



AGENDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF PORT ORANGE

Meeting Date: Wednesday, August 8, 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 - July 11, 2018

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. CEB Case No.: 18-887

Respondent: Beacon Coast Investments HOA

Address of Violation: 5467 St. Regis Way, Port Orange, FL 32128

Code Officer: Amanda Bonin

First Notified: 03/05/2018

Compliance: No

Cited for violation(s) - City of Port Orange Land Development Code Chapter 10, Clearing, Grading, and Stormwater Management, Article 2 Stormwater Management, Section 13, Maintenance.

4. CEB Case No.: 18-866

Respondent: Federal National Mortgage Assoc

Address of Violation: 52 Woodfield Dr., Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 06/07/2018

Compliance: No

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

2018 International Property Maintenance Code, Chapter 3, Section 304 Exterior Structure, as adopted per Chapter 14, Article II of the City of Port Orange Code of

Ordinances: 304.1.1 Unsafe Conditions.

C. ORDER IMPOSING FINE/LIEN

5. CEB Case No.: 18-103 (Continued from 6/13/18 & 6/11/18)

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.

6. 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: 03/22/2018

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).

7. CEB Case No.: 18-324 (Continued from 6/13/18 & 7/11/18)

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.

8. **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: 10/30/2017

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.

9. **CEB Case No.:** 18-478

Respondent: Jerome J. Tobolski, Jeffrey Tobolski, and Amy Tobolski

Address of Violation: 683 Reillys Road, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 04/03/2018

Compliance: No

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

10. **CEB Case No.:** 18-594

Respondent: Dennis C. Pentzien

Address of Violation: 1707-3960 Willow Trail Run, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 04/27/2018

Compliance: No

Cited for violation(s) - 2018 International Property Maintenance Code, Chapter 5 (Plumbing Facilities and Fixture Requirements), Section 505 (Water System), 505.1 General as adopted by the City of Port Orange Code of Ordinances, Chapter 14, Article II, Section 14-26.

11. **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.

12. **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.

13. **CEB Case No.:** 18-0313

Respondent: Robert Detko

Address of Violation: 408 Virginia Avenue, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 02/06/2018

Compliance: No

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

Chapter 42, (Nuisances), Article II, (Garbage, Junk and Undergrowth), Section 42-26, (Cleanliness of Property Generally-duty of owner), (f) Garbage, waste, trash, etc. prohibited of the City of Port Orange Code of Ordinances.

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

Chapter 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.

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

City of Port Orange Land Development Code, Chapter 16 (Miscellaneous Regulations), Section 1 (Accessory Uses and Structures), (e) Outside Storage.

14. CEB Case No.: 18-0241

Respondent: Jennifer L. Chalkley

Address of Violation: 5836 Riverside Drive, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 02/16/2018

Compliance: No

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

Chapter 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 70 (Traffic), Article II (Stopping, standing, and parking), Section 70-36 (Stopping, standing or parking prohibited in specified places) of the City of Port Orange Code of Ordinances.

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

15. CEB Case No.: 18-0507

Respondent: Steven Scott Lanier

Address of Violation: 5439 Rogers Avenue, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 04/09/2018

Compliance: No

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

Chapter 42, (Nuisances), Article II, (Garbage, Junk and Undergrowth), Section 42-26, (Cleanliness of Property Generally-duty of owner), (f) Garbage, waste, trash, etc. prohibited of the City of Port Orange Code of Ordinances.

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.

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

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.

16. **CEB Case No.:** 18-0505

Respondent: Matthew Brandt

Address of Violation: 5478 Rogers Avenue, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 04/09/2018

Compliance: No

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

Chapter 42, (Nuisances), Article II, (Garbage, Junk and Undergrowth), Section 42-26, (Cleanliness of Property Generally-duty of owner), (f) Garbage, waste, trash, etc. prohibited of the City of Port Orange Code of Ordinances.

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.

17. **CEB Case No.:** 18-0074

Respondent: Mark E. Davidson

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

Code Officer: Dena Joseph

First Notified: 01/16/2018

Compliance: No

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

18. **CEB Case No.:** 18-0075

Respondent: Mark E. Davidson

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

Code Officer: Dena Joseph

First Notified: 01/16/2018

Compliance: No

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

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
JULY 11, 2018

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

PRESENT: David Fuller, Special Magistrate

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

Attorney Overview of Special Magistrate Code Enforcement Process

Special Magistrate Fuller provided an overview to the members of the public in attendance.

Consideration of Minutes

Special Magistrate Branch approved the June 27, 2018 meeting minutes as presented.

Oaths

Code Compliance Inspectors and the Code Enforcement Manager were sworn in by Special Magistrate Fuller.

FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 18-0815

Respondent: Jacqueline M. Sale

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

Code Officer: Scott Allman

First Notified: 05/29/2018

Compliance: No

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

Scott Allman, 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 immediately as this is a repeat violation by mowing the entire property and trimming all high weeds. Re-inspections were conducted on June 4, 2018, June 8, 2018 and July 9, 2018 and found the property remains in non-compliance. The property was found in violation under CEB Case #15-48.

Mr. Allman recommended the property owners be found in violation of the above referenced code with the violations to be corrected on or before July 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, the City shall have the option to abate the violation. 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 be considered repeat. Mr. Allman also requested the violation be deemed a health, safety, and welfare concern. The cost sheet in the amount of \$41.28 was tendered into evidence and accepted by Special Magistrate Fuller with no objections. No fine was requested as the property is in foreclosure.

Special Magistrate Fuller granted the recommendations as presented. The property owner has until July 18, 2018 to bring the property into compliance as to all violations cited and shall notify the code officer for re-inspection or the City shall have the option to abate the violations. The costs to date of \$41.28 will be ordered as well.

4. CEB Case No.: 18-0854

Respondent: Sonoa L. Mulder

Address of Violation: 253 Devon Street, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 06/07/2018

Compliance: No

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

Chapter 42, (Nuisances), Article II, (Garbage, Junk and Undergrowth), Section 42-26, (Cleanliness of Property Generally-duty of owner), (f) Garbage, waste, trash, etc. prohibited of the City of Port Orange Code of Ordinances,

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

Chapter 70 (Traffic), Article II (Stopping, standing, and parking), Section 70-36 (Stopping, standing or parking prohibited in specified places) of the City of Port Orange Code of Ordinances.

Mr. Allman requested the case be dismissed as it is in compliance. Special Magistrate Fuller granted the dismissal.

5. CEB Case No.: 17-1588

Respondent: Steven Joseph Srno

Address of Violation: 1166 N. Tracy Drive, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 10/20/2017

Compliance: No

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

Chapter 42, (Nuisances), Article II, (Garbage, Junk and Undergrowth), Section 42-26, (Cleanliness of Property Generally-duty of owner), (f) Garbage, waste, trash, etc. prohibited of the City of Port Orange Code of Ordinances,

Chapter 42, (Nuisances), Article II, (Garbage, Junk and Undergrowth), Section 42-26, (Cleanliness of Property Generally-duty of owner), (h) Abutting property owner maintenance of parkages.

City of Port Orange Land Development Code Chapter 16 Miscellaneous Regulations Section 3: Fences and walls. Modified (b) General provisions (4) Design and maintenance (b).

Chapter 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.

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, 304.1.1 Unsafe Conditions and 304.13 Window, Skylight, and door frames.

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 June 28, 2018 by mowing

and trimming all high weeds and grass on the property, removing the dilapidated fence, removing all trash and debris, turning the water and electricity on as the house is uninhabitable without running water or electricity, and replacing the broken windows if the home is occupied or board them if it is vacant, and repairing or replacing the garage door. A Permit is required for the replacement of any windows or exterior doors. Re-inspections were conducted on July 9, 2018 and found the property remains in non-compliance.

Daniel Pici, neighbor, was sworn in and testified as to the condition of the property, specifically the lack of power and rats and snakes on the property.

Ms. Bonin recommended the property owners be found in violation of the above referenced code with the violations to be corrected on or before July 20, 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 in the amount of \$250.00 per day shall be imposed for every day the violation continues. The City shall have the option to abate the violation as it is a health, safety, and welfare concern. 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 \$41.49 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 July 20, 2018 to bring the property into compliance as to all violations cited and shall notify the code officer for re-inspection or the City shall have the option to abate the violations. The costs to date of \$41.49 will be ordered as well.

6. CEB Case No.: 18-864

Respondent: James Standfast

Address of Violation: 1114 Morgan Road, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 05/24/2018

Compliance: No

Cited for violation(s) - Chapter 42, (Nuisances), Article II, (Garbage, Junk and Undergrowth), Section 42-26, (Cleanliness of Property Generally-duty of owner), (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.

Ms. Bonin 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 immediately as it is a repeat violation by removing all trash, debris, and outside storage. Re-inspections were conducted on June 27, 2018 and July 9, 2018 and found the property remains in non-compliance.

James Standfast, property owner, testified as to his health issues and said he would be diligent to keep his property clean.

Paul Krinjak, neighbor, testified as to the condition of the property. He testified as to the continued non-compliance.

Gail Hendrickson, neighbor, also testified as to the condition of the property and the constant state of the junk and debris in the yard.

Ms. Bonin recommended the property owners be found in violation of the above referenced code. The property was brought into compliance on July 9, 2018; however, Ms. Bonin recommended a flat fine in the amount of \$150.00 be imposed for the repeat violation. Ms. Bonin requested any future violations under this ordinance be considered repeat violations. The daily fine will begin on the day of posting the notice on the property. Special Magistrate Fuller explained to Mr. Standfast that it is his responsibility to notify the Code Compliance Inspector for re-inspection when the property is brought into compliance. 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 found the property in violation until July 9, 2018 and granted the flat fine of \$150.00 for the repeat violation. Special Magistrate Fuller explained the daily fine of \$150.00 that will be imposed for every day should the property be in non-compliance again. The daily fine will begin on the day of posting the notice on the property. Special Magistrate Fuller explained to Mr. Standfast that it is his responsibility to notify the Code Compliance Inspector for re-inspection when the property is brought into compliance. The costs to date of \$41.28 are ordered as well.

