with the notice, all garbage and debris must be removed from the property.
3. International Property Maintenance Code 2018, Section 304 Exterior Structure, 304.1 General The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare, 304.1.1 Unsafe Conditions The following condition shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings(11) Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings...not properly anchored with connections not capable of supporting all nominal loads and resisting all load effects.
 - An inspection of the property was conducted on March 2, 2018. During the inspection, I observed the carport roof has been damaged by the hurricanes and is a public health and safety issue. To comply with this notice, the damaged carport needs to be removed, repaired or replaced with a permit.

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 April 25, 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 \$7.14 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 **April 25, 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 **June 13, 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 22 day of March, 2018.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: J. Scott Allman
J. Scott Allman

X I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Kovacs, Carol A TR & Kovacs Family Trust, 709 Barlow Circle, Port Orange, FL 32127, RE: 709 Barlow Circle, Port Orange, FL 32127, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

X ☒ Posted at the property

this 22 day of March, 2018.

Time: approx. 10:40 A.M.



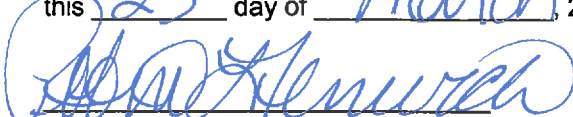
J. Scott Allman

X I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Kovacs, Carol A TR & Kovacs Family Trust, 709 Barlow Circle, Port Orange, FL 32127, RE: 709 Barlow Circle, Port Orange, FL 32127, RE: 709 Barlow Circle, Port Orange, FL 32127, was

☒ Posted at City Hall

X ☒ Sent via certified and regular

this 23 day of March, 2018.



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.

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

No owner of property within the city shall permit the storage of vehicles or parts of vehicles, furniture, appliances or other personal property upon the premises, except in an enclosed building.

(Code 1981, § 10-7)

Sec. 42-26. - Cleanliness of property generally—Duty of owner.

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Improved lot means any lot which improvements have been made, including, but not limited to, change of grade through filling or excavation, installation of water or sewer line, clearing of property to begin construction, or any other physical alteration which has significantly disturbed the natural vegetation on the site.

Undergrowth means herbaceous plants, plants and grasses with stems that wither away annually as distinguished from trees or shrubs with woody stems that live from year to year.

Unimproved lot means any lot which remains undisturbed and in a natural vegetative state.

- (b) *Purpose and intent.* The city recognizes the need to protect the health, safety and welfare of the citizens of the city through control and elimination of aesthetically displeasing and potentially dangerous accumulations of garbage, waste, trash, debris, junk and undergrowth. It is, therefore, the purpose and intent of this section to reduce or eliminate such conditions within reasonable limits by hereby establishing a duty and responsibility on the part of the owner of designated lots located within the city to keep such lot free and clear of garbage, waste, trash, debris, junk and undergrowth.
- (c) *Maintenance of commercial and industrial zoned lots.* The owner of every improved lot, piece and parcel of land located within a commercial or industrial zone within the city shall keep each such lot, piece or parcel of land free and clear of all fallen trees and limbs and undergrowth exceeding 12 inches in height. 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 12 inches within such natural areas. Owners of unimproved vacant parcels in such zones shall similarly maintain such portion of their property as lies within ten feet of any improved property, any sidewalk, roadway or bicycle path.
- (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.
- (e) *Maintenance of unimproved residential lots.* The owner of an unimproved lot in a residential zone with lot sizes of one acre or less shall keep that portion of his property abutting and within ten feet of any improved lot, sidewalk, street or bicycle path free and clear of all fallen trees and limbs, and all weeds, grass and undergrowth therein shall be cut to a height not exceeding 12 inches within such area.
- (f) *Garbage, waste, trash, etc., prohibited.* The owner of every lot, piece and parcel of land located within the city shall keep each such lot, piece and parcel of land free and clear of garbage, waste, trash, debris and junk.
- (g) *No property maintenance permit required; other restrictions and requirements applicable.* No permit

GENERAL REQUIREMENTS

302.9 Defacement of property. A person shall not willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the *owner* to restore said surface to an *approved* state of maintenance and repair.