7. CEB Case No.: 18-865

Respondent: James Standfast

Address of Violation: 1120 Kane Drive, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 05/24/2018

Compliance: No

Cited for violation(s) - Chapter 42, (Nuisances), Article II, (Garbage, Junk and Undergrowth), Section 42-26, (Cleanliness of Property Generally-duty of owner), (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.

Ms. Bonin 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 immediately as it is a repeat violation by removing all trash, debris, and outside storage. Re-inspections were conducted on June 28, 2018 and July 9, 2018 and found the property remains in non-compliance.

Ms. Bonin recommended the property owners be found in violation of the above referenced code. The property was brought into compliance on July 9, 2018; however, Ms. Bonin recommended a flat fine in the amount of \$500.00 be imposed for the repeat violation. Ms. Bonin requested any future violations under this ordinance be considered repeat violations. 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 found the property in violation until July 9, 2018 and granted the flat fine of \$500.00 for the repeat violation. Special Magistrate Fuller again explained the daily fine of \$500.00 that will be imposed for every day should the property be in non-compliance again. The daily fine will begin on the day of posting the notice on the property. Special Magistrate Fuller again explained to Mr. Standfast that it is his responsibility to notify the Code Compliance Inspector for re-inspection when the property is brought into compliance. The costs to date of \$41.28 will be ordered as well.

8. CEB Case No.: 18-427

Respondent: Roxie D. Fain

Address of Violation: 1115 Morgan Road, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 03/29/2018

Compliance: Yes

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

Debbie Pearson, Code Compliance Manager, requested the case be dismissed as it is in compliance. Special Magistrate Fuller granted the dismissal.

9. CEB Case No.: 18-0551

Respondent: James D. Miller

Address of Violation: 5428 Isabelle Avenue, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 04/23/2018

Compliance: No

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

Ms. Pearson requested the case be dismissed as it is in compliance. Special Magistrate Fuller granted the dismissal.

10. CEB Case No.: 18-0799

Respondent: Ethel M. McCarthy

Address of Violation: 5408 Christianity Ave., Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 05/25/2018

Compliance: No

Cited for violation(s) - 2018 International Property Maintenance Code, Chapter 3, Section 304 Exterior Structure, as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: 304.7 Roofs and drainage,

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.

Ms. Pearson requested a dismissal as the property owner has changed and a new notice will be needed. Special Magistrate Fuller granted the dismissal.

ORDER IMPOSING FINE/LIEN

11. CEB Case No.: 18-103 (Continued from 6/13/18)

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.

Ms. Bonin requested a continuance to the August 8, 2018. Special Magistrate Fuller granted the continuance.

12. CEB Case No.: 17-1882

Respondent: Barbara & Richard L. Divoll

Address of Violation: 164 Sweetgum Lane, Port Orange, FL 32129

Code Officer: Dennis Boehmer

First Notified: 12/12/2017

Compliance: No

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

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.

Dennis Boehmer, Code Compliance Inspector, was sworn in by Special Magistrate Fuller and testified as to the continued non-compliance as to the high weeds and grass and the removal or replacement of the dilapidated fence that should have been in compliance on or before July 6, 2018. The high weeds and grass have been corrected but the fence remains in disrepair. He requested an Order Imposing Fine/Lien against the property owners in the amount of \$250.00 per day beginning July 6, 2018 until the property is brought into compliance. Costs in the amount of \$111.02 were requested.

Special Magistrate Fuller granted the recommendation as presented.

13. CEB Case No.: 18-141 (Continued from 6/13/18)

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 of improved residential lots.

Mr. Allman testified as to the continued non-compliance that should have been in compliance on or before May 23, 2018 or a fine of \$50.00 per day would be imposed. The property was brought into compliance by the City's vendor at the cost of \$875.00. He requested an Order Imposing Fine/Lien against the property owners in the amount of \$50.00 per day beginning May 23, 2018 until the property was brought into

compliance on June 18, 2018. Costs in the amount of \$85.28 were requested. The total amount due is \$2,260.28.

Special Magistrate Fuller granted the recommendation as presented. A lien will be imposed for \$2,260.28.

14. CEB Case No.: 18-324 (Continued from 6/13/18)

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.

Mr. Allman requested a continuance as the vendor has not been able to abate the violation yet. Special Magistrate Fuller granted the continuance until August 8, 2018.

PUBLIC COMMENTS – There were no public comments.

ADJOURNMENT – 10:22 a.m.

Special Magistrate David Fuller

Case Cost Sheet Log

Case No. 18-887

Name	Activity	Activity_Date	Status	Cost
Beacon Coast Investments HOA	Cost to mail Notice of Violation/Notice of Hearings to 544 Pelican Bay Drive, Daytona Beach, FL 32119-8322 via certified & regular mail	06/15/2018	Certified mail was returned "unclaimed"	\$7.14
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law & Order	08/08/2018		\$27.00
Beacon Coast Investments HOA	Cost to mail Finding of Fact, Conclusion of Law, & Order to 544 Pelican Bay Drive, Daytona Beach, FL 32119-8322 via certified & regular mail	08/08/2018		\$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. 18-887

To: Beacon Coast Investments HOA
544 Pelican Bay Drive
Daytona Beach, FL 32119-8322

Re: 5467 ST Regis Way, Port Orange, 32128
Port Orange, FL 32128
Parcel ID: 6319-21-00-0002

LEGAL DESCRIPTION: COMMON AREAS A & B THE VINEYARDS PHASE II MB 46 PG 56
Volusia County Public Records
Volusia County, FL

An inspection of the premises on March 5, 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 June 22, 2018.

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

City of Port Orange Land Development Code Chapter 10 Clearing, Grading, And Stormwater Management, Article 2 Stormwater Management, **Section 13: - Maintenance**. The installed system(s) required by this article shall be maintained by the owner except where the city specifically accepts a certain system for maintenance. The selection of critical areas and/or structures to be maintained by the city shall be recommended to the city council by the department. All areas and/or structures to be maintained by the city must be conveyed to the city by plat or separate instrument and accepted by the city council. The owner shall provide adequate easements with respect to system(s) to be maintained by the owner to permit the city to inspect and, if necessary, to take corrective action should the owner fail to maintain the system(s). The operation and maintenance entity shall inspect the stormwater or surfacewater management system every two years after construction to verify the system is functioning as designed and permitted. The operation and maintenance entity must maintain a record of each required inspection, including the date of the inspection, the name, address, and telephone number of the inspector, whether the system was functioning as designed and permitted and if required, the corrective action taken. These records shall be available for inspection upon request by the city during normal business hours.

Initial inspection, I observed the pond to be overgrown with vegetation and not being maintained. Most recent inspection, shows the same. The pond needs to be maintained on a regular basis. The overgrowth of vegetation in and around the edges of the pond, especially the North end needs to be cleaned out and it was reported the wier is not properly functioning. This needs to be tested and it does not function properly, it needs to be repaired.

Attachments: ☐ Copy of code ☐ Copy of Deed ☐ Copy of Tax Roll

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

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

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

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate August 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 **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 **August 8, 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 **September 12, 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 14th day of June, 2018.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Amanda Bonin
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 Beacon Coast Investments HOA 544 Pelican Bay Drive Daytona Beach, FL 32119-8322, RE: 5467 ST Regis Way, Port Orange, 32128, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

this 14th day of June, 2018.

Time: approx. 2:10pm

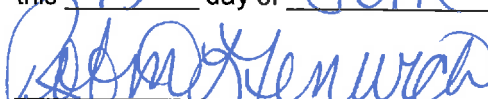

Amanda Bonin, Code Compliance Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Beacon Coast Investments HOA 544 Pelican Bay Drive Daytona Beach, FL 32119-8322, RE: 5467 ST Regis Way, Port Orange, 32128, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 15 day of June, 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. 18-866

Name	Activity	Activity_Date	Status	Cost
Federal National Mortgage Assoc	Cost to mail Notice of Violation/Notice of Hearing to 4153 Broadway, Kansas City, MO 64111 via certified and regular mail	06/14/2018	Green card was returned signed by S. Cutcliff on 6/18/18	\$7.14
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law & Order	08/08/2018		\$27.00
Federal National Mortgage Assoc	Cost to mail Finding of Fact, Conclusion of Law, & Order to 4153 Broadway, Kansas City, MO 64111 via certified and regular mail	08/08/2018		\$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. 18-866

To: Federal Natl Mortgage Assoc
4153 Broadway
Kansas City, MO 64111

Re: 52 Woodfield Dr.
Port Orange, FL 32129
Parcel ID: 6307-01-00-0520

LEGAL DESCRIPTION: LOT 52 RAVENWOOD SUB MB 33 PGS 170-171 INC PER OR 4187 PG 0728 PER UNREC D/C
PER D/C 5960 PG 2457 PER OR 7131 PG 3635 PER OR 7546 PG 1377
Volusia County Public Records
Volusia County, FL

An inspection of the premises on June 7, 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 **June 29, 2018**.

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

1. Chapter 42, (Nuisances), Article II (Garbage, junk, and undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), (d) (Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances. The owner of an improved lot in a residential zone with lot sizes of one acre or less shall keep such lot free and clear of all fallen trees and limbs. All weeds, grass and undergrowth shall be cut to a height not exceeding ten inches. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than ten inches within such natural areas. (f) Garbage, waste, trash, etc., prohibited. The owner of every lot, piece, and parcel of land located within the city shall keep each such lot, piece, and parcel of land free and clear of garbage, waste, trash, debris and junk.
 - The initial inspection of this property found high weeds and grass and trash on site. To correct the violation, the entire property needs to be mowed and all high weeds and grass trimmed including the area in the back by the fence that has high weeds in the vegetation area. All trash and debris must be removed from the property as well.
2. Chapter 3, Section 304 Exterior Structure of the 2018 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: 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: (8) Roofing of 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.
 - The initial inspection of this property found a roof in disrepair. To correct the violation, the roof either needs to be repaired or replaced.

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

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

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

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

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

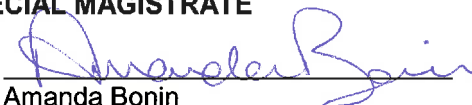
NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **August 8, 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 **September 12, 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 13th day of June, 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 Federal Natl Mortgage Assoc, 4153 Broadway, Kansas City, MO 64111, RE: 52 Woodfield Dr., Port Orange, FL 32129, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

this 13th day of June, 2018.