SECTION 303 SWIMMING POOLS, SPAS AND HOT TUBS

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

303.2 Enclosures. Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier not less than 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. An existing pool enclosure shall not be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Exception: Spas or hot tubs with a safety cover that complies with ASTM F1346 shall be exempt from the provisions of this section.

SECTION 304 EXTERIOR STRUCTURE

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

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

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength.
2. The *anchorage* of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects.
3. Structures or components thereof that have reached their limit state.
4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight.

5. Structural members that have evidence of *deterioration* or that are not capable of safely supporting all nominal loads and load effects.
6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects.
7. Exterior walls that are not *anchored* to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects.
8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of *deterioration*, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects.
9. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of *deterioration* or fatigue, are not properly *anchored* or are incapable of supporting all nominal loads and resisting all load effects.
10. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.
11. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects.
12. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including *guards* and handrails, are not structurally sound, not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects.
13. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly *anchored*, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. Where substantiated otherwise by an *approved* method.
2. Demolition of unsafe conditions shall be permitted where *approved* by the *code official*.

304.2 Protective treatment. Exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than

**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 18-324**

CITY OF PORT ORANGE,
a Florida municipal corporation,
Petitioner,

Recorded in the Public Records:
Instrument # 2018 083365 04/25/18
Book: 7537 Page: 922

CAROL A. KOVACS TR & KOVACS FAMILY TRUST
709 BARLOW CIRCLE
PORT ORANGE, FL 32127
PARCEL ID: 6315-04-11-0280
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 April 25, 2018, 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), Carol A. Kovacs TR & Kovacs Family Trust, (hereinafter referred to as "Respondent(s)", whose mailing address is 709 Barlow Circle, Port Orange, FL 32127, is/are the owner(s) of the property located at 709 Barlow Circle, Port Orange, FL 32127, and more particularly described as:

LOT 28 BLK 11 COMMONWEALTH MOBILE ESTATES 1ST ADD MB 29 PG 47 PER OR 4314
PG 4611 PER OR 6299 PG 2630-2631

B. All outdoor stored items need to be removed or properly stored and all garbage and debris needs to be removed from the property, as well as removing, repairing, or replacing the damaged, car-port on the property. This condition was first observed at the real property described above on March 2, 2018; re-inspection was made on April 23, 2018 and confirmed the condition as the same. Respondent(s) received notice via certified mail, posted on the property on March 22, 2018 and at City Hall on March 23, 2018, that the aforesaid conditions constituted a violation of City of Port Orange Code of Ordinances Chapter 42, Section 42-32 Storage of vehicles, furniture, etc. and Chapter 42, Section 42-26(f) Garbage, waste, trash, etc. prohibited; and International Property Maintenance Code 2018, Section 304 Exterior Structure, 304.1 General. 304.1.1 Unsafe conditions, and was to be corrected by April 16, 2018.

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 removing or properly storing all outdoor stored items, by removing all garbage and debris and by removing, repairing, or replacing the damaged car-port on or before May 18, 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 \$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 \$41.28 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 25th day of April, 2018.

Attest: [Signature]
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), Carol A. Kovacs TR & Kovacs Family Trust, 709 Barlow Circle, Port Orange, FL 32127, by Certified and Regular Mail this 25th day of April, 2018.

CITY OF PORT ORANGE, FLORIDA
I HEREBY CERTIFY the foregoing is a true copy
of the original filed in this office.

This document has/has not been redacted pursuant to Florida Law.
This 25 day of April, 2018.