Time: approx. 2:27 pm

Amanda Bonin
Amanda Bonin

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Federal Natl Mortgage Assoc, 4153 Broadway, Kansas City, MO 64111, RE: 52 Woodfield Dr., Port Orange, FL 32129, was

☐ Posted at City Hall

☒ Sent via certified and regular

this 14 day of June, 2018.

James H. Henshaw
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 (Continued from 6/13/18 & 6/11/18)

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	08/08/2018		\$44.00
William & Balbina McDaniels	Cost to mail Order Imposing Fine/Lien to Property Owners at 1218 Jeffery Drive, Port Orange, FL 32129	08/08/2018		\$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.

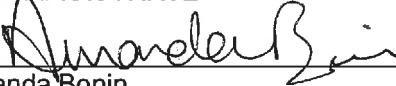
NOTICE OF HEARING SETTING FINE AND LIEN

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

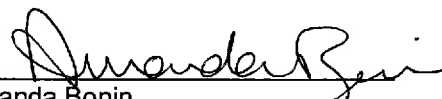
By: 
Amanda Bonin

☒ 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

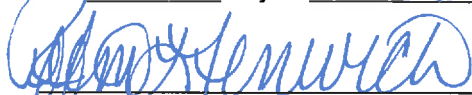
By: 
Amanda Bonin

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☒ 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.

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. 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
Clerk of Court	Fee to record Order Imposing Fine/Lien	08/08/2018		\$44.00
Robert J. Kiecksee	Cost to mail Order Imposing Fine/Lien to 1108 Little Garden Cir., Port Orange, FL 32129	08/08/2018		\$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. 18-395

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.

**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 18-395**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Recorded in the Public Records:
Instrument # 2018 120716 06/14/18
Book: 7558 Page: 4071

Petitioner,

ROBERT J. KIECKSEE
1108 LITTLE GARDEN CIRCLE
PORT ORANGE, FL 32129
PARCEL ID: 6305-09-00-0360

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 June 13, 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. Respondents, ROBERT J KIECKSEE, whose mailing address is 1108 Little Garden Circle, Port Orange, FL 32129, is the owner of the property located at 1108 Little Garden Circle, Port Orange, FL 32129, and more particularly described as:

LOT 36 TRACT II BENNETTS HAMMOCK REPLAT MB 42 PG 138 PER OR 4239 PG 2706

B. The property was to be mowed of all high weeds/grass and the over grown cacti leaning over the walkway were to be trimmed back as they pose a health & safety concern. The garbage and debris lying around the front walkway was to be removed along with all stored items in and around the front porch as well as the driveway. These items include an oxygen bottle, plastic cans/buckets, recycle bins, storage containers, push cart, and other miscellaneous items. This condition was first observed at the real property described above on March 22, 2018; re-inspections made on April 6, 2018 and June 11, 2018 confirmed the condition as being the same. Respondent received notice via certified mail and posting at City Hall on April 30, 2018, as well as posted on the property on April 25, 2018, that the aforesaid conditions constituted a violation of 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; and

Section 42-32 Storage of vehicles, furniture, appliances or other personal property upon the premises, except in an enclosed building, and was to be corrected by May 6, 2018.

C. At the time of the hearing, the violations cited above: ☒ continued 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(s) in that the Respondent(s) failed, on or before the date set in the notice of violation, to remedy the conditions of as stated is therefore subject to the provisions of the City of Port Orange Municipal Code 2.207.

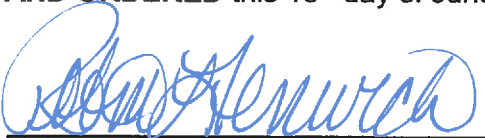
ORDER:

A. Respondent(s) shall correct the aforesaid violation by mowing & trimming all high weeds/grass, underbrush & Cacti, removing all outside storage along with all trash, garbage and debris on or before June 25, 2018 ("Compliance Date"). 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. 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.

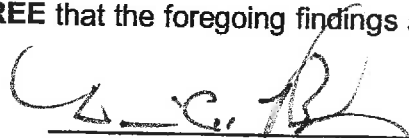
C. A certified copy of this Order may be recorded in the public records of Volusia County, Florida, and shall thereafter constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property. The findings in this Order shall be binding upon Respondent(s) 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 13th day of June, 2018.

Attest: 
Secretary, Code Enforcement Special Magistrate

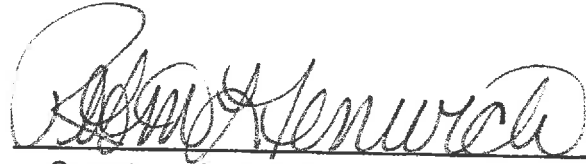
By: 
Code Enforcement Special Magistrate

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

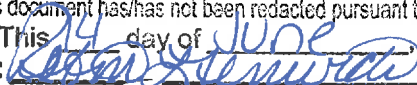


Code Compliance Inspector

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), ROBERT J KIECKSEE, 1108 Little Garden Circle, Port Orange, FL 32129 by Certified and Regular Mail this 13 day of June, 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 14 day of JUNE, 2018.
By: 

/s/ Robin L. Fenwick



Case Cost Sheet Log

Case No. 18-324 (Continued from 6/13/18 & 7/11/18)

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		\$18.50
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	08/08/2018		\$44.00
Carol A. Kovacs, TR & Kovacs Family Trust	Cost to mail Order Imposing Fine/Lien to 709 Barlow Circle, Port Orange, FL 32127	08/08/2018		\$7.14

Total: 83.92



**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.



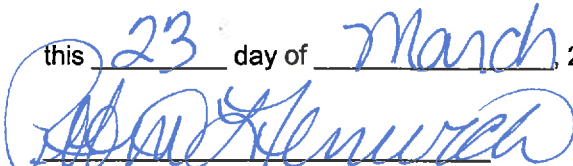
J. Scott Allman

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.

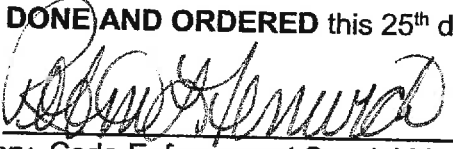
ORDER:

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.

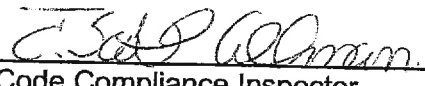
C. A certified copy of this Order may be recorded in the public records of Volusia County, Florida, and shall thereafter constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property. The findings in this Order shall be binding upon Respondent(s)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

By: 
Code Enforcement Special Magistrate

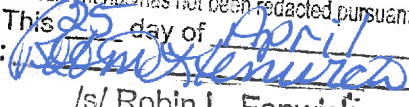
I HEREBY ACKNOWLEDGE AND AGREE that the foregoing findings are true and accurate to the best of my knowledge.

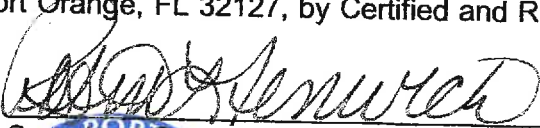

Code Compliance Inspector

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), 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: 
/s/ Robin L. Fenwick


Secretary, Code Enforcement Special Magistrate



Case Cost Sheet Log

Case No. 17-1666

Name	Activity	Activity_Date	Status	Cost
Home Sweet Home Services, LLC	Cost to mail Notice of Violation/Notice of Hearing to 907 Beville Road, South Daytona, FL 32119	04/23/2018	Green card was signed by J. Anderson on 4/25/18	\$7.14
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law, and Order	05/23/2018		\$27.00
Home Sweet Home Services, LLC	Cost to mail Notice of Violation/Notice of Hearing to 907 Beville Road, South Daytona, FL 32119	05/23/2018	Green card was signed by J. Anderson on 5/29/18	\$7.14
Clerk of Court	Fee to record Order Imposing Fine/Lien	08/08/2018		\$44.00
Home Sweet Home Services, LLC	Cost to mail Order Imposing Fine/Lien to 907 Beville Road, South Daytona, FL 32119	08/08/2018		\$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. 17-1666

To: Home Sweet Home Services, LLC
907 Beville Rd., Port Orange, FL 32129

Re: 914 N Lakewood Terrace

Port Orange, FL 32127

Parcel ID: 6316-07-00-0180

LEGAL DESCRIPTION: LOT 18 COUNTRYSIDE PUD UNIT III-B MB 38 PG 158 PER OR 4501 PG 0017 PER OR 7035 PG 3363 PER OR 7190 PGS 4359-4360

Volusia County Public Records

Volusia County, FL

An inspection of the premises on October 30, 2017, indicates that certain violation(s) of the City of Port Orange Code exists.

Property owner was notified of the violations noted below and given ten days to correct. A re-inspection was done on April 16, 2018, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by **May 17, 2018**.

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

Sixth Edition (2017) Florida Building Code, Section 105.1 (Permits Required) as adopted by Chapter 8, Article 1 of the City of Port Orange Land Development Code.: 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 work being conducted on the property (porch enclosure) without a building permit. To correct the violation, the room must be restored to its original condition, or a building permit must be applied for and issued by the above date. A penalty will be added to the building permit for work without 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 May 23, 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 \$ 7.19 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 23, 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 27, 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 18 day of April, 2018.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Scott Allman
Scott Allman

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Home Sweet Home Services, LLC, 907 Beville Rd., Port Orange, FL 32129, RE: 914 N Lakewood Terrace, Port Orange, FL 32127, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

Time: approx. 3:10 p.m.

this 20 day of April, 2018.

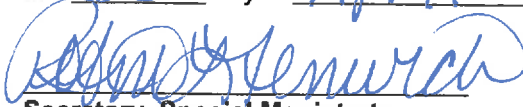
Scott Allman
Scott Allman

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Home Sweet Home Services, LLC, 907 Beville Rd., Port Orange, FL 32129, RE: 914 N Lakewood Terrace, Port Orange, FL 32127, was

☒ Posted at City Hall

☒ Sent via certified and regular

South Daytona, FL 32119
this 23 day of April, 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. 17-1666**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

Recorded in the Public Records:
Instrument #2018105042 5-23-18
Book: 7549 Page: 2023

HOME SWEET HOME SERVICES, LLC
914 N. LAKEWOOD TERRACE
PORT ORANGE, FL 32127
PARCEL ID: 6316-07-00-0180

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 23, 2016, 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. Respondents, HOME SWEET HOME SERVICES, LLC, whose mailing address is 907 Beville Road, South Daytona, FL 32119, is the owner of the property located at 914 N. Lakewood Terrace, Port Orange, FL 32127, and more particularly described as:

LOT 18 COUNTRYSIDE PUD UNIT III-B MB 38 PG 158 PER OR 4501 PG 0017 PER OR 7035 PG
3363 PER OR 7190 PGS 4359-4360

B. A building permit is needed to enclose the porch or the porch must be restored to its original condition. This condition was first observed at the real property described above on October 30, 2017; re-inspections made on May 18, 2018 confirmed the condition as being the same. Respondent received notice via certified mail and posting at City Hall on April 23, 2018, as well as posted on the property on April 20, 2018, that the aforesaid conditions constituted a violation of Sixth Edition (2017) Florida Building Code, Section 105.1 (Permits Required) as adopted by Chapter 8, Article 1 of the City of Port Orange Land Development Code. Failure to Obtain a Building Permit, and was to be corrected by May 17, 2018.

C. At the time of the hearing, the violations cited above: ☒ continued 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(s) in that the Respondent(s) failed, on or before the date set in the notice of violation, to remedy the conditions of 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 restoring the porch to its original condition or by obtaining a permit for enclosing the porch on or before August 7, 2018 ("Compliance Date"). 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. 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 22nd day of May, 2018.

Attest:



Secretary, Code Enforcement Special Magistrate

By:



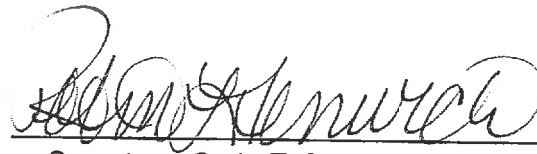
Code Enforcement Special Magistrate

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), HOME SWEET HOME SERVICES, LLC, 907 Beville Road, South Daytona, FL 32119 by Certified and Regular Mail this 23 day of May, 2018.

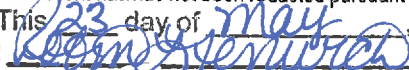


Secretary, Code Enforcement Special Magistrate

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 23 day of May, 2018.
By: 

/s/ Robin L. Fenwick



Case Cost Sheet Log

Case No. 18-478

Name	Activity	Activity_Date	Status	Cost
Property owners	Cost to mail Notice of Violation/Notice of Hearings to 470 Longwood Hills Drive, Longwood, FL 32750	05/24/2018	Certified mail was returned unclaimed	\$14.28
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law & Order	06/27/2018		\$27.00
Property owners	Cost to mail Finding of Fact, Conclusion of Law & Order	06/27/2018	Certified mail was returned unclaimed	\$21.42
Clerk of Court	Fee to record Order Imposing Fine/Lien	08/08/2018		\$44.00
Property owners	Cost to mail Order Imposing Fine/Lien to 470 Longwood Hills Drive, Longwood, FL 32750	08/08/2018		\$21.42

Total: 128.12



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 18-478

To: Jerome J Tobloski
Jeffrey M & Amy Tobloski
470 Longwood Hills Dr
Longwood, FL 32750

Re: 683 Reillys Rd
Port Orange, FL 32127
Parcel ID: 6320-02-03-0210

LEGAL DESCRIPTION: LOT 21 BLK 3 SWEETWATER HILLS UNIT 1 MB 34 PG 191 PER OR 4066 PG 4141 PER OR 7147 PG 3838

Volusia County Public Records
Volusia County, FL

An inspection of the premises on April 3, 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 five days to correct. A re-inspection was done on May 14, 2018, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by **June 4, 2018**.

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

1. Chapter 42, (Nuisances), Article II (Garbage, junk, and undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), (d) (Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances. The owner of an improved lot in a residential zone with lot sizes of one acre or less shall keep such lot free and clear of all fallen trees and limbs. All weeds, grass and undergrowth shall be cut to a height not exceeding ten inches. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than ten inches within such natural areas.
 - The initial inspection of this property found high weeds and grass. To correct the violation, the entire property must be mowed and all 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 June 27, 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 \$ 21.42 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 27, 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) 506-5641.

DATED this 18 day of MAY, 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 Jerome J Tobloski, Jeffrey M & Amy Tobloski, 470 Longwood Hills Dr, Longwood, FL 32750, RE: 683 Reillys Rd, Port Orange, FL 32127, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

Time: approx. 11:00 AM

this 18 day of MAY, 2018.

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 Jerome J Tobloski, Jeffrey M & Amy Tobloski, 470 Longwood Hills Dr, Longwood, FL 32750, RE: 683 Reillys Rd, Port Orange, FL 32127, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 24 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. 18-478**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

JEROME J. TOBOLSKI
JEFFREY M. TOBOLSKI
AMY TOBOLSKI
683 REILLYS ROAD
PORT ORANGE, FL 32127
PARCEL ID: 6320-02-03-0210

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 June 27, 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. Respondents, JEROME J. TOBOLSKI, JEFFREY M. TOBOLSKI, and AMY TOBOLSKI, whose mailing address is 470 Longwood Hills Drive, Longwood, FL 32750, is the owner of the property located at 683 Reillys Road, Port Orange, FL 32127, and more particularly described as:

LOT 21 BLK 3 SWEETWATER HILLS UNIT 1 MB 34 PG 191 PER OR 4066 PG 4141
PER OR 7147 PG 3838

B. The entire property needs to be mowed and trimmed of all high weeds and grass. This condition was first observed at the real property described above on April 3, 2018; re-inspections made on June 8, 2018 and June 26, 2018 confirmed the condition as being the same. Respondent received notice via posting at City Hall on May 24, 2018, as well as posted on the property on May 18, 2018, that the aforesaid conditions constituted a violation of 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) and was to be corrected by June 4, 2018.

C. At the time of the hearing, the violations cited above: ☒ continued 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(s) in that the Respondent(s) failed, on or before the date set in the notice of violation, to remedy the conditions of as stated is therefore subject to the provisions of the City of Port Orange Municipal Code 2.207.

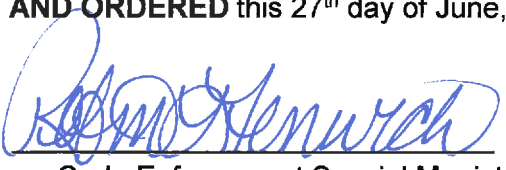
ORDER:

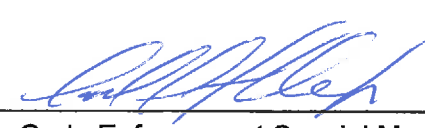
A. Respondent(s) shall correct the aforesaid violation by mowing the entire property and trimming all high weeds on or before July 6, 2018. ("Compliance Date"). In the event that the property is not brought into compliance on or before the Compliance Date, and/or not maintained in a state of compliance, the City shall have the option to abate the violation. If paragraph D. above is checked and the Respondent(s) has/have not abated the condition by the Compliance Date, then notice of the violation will be given to the City Council. The City Council may repair the condition and charge the Respondent(s) with the reasonable costs of the repairs. Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the Special Magistrate may impose additional fines to cover all costs incurred by the city in enforcing its codes and all costs or repairs pursuant to sub section (a)." The cost to date is \$55.56 as indicated on the cost sheet submitted into evidence. The Respondent(s) will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion. Any future violations under this ordinance shall be considered repeat violations.

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

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

DONE AND ORDERED this 27th day of June, 2018.

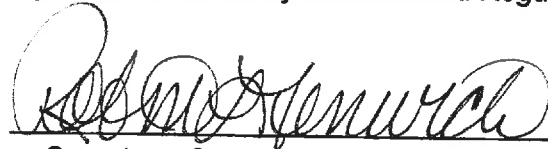
Attest: 
Secretary, Code Enforcement Special Magistrate

By: 
Code Enforcement Special Magistrate

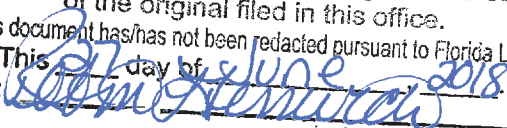
I HEREBY ACKNOWLEDGE AND AGREE that the foregoing findings are true and accurate to the best of my knowledge.


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), JEROME J. TOBOLSKI, JEFFREY M. TOBOLSKI, and AMY TOBOLSKI, 470 Longwood Hills Drive, Longwood, FL 32750 by Certified and Regular Mail this 27 day of June, 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 27 day of June, 2018
By: 
/s/ Robin L. Fenwick



Case Cost Sheet Log

Case No. 18-594

Name	Activity	Activity_Date	Status	Cost
Dennis C. Pentzien	Cost to mail Notice of Violation/Notice of Hearings to 6300 Moseley Dixon Road, Apt 2080, Macon, GA 31210-8400	05/14/2018	Certified mailing was returned "unclaimed"	\$7.14
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law, & Order	06/27/2018		\$27.00
Dennis C. Pentzien	Cost to mail Finding of Fact, Conclusion of Law & Order	06/27/2018	Returned unclaimed	\$7.14
Clerk of Court	Fee to record Order Imposing Fine/Lien	08/08/2018		\$44.00
Dennis C. Pentzien	Cost to mail Order Imposing Fine/Lien to three (3) addresses	08/08/2018		\$21.42

Total: 106.70



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

To: Dennis C Pentzien
6300 Moseley Dixon Rd Apt 2080
Macon, GA 31210 8400

CASE NO. 18-594

Re: 1707-3960 Willow Trail Run
Port Orange, FL 32127
Parcel ID: 6316-11-00-0560

LEGAL DESCRIPTION: LOT 56 TRAILWOOD TOWNHOUSES PHASE II MB 40 PG 6 PER OR 3526 PG 1995
Volusia County Public Records
Volusia County, FL

An inspection of the premises on April 27, 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 **June 4, 2018**.

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

1. 2018 International Property Maintenance Code, Chapter 5 (Plumbing Facilities and Fixture Requirements), Section 505 (Water System), [P] 505.1 General as adopted by the City of Port Orange Code of Ordinances, Chapter 14, Article II, Section 14-26:
Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. Kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied either with hot or tempered and cold running water in accordance with the International Plumbing Code.
 - The initial inspection of this property determined that there was no potable water connection to this property. To correct the violation, the property must be connected to an approved water system.