By: [Signature]
/s/ Robin L. Fenwick

[Signature]
Secretary, Code Enforcement Special Magistrate



Case Cost Sheet Log

Case No. 18-173

Name	Activity	Activity_Date	Status	Cost
Constance J. Potter & Debbie S. Potter	Cost to mail Notice of Violation/Notice of Hearings to 910 Cobblestone Lane, Port Orange, FL 32129	03/21/2018	Both green cards were signed by Debbie Potter on 3/24/18	\$13.34
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law & Order	04/25/2018		\$27.00
Constance J. Potter & Debbie S. Potter	Cost to mail Finding of Fact, Conclusion of Law & Order to 910 Cobblestone Lane, Port Orange, FL 32129	04/25/2018	Both green cards were signed for by Jessica Dockery on 5/1/18	\$13.34
Clerk of Court	Fee to record Order Imposing Fine/Lien to 910 Cobblestone Lane, Port Orange, FL 32129	06/13/2018		\$44.00
Constance J. Potter & Debbie S. Potter	Cost to mail Order Imposing Fine/Lien to 910 Cobblestone Lane, Port Orange, FL 32129	06/13/2018		\$13.34

Total: 111.02



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 18-173

To: Constance J Potter &
Debbie S Potter
910 Cobblestone Lane
Port Orange, FL 32129

Re: 910/914 Cobblestone Lane
Port Orange, FL 32129
Parcel ID: 6337-01-17-0032
LEGAL DESCRIPTION: E 125 FT OF N 100 FT OF S 275 FT OF LOT 3 BLK 17 DUNLAWTON DBM PG 137 PER OR 3734 PG 3921
Volusia County Public Records
Volusia County, FL

An inspection of the premises on February 1, 2018, indicates that certain violation(s) of the City of Port Orange Code exists.

Property owner was notified of the violations noted below and given thirty (30) days to correct. A re-inspection was done on March 12, 2018, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by April 23, 2018.

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

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

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

Chapter 1, Section 109 Emergency Measures of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances

[A] Section 109.1 Imminent Danger When, in the opinion of the code official, there is imminent danger of failure or collapse of a building or structure that endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

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

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

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

- **5** Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load effects.
- **8** Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects.

304.3 Premises Identification. Buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall not be less than 4 inches (102 mm) in height with a minimum stroke width of 0.5 inch (12.7 mm).

304.4 Structural Members. Structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads.

304.7 Roofs and Drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters, and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

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 April 25, 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 \$ 14.28 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.

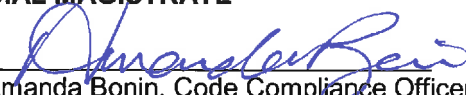
NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **April 25, 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 **June 13, 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 20th day of March 2018.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: 
Amanda Bonin, Code Compliance Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Debbie S Potter & Constance J Potter 910 Cobblestone Lane Port Orange, FL 32129, RE: 910/914 Cobblestone Lane, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

this 20th day of March, 2018.

Time: approx. 2:25 PM

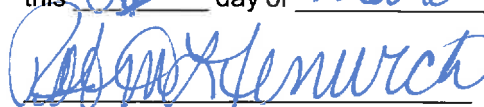

Amanda Bonin, Code Compliance Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Debbie S Potter & Constance J Potter 910 Cobblestone Lane Port Orange, FL 32129, RE: 910/914 Cobblestone Lane, was

☐ Posted at City Hall

☒ Sent via certified and regular

this 20th day of March, 2018.


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. 18-173**

CITY OF PORT ORANGE,
a Florida municipal corporation,
Petitioner,

CONSTANCE J. POTTER & DEBBIE S. POTTER
910/914 COBBLESTONE LANE
PORT ORANGE FL 32129
PARCEL ID: 6337-01-17-0032
Respondent.