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 27, 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 27, 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) 506-5641.

DATED this 11th day of MAY, 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 Dennis C Pentzien, 6300 Moseley Dixon Rd Apt 2080, Macon, GA 31210 8400, RE: 1707-3960 Willow Trail Run, Port Orange, FL 32127, was

☐ Hand-delivered

☒ Posted at the property

Recipient of hand delivered documents: _____

Time: approx. 11:16 AM

this 11th day of MAY, 2018.

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 Dennis C Pentzien , 6300 Moseley Dixon Rd Apt 2080, Macon, GA 31210 8400, RE: 1707-3960 Willow Trail Run, Port Orange, FL 32127, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 14 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. 18-594**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

DENNIS C. PENTZIEN
1707-3960 WILLOW TRAIL RUN
PORT ORANGE, FL 32127
PARCEL ID: 6316-11-00-0560

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 June 27, 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. Respondents, DENNIS C. PENTZIEN, whose mailing address is 6300 MOSELEY DIXON ROAD, APT 2080, MACON, GA 31210-8400, is the owner of the property located at 1707-3960 WILLOW TRAIL RUN, PORT ORANGE, FL 32127, and more particularly described as:

LOT 56 TRAILWOOD TOWNHOUSES PHASE II MB 40 PG 6 PER OR 3526 PG 1995

B. The violation was to be corrected by connecting to the City's water system. This condition was first observed at the real property described above on April 27, 2018; re-inspections made on June 5, 2018 and June 25, 2018 confirmed the condition as being the same. Respondent received notice via posting at City Hall and certified and regular mailings on May 14, 2018, as well as posted on the property on May 11, 2018 that the aforesaid conditions constituted a violation of the 2018 International Property Maintenance Code, Chapter 5 (Plumbing Facilities and Fixture Requirements), Section 505 (Water System), [P] 505.1 General as adopted by the City of Port Orange Code of Ordinances, Chapter 14, Article II, Section 14-26 and was to be corrected by June 4, 2018.

C. At the time of the hearing, the violations cited above: [☒] continued 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(s) in that the Respondent(s) failed, on or before the date set in the notice of violation, to remedy the conditions of as stated is therefore subject to the provisions of the City of Port Orange Municipal Code 2.207.

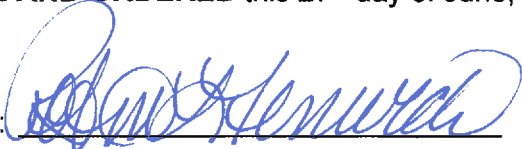
ORDER:

A. Respondent(s) shall correct the aforesaid violation by connecting to the City's water system on or before July 9, 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 27th day of June, 2018.

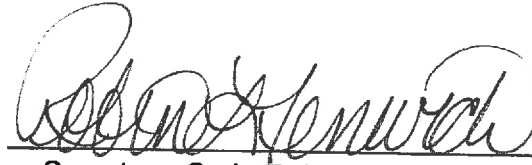
Attest: 
Secretary, Code Enforcement Special Magistrate

By: 
Code Enforcement Special Magistrate

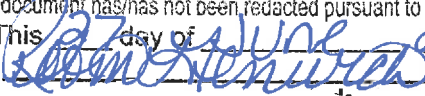
I HEREBY ACKNOWLEDGE AND AGREE that the foregoing findings are true and accurate to the best of my knowledge.


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), DENNIS C. PENTZIEN, 6300 MOSELEY DIXON ROAD, APT 2080, MACON, GA 31210-8400 by Certified and Regular Mail this 27 day of June, 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 27 day of June, 2018.
By: 

/s/ Robin L. Fenwick



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	Green card was signed by Susan Morris but undated.	\$7.14
Clerk of Court	Fee to record Order Imposing Fine/Lien	08/08/2018		\$44.00
Susan A. Morris	Cost to mail Order Imposing Fine/Lien to 109 Morris Lane, Lafayette, TN 37083	08/08/2018		\$7.14

Total: 92.42



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.

Andrew Stenurich
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. 17-1481**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

SUSAN A. MORRIS
5193 ROGERS AVENUE
PORT ORANGE, FL 32127
PARCEL ID: 6310-07-80-0060

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 June 13, 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. Respondents, SUSAN A. MORRIS, whose mailing address is 109 Morris Lane, Lafayette, TN 37083, is the owner of the property located at 5193 Rogers Avenue, Port Orange, FL 32127, and more particularly described as:

LOTS 6 & 7 BLK G ALLANDALE SUB MB 4 PG 146 PER OR 2279 PG 1675

B. All downed trees, limbs, brush, trash, debris, etc. needs to be removed, as well as all outside storage (or stored in an enclosed building), the property needs to be mowed and the roof damaged during the hurricanes needs to be repaired. This condition was first observed at the real property described above on October 9, 2017; re-inspections made on October 27, 2017, November 15, 2017, December 4, 2017 and June 12, 2018 confirmed the condition as being the same. Respondent received notice via posting at City Hall on May 3, 2018, as well as posted on the property on May 2, 2018, that the aforesaid conditions constituted a violation of Chapter 42, Article II, Section 42-32 of the City of Port Orange Code of Ordinances, Chapter 42, Article II, Section 42-26 (f) of the City of Port Orange Code of Ordinances, Chapter 42, Article II, Section 42-26 (d) of the City of Port Orange Code of Ordinances, Chapter 16, Section 3, (b), (4), (b) and (d) of the City of Port Orange Land Development Code, and Chapter 3, Section 304, 304.7 of

the 2018 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 May 16, 2018.

C. At the time of the hearing, the violations cited above: ☒ continued 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(s) in that the Respondent(s) failed, on or before the date set in the notice of violation, to remedy the conditions of 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 fallen tree debris on the property and cutting back undergrowth in the back yard, repairing, removing or re-installing the damaged fence on the property which will require a permit be obtained through the City of Port Orange Community Development Department unless the fence is removed in its entirety, storing all outside storage in an enclosed building, and removing all trash and debris on or before June 30, 2018 ("Compliance Date-1"). In addition, Respondent shall correct the aforesaid violation by repairing the damaged roof on site which may require a permit for repairs by a licensed roofing contractor on or before July 28, 2018 ("Compliance Date-2"). In the event the property is not brought into compliance on or before the Compliance Dates as listed in this paragraph, 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. 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 19 day of June, 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), SUSAN A. MORRIS, 109 Morris Lane, Lafayette, TN 37083 by Certified and Regular Mail this 19 day of June, 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/has not been redacted pursuant to Florida Law.
This 19 day of June, 2018.
By: [Signature]
/s/ Robin L. Fenwick



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
Clerk of Court	Fee to record Order Imposing Fine/Lien	08/08/2018		\$44.00
Nancy A. Henderson	Cost to mail Order Imposing Fine/Lien to 5227 Orange Avenue, Port Orange, FL 32127	08/08/2018		\$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. 18-0031

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

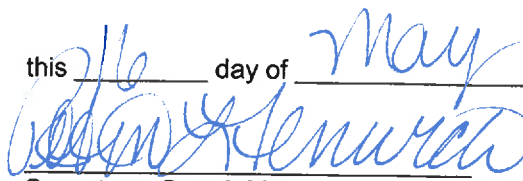
this 16th day of May, 2018.

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.

**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 18-0031**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Recorded in the Public Records:
Instrument # 2018 120728 06/14/18
Book: 7558 Page: 4113

Petitioner,

NANCY A. HENDERSON
5227 ORANGE AVENUE
PORT ORANGE, FL 32127
PARCEL ID: 6310-07-64-0120

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 June 13, 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. Respondents, NANCY A. HENDERSON, whose mailing address is 5227 Orange Avenue, Port Orange, FL 32127, is the owner of the property located at 5227 Orange Avenue, Port Orange, FL 32127, and more particularly described as:

LOTS 12 & 13 BLK 64 ALLANDALE PER OR 3777 PG 1676 PER OR 6626 PG 4546

B. A building permit to build a shed is needed or removal of the shed from the property. This condition was first observed at the real property described above on January 8, 2018; re-inspections made on May 2, 2018 and June 12, 2018 confirmed the condition as being the same. Respondent received notice via posting at City Hall on May 16, 2018, as well as hand delivered to Nancy Henderson on May 16, 2018, that the aforesaid conditions constituted a violation of 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, and was to be corrected by May 31, 2018.

C. At the time of the hearing, the violations cited above: [☒] continued 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(s) in that the Respondent(s) failed, on or before the date set in the notice of violation, to remedy the conditions of as stated is therefore subject to the provisions of the City of Port Orange Municipal Code 2.207.

ORDER:

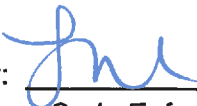
A. Respondent(s) shall correct the aforesaid violation by obtaining a permit to build a shed or remove the shed from the property on or before June 30, 2018 ("Compliance Date"). In the event the property is not brought into compliance on or before the Compliance Date, and/or not maintained in a state 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. 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.

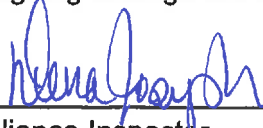
C. A certified copy of this Order may be recorded in the public records of Volusia County, Florida, and shall thereafter constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property. The findings in this Order shall be binding upon Respondent(s) 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 13th day of June, 2018.

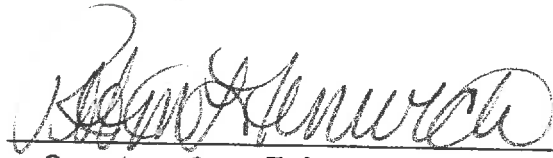
Attest: 
Secretary, Code Enforcement Special Magistrate

By: 
Code Enforcement Special Magistrate

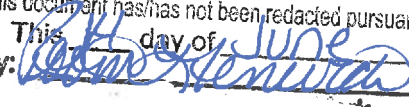
I HEREBY ACKNOWLEDGE AND AGREE that the foregoing findings are true and accurate to the best of my knowledge.


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), NANCY A. HENDERSON, 5227 Orange Avenue, Port Orange, FL 32127 by Certified and Regular Mail this 13 day of June, 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 13 day of June, 2018.
By: 

/s/ Robin L. Fenwick



Case Cost Sheet Log

Case No. 18-0313

Name	Activity	Activity_Date	Status	Cost
Robert Detko	Cost to mail Notice of Violation/Notice of Hearings to 408 Virginia Avenue, Port Orange, FL 32127	05/25/2018	Certified mailing was returned "unclaimed"	\$7.14
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law & Order	06/27/2018		\$27.00
Robert Detko	Cost to mail Finding of Fact, Conclusion of Law & Order to 408 Virginia Avenue, Port Orange, FL 32127	06/27/2018	Certified mailing was returned "unclaimed"	\$7.14
Clerk of Court	Fee to record Order Imposing Fine/Lien	08/08/2018		\$44.00
Robert Detko	Cost to mail Order Imposing Fine/Lien to 408 Virginia Avenue, Port Orange, FL 32127	08/08/2018		\$7.14

Total: 92.42



** Revised hearing date **

**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 18-0313

To: Robert Detko
408 Virginia Avenue
Port Orange, FL 32127

Re: 408 Virginia Avenue
Port Orange, FL 32127

Parcel ID: 6303-15-00-0061

LEGAL DESCRIPTION: S 45 FT OF LOT 6 & N 15 FT OF LOT 7 RESUB BLK M VIRGINIA HGTS PORT ORANGE MB 19
PG 236 PER OR 4431 PG 2774

Volusia County Public Records
Volusia County, FL

An inspection of the premises on February 6, 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 April 23, 2018, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by **June 10, 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. To correct the violation, the property needs to be mowed and all high weeds trimmed.
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. 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 stored items on the porch and around the property. To correct the violation, all items by front door and on property must be stored inside an enclosed building.

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.
 - The initial inspection of this property revealed an inoperable/unregistered green van located in the driveway of this location with flat tires and due to the overgrowth around the vehicle, it is obviously not being driven. To correct the violation, the vehicle must be properly registered, removed, or covered with a car cover in good repair. The vehicle cannot be in a state of disrepair at any time (i.e. no flat tires).
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.
 - The initial inspection of this property revealed a make shift fence in the front of the home done without a permit and improper materials. It is leaning and in danger of falling and is in a state of disrepair. To correct the violation, the makeshift fence will need to be removed. Any other portions of the fence with missing pickets, posts, boards, etc. will need to be repaired. If chosen to install a new fence, a permit will need to be obtained from the City of Port Orange Community Development Department.
6. Chapter 16 (Miscellaneous Regulations), Section 1 (Accessory Uses and Structures), (e) Outside Storage: Outside storage of new and used equipment and materials shall be regulated as follows, (1) Residential Uses (b) of the City of Port Orange Land Development Code: Materials and equipment such as appliances, unlicensed or inoperable motor vehicles, motor vehicle parts, and equipment and materials used as part of a business conducted off-site shall not be stored outside.
 - The initial inspection of this property revealed a front-end loader/bobcat on a trailer being stored in the driveway of the residence. To correct the violation, the equipment must be stored in an enclosed building.

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 27, 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 \$ 2.14 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 27, 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 25th 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 Robert Detko, 408 Virginia Avenue, Port Orange, FL 32127, RE: Robert Detko, 408 Virginia Avenue, Port Orange, FL 32127, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

Time: approx. 9:30 AM

this 25th 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 Robert Detko, 408 Virginia Avenue, Port Orange, FL 32127, RE: Robert Detko, 408 Virginia Avenue, Port Orange, FL 32127, was

☐ Posted at City Hall

☒ Sent via certified and regular

this 25 day of May, 2018.

Robert Detko
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. 18-0313**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

ROBERT DETKO
408 VIRGINIA AVENUE
PORT ORANGE, FL 32127
PARCEL ID: 6303-15-00-0061

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 June 27, 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. Respondents, ROBERT DETKO, whose mailing address is 408 VIRGINIA AVENUE, DAYTONA BEACH, FL 32127, is the owner of the property located at 408 VIRGINIA AVENUE, DAYTONA BEACH, FL 32127, and more particularly described as:

S 45 FT OF LOT 6 & N 15 FT OF LOT 7 RESUB BLK M VIRGINIA HGTS PORT ORANGE MB 19 PG
236 PER OR 4431 PG 2774

B. The violation was to be corrected by mowing entire property to include weed eating and trimming all high weeds on site, edging, and blowing debris, removing all trash and debris, correctly storing all items around outside of the property in an enclosed building, properly registering, removing, or covering unregistered/inoperable van on site and ensuring that it appears to be in an operable state, removing the makeshift fence on the property and repairing any other damaged areas of the fence to include missing pickets, posts, etc., and storing the front end loader/bob cat on site in an enclosed building. This condition was first observed at the real property described above on February 6, 2018; re-inspections made on May 25, 2018 and June 12, 2018 confirmed the condition as being the same. Respondent received notice via posting at City Hall and certified and regular mailing on May 25, 2018, and was posted on the property on May 25, 2018, that the aforesaid conditions constituted a violation of Chapter 42, Article II, Section 42-32

of the City of Port Orange Code of Ordinances, Chapter 42, Article II, Section 42-26 (f) of the City of Port Orange Code of Ordinances, Chapter 42, Article II, Section 42-26 (d) of the City of Port Orange Code of Ordinances, Chapter 16, Section 3, (b), (4), (b) and (d) of the City of Port Orange Land Development Code, Chapter 16, Section 1, (e), (1), (b) of the City of Port Orange Land Development Code and Chapter 70, Article II, Section 70-49, (c), (1) (a), (b) and (2) of the City of Port Orange Code of Ordinances and was to be corrected by June 10, 2018.

C. At the time of the hearing, the violations cited above: ☒ continued 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(s) in that the Respondent(s) failed, on or before the date set in the notice of violation, to remedy the conditions of as stated is therefore subject to the provisions of the City of Port Orange Municipal Code 2.207.

ORDER:

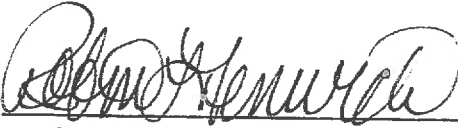
A. Respondent(s) shall correct the aforesaid violation by mowing entire property to include weed eating and trimming all high weeds on site, edging, and blowing debris, removing all trash and debris, correctly storing all items around outside of the property in an enclosed building, properly registering, removing, or covering unregistered/inoperable van on site and ensuring that it appears to be in an operable state, removing the makeshift fence on the property and repairing any other damaged areas of the fence to include missing pickets, posts, etc., and storing the front end loader/bob cat on site in an enclosed building on or before July 8, 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 \$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.

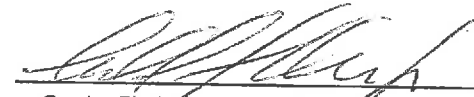
B. The Findings of Fact and Conclusions of Law set forth in the Order of the Special Magistrate constitute a final administrative order which may be appealed by filing a notice of appeal with the Circuit Court within 30 days of the signing of this order.

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

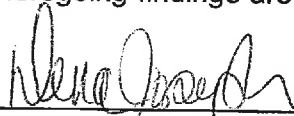
Lien shall not constitute a lien until a certified copy of said Order is recorded pursuant to Section 162.09(3), Florida Statutes.

DONE AND ORDERED this 27th day of June, 2018.

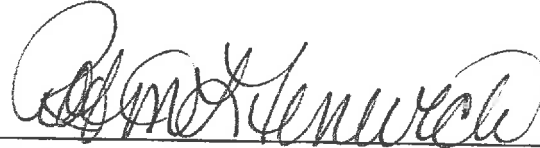
Attest: 
Secretary, Code Enforcement Special Magistrate

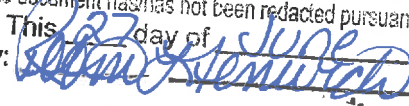
By: 
Code Enforcement Special Magistrate

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), ROBERT DETKO, 408 VIRGINIA AVENUE, PORT ORANGE, FL 32127 by Certified and Regular Mail this 27 day of June, 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 not been redacted pursuant to Florida Law.
This 27 day of JUNE, 2018.
By: 
/s/ Robin L. Fenwick



Case Cost Sheet Log

Case No. 18-0241

Name	Activity	Activity_Date	Status	Cost
Jennifer L. Chalkley	Cost to mail Notice of Violation/Notice of Hearings to 5836 Riverside Drive, Port Orange, FL 32127	05/24/2018	Nothing has been returned.	\$7.14
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law & Order	06/27/2018		\$27.00
Jennifer L. Chalkley	Cost to mail Finding of Fact, Conclusion of Law & Order	06/27/2018	Certified mailing was returned "unclaimed"	\$7.14
Clerk of Court	Fee to record Order Imposing Fine/Lien	08/08/2018		\$44.00
Jennifer L. Chalkley	Cost to mail Order Imposing Fine/Lien to 5836 Riverside Drive, Port Orange, FL 32127	08/08/2018		\$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. 18-0241

To: Jennifer L Chalkley
5836 Riverside Drive
Port Orange, FL 32127

Re: 5836 Riverside Drive
Port Orange, FL 32127

Parcel ID: 6314-03-06-0120

LEGAL DESCRIPTION: LOT 12 BLK 6 HARBOR OAKS UNIT 1 PER OR 4810 PG 3765 PER OR 6039 PG 1738
Volusia County Public Records
Volusia County, FL

An inspection of the premises on February 16, 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 May 7, 2018, resulting in non-compliance.

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

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

1. Chapter 42, (Nuisances), Article II (Garbage, junk, and undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), (d) (Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances. The owner of an improved lot in a residential zone with lot sizes of one acre or less shall keep such lot free and clear of all fallen trees and limbs. All weeds, grass and undergrowth shall be cut to a height not exceeding ten inches. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than ten inches within such natural areas.
 - The initial inspection of this property found high weeds and grass. To correct the violation, the property must be mowed, all high weeds trimmed and weed-whacked around the exterior of home, fence line, etc. and the property must be blown clean.
2. 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 an unregistered car without a license plate. To correct the violation, the vehicle must have a current tag and registration, be removed, from the property, or be covered with an approved car cover in good condition.