Recorded in the Public Records:
Instrument # 2018 083337 04/25/18
Book: 7537 Page: 835

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 April 25, 2018, 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), Constance J. Potter & Debbie S. Potter, (hereinafter referred to as "Respondent(s)", whose mailing address is 910 Cobblestone Lane, Port Orange, FL 32129, is/are the owner(s) of the property located at 910 Cobblestone Lane, Port Orange, FL 32129, and more particularly described as:

E 125 FT OF N 100 FT OF S 275 FT OF LOT 3 BLK 17 DUNLAWTON DBM PG 137 PER OR
3734 PG 3921

B. The roof and all damaged, rotten, and deteriorating roofing components need to be replaced. This condition was first observed at the real property described above on February 1, 2018; re-inspection was made on April 25, 2018 and confirmed the condition as being the same. Respondent(s) received notice via certified mail, posted on the property and City Hall on March 21, 2018, that the aforesaid conditions constituted a violation of Chapter 1, Section 108 Unsafe Structures & Equipment; Chapter 1, Section 109 Emergency Measures; Chapter 3, Section 304 Exterior Structure, Section 304.1 General; Section 304.1.1 Unsafe Conditions; Section 304.4 Structural Members, and Section 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, and was to be corrected by April 23, 2018.

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 replacing the roof and all damaged, rotten, and deteriorating roofing components on or before June 1, 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 \$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 \$53.68 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 25th day of April, 2018.

Attest: [Signature]
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), Constance J. Potter & Debbie S. Potter, 910 Cobblestone Lane, Port Orange, FL 32129 by Certified and Regular Mail this 25th day of April, 2018.

[Signature]
Secretary, Code Enforcement Special Magistrate

CITY OF PORT ORANGE, FLORIDA
I HEREBY CERTIFY the foregoing is a true copy
of the original filed in this office.

This document has not been redacted pursuant to Florida Law.

This 25 day of April, 2018.

By: [Signature]

/s/ Robin L. Fenwick



Case Cost Sheet Log

Case No. 18-141

Name	Activity	Activity_Date	Status	Cost
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law, & Order	05/09/2018		\$27.00
Jessica Lynn Lincicome	Cost to mail Finding of Fact, Conclusion of Law & Order to 9 Raintree Drive, Port Orange, FL 32127	05/09/2018	Green card was signed but undated.	\$7.14
Clerk of Court	Fee to record Order Imposing Fine/Lien	06/13/2018		\$44.00
Jessica Lynn Lincicome	Cost to mail Order Imposing Fine/Lien to 9 Raintree Drive, Port Orange, FL 32127	06/13/2018		\$7.14

Total: 85.28



NOTICE OF VIOLATION AND NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 18-141

To: Jessica Lynn Lincicome
9 Raintree Drive
Port Orange, FL 32127

Re: 9 Raintree Drive
Port Orange, FL 32127
Parcel ID: 6321-02-00-0090

LEGAL DESCRIPTION: LOT 9 RAINTREE SUB MB 33 PG 190 PER OR 5005 PG 1399 PER OR 5049 PG 4693 PER OR 6857 PG 1837
Volusia County Public Records
Volusia County, FL

An inspection of the premises on January 30, 2018, indicates that certain violation(s) of the City of Port Orange Code exists.

A re-inspection was done on March 7, 2018, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by **May 3, 2018**.

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

1. City of Port Orange Code of Ordinances, Chapter 42, Article V, Division 2 (Nuisance Trees), Section 42-103, (Declaration of Nuisance), (a)(2): It is declared and determined by the city council that the following shall each individually or in any combination be considered a nuisance when they exist upon any lot, lots or adjacent lots, within the City of Port Orange. The definition of a nuisance tree means a tree that poses a hazard or threat to public health, safety or welfare by threatening the public rights-of-way, public property, occupied public easements or the provision of public utilities, according to Section 42-102.
 - I observed two nuisance trees on the property that appear to be dead and will affect the city right of way if they were to fall. To comply with this notice, the trees need to be removed from the property.
2. City of Port Orange Code of Ordinances, Chapter 42, Section 42-26 (Cleanliness of property generally—Duty of Owner), (d) Maintenance of improved residential lots: The owner of an improved lot in a residential zone with lot sizes of one acre or less shall keep such lot free and clear of all fallen trees and limbs. All weeds, grass and undergrowth shall be cut to a height not exceeding ten inches.
 - I observed high weeds and grass on the property. To comply with this notice, the entire property needs to be mowed and all high weeds trimmed.