3. Chapter 70 (Traffic), Article II (Stopping standing and parking), Section 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 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.
 - The initial inspection of this property found an unregistered car parked in the front yard. To correct the violation, the unregistered car must be covered with an approved car cover in good condition or parked in the regular parking area or in an enclosed garage.
4. City of Port Orange Land Development Code, Chapter 16 (Miscellaneous Regulations), Section 3 (Fences and Walls), (b) General Provisions, (4) Design and Maintenance, (b) All fences shall be maintained in their original upright condition & (d) Missing boards, pickets, or posts shall be replaced in a timely manner with material of the same type and quality.
 - The initial inspection of this property found a fence in disrepair. To correct the violation, the fence must be repaired by re-installing all missing pickets, boards, etc. and placed in its original upright condition or removed in its entirety. If the fence is replaced, a permit will need to be obtained from the City of Port Orange Building Department prior to installment.

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 27, 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 27, 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 18th 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 Jennifer L Chalkley, 5836 Riverside Drive, Port Orange, FL, 32127 RE: 5836 Riverside Drive, Port Orange, FL 32127, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

Time: approx. 11:00 AM

this 18th 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 Jennifer L Chalkley, 5836 Riverside Drive, Port Orange, FL, 32127 RE: 5836 Riverside Drive, Port Orange, FL 32127,, was

☐ Posted at City Hall

☒ Sent via certified and regular

this 24 day of May, 2018.

Robert K. Senurich
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. 18-0241**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

JENNIFER L. CHALKLEY
5836 RIVERSIDE DRIVE
PORT ORANGE, FL 32127
PARCEL ID: 6314-03-06-0120

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 June 27, 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. Respondents, JENNIFER L. CHALKLEY, whose mailing address is 5836 RIVERSIDE DRIVE, PORT ORANGE, FL 32127, is the owner of the property located at 5836 RIVERSIDE DRIVE, PORT ORANGE, FL 32127, and more particularly described as:

LOT 12 BLK 6 HARBOR OAKS UNIT 1 PER OR 4810 PG 3765 PER OR 6039 PG 1738

B. The violation was to be corrected by mowing entire property to include weed eating, edging, etc. and removing, properly registering or covering the unregistered car with an approved car cover, properly parking the car on the approved driveway in front of the home, and repairing all missing boards, pickets, etc. on fence and placing back in the original upright position. This condition was first observed at the real property described above on February 16, 2018; re-inspections made on June 1, 2018 and June 22, 2018 confirmed the condition as being the same. Respondent received notice via posting at City Hall and certified and regular mailing on May 24, 2018, as well as posted on the property on May 18, 2018, that the aforesaid conditions constituted a violation of Chapter 42, Article II, Section 42-26 (d) (Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances and Chapter 16, Section 3, (b) (4) (b) of the City of Port Orange Land Development Code and was to be corrected by May 31, 2018.

C. At the time of the hearing, the violations cited above: ☒ continued 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(s) in that the Respondent(s) failed, on or before the date set in the notice of violation, to remedy the conditions of as stated is therefore subject to the provisions of the City of Port Orange Municipal Code 2.207.

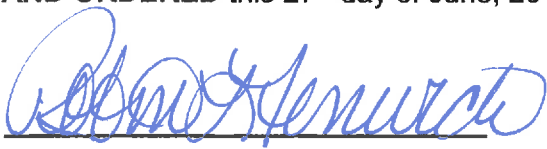
ORDER:

A. Respondent(s) shall correct the aforesaid violation by mowing the entire property to include weed eating, edging, etc. on or before July 8, 2018 ("Compliance Date 1") and repairing all missing boards, pickets, etc. on fence and placing back in the original upright position on or before July 26, 2018. ("Compliance Date 2"). In the event that the property is not brought into compliance on or before the Compliance Dates, 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.

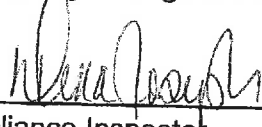
C. A certified copy of this Order may be recorded in the public records of Volusia County, Florida, and shall thereafter constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property. The findings in this Order shall be binding upon Respondent(s) 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 27th day of June, 2018.

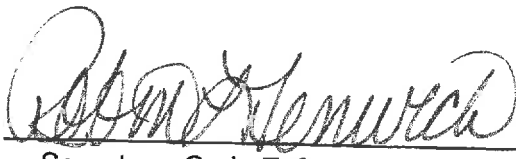
Attest: 
Secretary, Code Enforcement Special Magistrate

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), JENNIFER L. CHALKLEY, 5836 RIVERSIDE DRIVE, PORT ORANGE, FL 32127 by Certified and Regular Mail this 27 day of June, 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 27 day of June, 2018.
By: 
/s/ Robin L. Fenwick



Case Cost Sheet Log

Case No. 18-0507

Name	Activity	Activity_Date	Status	Cost
Steven Scott Lanier	Cost to mail Notice of Violation/Notice of Hearings to 5439 Rogers Avenue, Port Orange, FL 32127	05/24/2018	Green card was signed and returned (undated)	\$7.35
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law & Order	06/27/2018		\$27.00
Steven Scott Lanier	Cost to mail Finding of Fact, Conclusion of Law & Order to 5439 Rogers Avenue, Port Orange, FL 32127	06/27/2018	Certified mail returned "unclaimed"	\$7.14
Clerk of Court	Fee to record Order Imposing Fine/Lien	08/08/2018		\$44.00
Steven Scott Lanier	Cost to mail Order Imposing Fine/Lien	08/08/2018		\$7.14

Total: 92.63



NOTICE OF VIOLATION AND NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 18-0507

To: Steven Scott Lanier
5439 Rogers Ave.
Port Orange, FL 32127

Re: 5439 Rogers Ave.
Port Orange, FL 32127
Parcel ID: 6315-03-04-0100

LEGAL DESCRIPTION: LOT 10 BLK 4 COMMONWEALTH MOBILE ESTATES MB 26 PG 111 PER OR 4993 PG 4526 PER OR 6370 PG 0295
Volusia County Public Records
Volusia County, FL

An inspection of the premises on April 9, 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 10 days to correct. A re-inspection was done on May 17, 2018, resulting in non-compliance.

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

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

1. Chapter 42, (Nuisances), Article II (Garbage, junk, and undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), (d) (Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances. The owner of an improved lot in a residential zone with lot sizes of one acre or less shall keep such lot free and clear of all fallen trees and limbs. All weeds, grass and undergrowth shall be cut to a height not exceeding ten inches. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than ten inches within such natural areas.
 - The initial inspection of this property found high weeds and grass. To correct the violation, the entire property must be mowed, to include trimming of all high weeds and grass around the exterior of property, fence line, etc. and weed eating, wedging, and blowing of 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 on site. In order to correct the violation, all garbage and debris must be removed from the property.
3. 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 an inoperable and unlicensed truck in the back area of the property. To correct the violation, the vehicle must be parked in the driveway or on an installed driveway extension, and properly registered, or covered with an approved car cover in good condition.
4. Chapter 16 (Miscellaneous Regulations), Section 1 (Accessory Uses and Structures), (e) Outside Storage: Outside storage of new and used equipment and materials shall be regulated as follows, (1) Residential Uses (b) of the City of Port Orange Land Development Code: materials and equipment such as appliances, unlicensed or inoperable motor vehicles, motor vehicle parts, and equipment and materials used as part of a business conducted off-site shall not be stored outside.
- The initial inspection of this property found materials and equipment used as part of a landscaping business. To correct the violation, all said materials and equipment will need to be properly stored in an enclosed building.
5. 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 materials/items (wood, metal, appliances, etc.) stored outside. To correct the violation, all said items must be cleaned up and either removed from the property or properly stored in an enclosed building.

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 27, 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 27, 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 22nd 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 Steven Scott Lanier, 5439 Rogers Ave., Port Orange, FL 32127, RE: 5439 Rogers Ave., Port Orange, FL 32127, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

Time: approx. 3:40 pm

this 22nd 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 Steven Scott Lanier, 5439 Rogers Ave., Port Orange, FL 32127, RE: 5439 Rogers Ave., Port Orange, FL 32127, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 24 day of May, 2018.

Robert J. Lennick
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. 18-0507**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

STEVEN SCOTT LANIER
5439 ROGERS AVENUE
PORT ORANGE, FL 32127
PARCEL ID: 6315-03-04-0100

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 June 27, 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. Respondents, STEVEN SCOTT LANIER, whose mailing address is 5439 ROGERS AVENUE, PORT ORANGE, FL 32127, is the owner of the property located at 5439 ROGERS AVENUE, PORT ORANGE, FL 32127, and more particularly described as:

LOT 10 BLK 4 COMMONWEALTH MOBILE ESTATES MB 26 PG 111 PER OR 4993 PG 4526 PER OR
6370 PG 0295

B. The violation was to be corrected by mowing entire property to include weed eating, edging, etc. and removing, properly registering or covering the unregistered car with an approved car cover, and properly parking the car on the approved driveway in front of the home. This condition was first observed at the real property described above on April 9, 2018; re-inspections made on June 6, 2018 and June 19, 2018 confirmed the condition as being the same. Respondent received notice via posting at City Hall and certified and regular mailings on May 24, 2018, as well as posted on the property on May 22, 2018, that the aforesaid conditions constituted a violation of Chapter 42, Article II, Section 42-26 (d) and (f) of the City of Port Orange Code of Ordinances; Chapter 70, Article II, Section 70-49 (c), (1), (a), (b) and (2) of the City of Port Orange Code of Ordinances; Chapter 16, Section 1, (e), (1), (b) of the City of Port Orange Land Development Code; and Chapter 42, Article II, Section 42-32 of the City of Port Orange Code of Ordinances and was to be corrected by June 3, 2018.

C. At the time of the hearing, the violations cited above: ☒ continued 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(s) in that the Respondent(s) failed, on or before the date set in the notice of violation, to remedy the conditions of as stated is therefore subject to the provisions of the City of Port Orange Municipal Code 2.207.

ORDER:

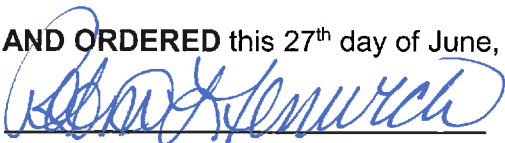
A. Respondent(s) shall correct the aforesaid violation by removing all trash and debris, removing the unregistered truck from the property or parking it in the driveway and properly registering or covering said vehicle with an approved car cover in good condition and remove all outside storage from the trailer on or before July 8, 2018 ("Compliance Date"). 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. 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 \$41.49 as indicated on the cost sheet submitted into evidence. The Respondent(s) will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion. Any future violations under this ordinance shall be considered repeat violations.