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 May 9, 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 **May 9, 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 **June 13, 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 30 day of March, 2018.

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 Jessica Lynn Lincicome, RE: 9 Raintree Drive, Port Orange, FL 32127, was

☒ Hand-delivered

Recipient of hand delivered documents: Jessica Lincicome

☒ Posted at the property

this 4 day of April, 2018.

Time: approx. 3:20 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 Jessica Lynn Lincicome, RE: 9 Raintree Drive, Port Orange, FL 32127, was

☒ Posted at City Hall

☐ Sent via certified and regular

this 8 day of May, 2018.



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. 18-141**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

JESSICA LYNN LINCICOME
9 RAINTREE DRIVE
PORT ORANGE FL 32127
PARCEL ID: 6321-02-00-0090

Recorded in the Public Records:
Instrument # 2018 093797 05/09/18
Book: 7543 Page: 1237

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 May 9, 2018, 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), Jessica Lynn Lincicome, (hereinafter referred to as "Respondent(s)", whose mailing address is 9 Raintree Drive, Port Orange, FL 32127, is/are the owner(s) of the property located at 9 Raintree Drive, Port Orange, FL 32127, and more particularly described as:

LOT 9 RAINTREE SUB MB 33 PG 190 PER OR 5005 PG 1399 PER OR 5049 PG 4693 PER
OR 6857 PG 1837

B. Nuisance trees need to be removed from the property and the entire yard needs to be mowed and all high weeds trimmed. This condition was first observed at the real property described above on January 30, 2018; re-inspection was made on May 7, 2018 and confirmed the condition as being the same. Respondent(s) received notice via hand delivery on April 4, 2018 and by posting at City Hall on May 8, 2018, that the aforesaid conditions constituted a violation of Chapter 42, Article V, Division 2 (Nuisance Trees), Section 42-103, (Declaration of Nuisance), (a)(2) and Chapter 42, Section 42-26 (Cleanliness of property generally-Duty of Owner), (d) Maintenance of improved residential lot, and was to be corrected by May 3, 2018.

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.

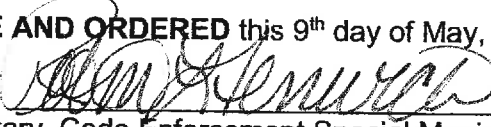
ORDER:

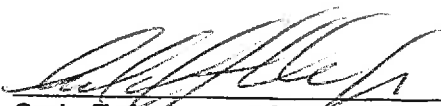
A. Respondent(s) shall correct the aforesaid violation by removing both nuisance trees from the property and by mowing the entire yard and trimming all high weeds on or before May 23, 2018. ("Compliance Date"). In the event that the property is not brought into compliance on or before the Compliance Date, and/or not maintained in a state of compliance, a daily fine of \$50.00 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 \$34.14 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 9th day of May, 2018.

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.

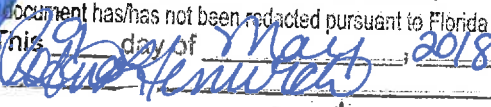

Code Compliance Inspector

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), Jessica Lynn Lincicome, 9 Raintree Drive, Port Orange, FL 32127 by Certified and Regular Mail this 9th day of May, 2018.



CITY OF PORT ORANGE, FLORIDA
I HEREBY CERTIFY the foregoing is a true copy of the original filed in this office.

This document has/has not been redacted pursuant to Florida Law.

This 9 day of May, 2018.
By: 

/s/ Robin L. Fenwick