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

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

DONE AND ORDERED this 27th day of June, 2018.

Attest:



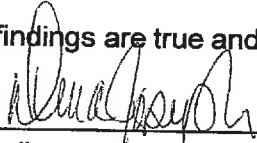
Secretary, Code Enforcement Special Magistrate

By:

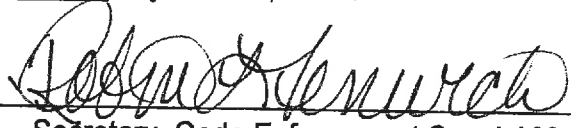


Code Enforcement Special Magistrate

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), STEVEN SCOTT LANIER, 5439 Rogers Ave., Port Orange, FL 32127 by Certified and Regular Mail this 27 day of June, 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 27 day of JUNE, 2018.
By: 
/s/ Robin L. Fenwick



Case Cost Sheet Log

Case No. 18-0505

Name	Activity	Activity_Date	Status	Cost
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law, & Order	06/27/2018		\$27.00
Matthew Brandt	Cost to mail Finding of Fact, Conclusion of Law & Order to 125 Niver Street, Port Orange, FL 32127	06/27/2018	Certified mail returned "unclaimed"	\$7.14
Clerk of Court	Fee to record Order Imposing Fine/Lien	08/08/2018		\$44.00
Matthew Brandt	Cost to mail Order Imposing Fine/Lien to 125 Niver Street, Port Orange, FL 32127	08/08/2018		\$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. 18-0505

To: Matthew Brandt
125 Niver St
Port Orange, FL 32127

Re: 5478 Rogers Ave
Port Orange, FL 32127
Parcel ID: 6315-04-06-0130

LEGAL DESCRIPTION: LOT 13 BLK 6 COMMONWEALTH MOBILE ESTATES FIRST ADD MB 29 PG 47 PER OR 4931 PG 0679 PER OR 5314 PG 0610 PER OR 7381 PG 908 PER OR 7445 PG 0260
Volusia County Public Records
Volusia County, FL

An inspection of the premises on April 9, 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 five days to correct. A re-inspection was done on May 10, 2018, resulting in non-compliance.

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

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

1. Chapter 42, (Nuisances), Article II (Garbage, junk, and undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), (d) (Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances. The owner of an improved lot in a residential zone with lot sizes of one acre or less shall keep such lot free and clear of all fallen trees and limbs. All weeds, grass and undergrowth shall be cut to a height not exceeding ten inches. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than ten inches within such natural areas.
 - The initial inspection of this property found high weeds and grass. To correct the violation, the entire property must be mowed, to include trimming of all high weeds around exterior of home, around fence lines, etc. The area between the sidewalk and the roadway is also the responsibility of the resident. The sidewalk must be cleared of all weeds and edged so as to not be a safety hazard for pedestrians.
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 on site. To correct the violation, all trash 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 a small amount of outside storage in the carport area. To correct the violation, all outdoor stored items must be properly stored or removed from the property.

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

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

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

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate June 27, 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 \$ 400.00 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **June 27, 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 18th day of May, 2018.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: _____

Dena Joseph

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Matthew Brandt, 125 Niver St, Port Orange, FL 32127, RE: 5478 Rogers Ave, Port Orange, FL 32127, was
☒ Hand-delivered Recipient of hand delivered documents: Matthew Brandt-owner
☐ Posted at the property

Time: approx. 2:50 PM

this 18th 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 Matthew Brandt, 125 Niver St, Port Orange, FL 32127, RE: 5478 Rogers Ave, Port Orange, FL 32127, was
☒ Posted at City Hall
☐ Sent via certified and regular

this 25 day of May, 2018.

Adrian K. Knecht
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. 18-0505**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

MATTHEW BRANDT
5478 ROGERS AVENUE
PORT ORANGE, FL 32127
PARCEL ID: 6315-04-06-0130

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 June 27, 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. Respondents, MATTHEW BRANDT, whose mailing address is 125 NIVER STREET, PORT ORANGE, FL 32127, is the owner of the property located at 5478 ROGERS AVENUE, PORT ORANGE, FL 32127, and more particularly described as:

LOT 13 BLK 6 COMMONWEALTH MOBILE ESTATES FIRST ADD MB 29 PG 47 PER OR 4931 PG 0679 PER OR 5314 PG 0610 PER OR 7381 PG 908 PER OR 7445 PG 0260

B. The violations were to be corrected by mowing entire property to include weed eating, edging, etc. and trimming all high weeds around exterior of home, around fence lines, etc. and in the area between the sidewalk and the roadway which is the responsibility of the property owner. In addition, all trash and debris on site was to be removed and all outside storage properly stored in an enclosed building or removed from the property. This condition was first observed at the real property described above on April 9, 2018; re-inspections made on May 30, 2018 and June 19, 2018 confirmed the condition as being the same. Respondent received notice via posting at City Hall on May 25, 2018, as well as by hand delivery to Matthew Brandt on May 18, 2018, that the aforesaid conditions constituted a violation of Chapter 42, Article II, Section 42-26 (d) and (f) of the City of Port Orange Code of Ordinances and Chapter 42, Article II, Section 42-32 of the City of Port Orange Code of Ordinances and was to be corrected by May 27, 2018.

C. At the time of the hearing, the violations cited above: ☒ continued 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(s) in that the Respondent(s) failed, on or before the date set in the notice of violation, to remedy the conditions of as stated is therefore subject to the provisions of the City of Port Orange Municipal Code 2.207.

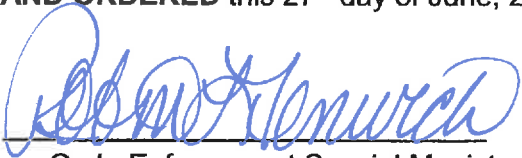
ORDER:

A. Respondent(s) shall correct the aforesaid violation by mowing entire property to include weed eating, edging, and trimming all high weeds on site, removing all trash and debris, and removing all outside stored items and storing them in an enclosed building on or before July 8, 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 \$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 27th day of June, 2018.

Attest: 
Secretary, Code Enforcement Special Magistrate

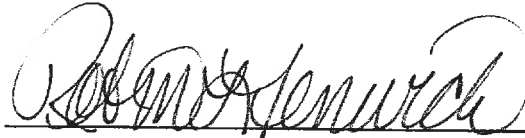
By: 
Code Enforcement Special Magistrate

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), MATTHEW BRANDT, 125 NIVER STREET, PORT ORANGE, FL 32127 by Certified and Regular Mail this 27 day of June, 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 27 day of JUNE, 2018.
By: 

/s/ Robin L. Fenwick



Case Cost Sheet Log

Case No. 18-0074

Name	Activity	Activity_Date	Status	Cost
Mark E. Davidson	Cost to mail Notice of Repeat Violation/Notice of Hearings to 310 Grant Street, Port Orange, FL 32127	05/17/2018	Certified mailing was returned "unclaimed"	\$7.14
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law, & Order	06/27/2018		\$27.00
Mark E. Davidson	Cost to mail Finding of Fact, Conclusion of Law & Order to 310 Grant Street, Port Orange, FL 32127	06/27/2018	Both mailings returned "unable to forward"	\$7.14
Clerk of Court	Fee to record Order Imposing Fine/Lien	08/08/2018		\$44.00
Mark E. Davidson	Cost to mail Order Imposing Fine/Lien to 310 Grant Street, Port Orange, FL 32127	08/08/2018		\$7.14

Total: 92.42



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

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 18-0074

To: Mark E Davidson
310 Grant Street
Port Orange, FL 32127

Re: 310 Grant Street
Port Orange, FL 32127
Parcel ID: 6341-04-01-0190

LEGAL DESCRIPTION: N 180 FT OF W 50 FT OF E 739 FT W OF HWY OF LOT 1B EXC ST ELIZABETH BUNCH GRANT
PORT ORANGE PER OR 4516 PG 4970 PER OR 6461 PG 0524 PER OR 6832 PG 4993

Volusia County Public Records
Volusia County, FL

An inspection of the premises on January 16, 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 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. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than ten inches within such natural areas.
 - The initial inspection of this property found high weeds and grass. To correct the violation, the entire property needs to be mowed and maintained to include weed eating, edging, and trimming of all high weeds on site.

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 27, 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.

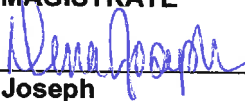
NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **June 27, 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

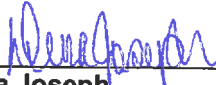
☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Mark E Davidson, 310 Grant Street, Port Orange, FL 32127, was

☐ Hand-delivered
☒ Posted at the property

Recipient of hand delivered documents: _____

Time: 11:00 AM

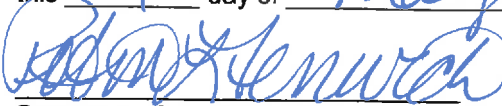
this 16th day of May, 2018.


Dena Joseph

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Mark E Davidson, 310 Grant Street, Port Orange, FL 32127, was

☒ Posted at City Hall
☒ Sent via certified and regular

this 17 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. 18-0074**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

MARK E. DAVIDSON
310 GRANT STREET
PORT ORANGE, FL 32127
PARCEL ID: 6341-04-01-0190

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 June 27, 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. Respondents, MARK E. DAVIDSON, whose mailing address is 310 GRANT STREET, PORT ORANGE, FL 32127, is the owner of the property located at 310 GRANT STREET, PORT ORANGE, FL 32127, and more particularly described as:

N 180 FT OF W 50 FT OF E 739 FT W OF HWY OF LOT 1B EXC ST ELIZABETH BUNCH GRANT
PORT ORANGE PER OR 4516 PG 4970 PER OR 6461 PG 0524 PER OR 6832 PG 4993

B. The violation was to be corrected by mowing entire property to include weed eating, edging, etc. and removing any trash and debris. There is no re-inspection date due to this being a repeat violation. This condition was first observed at the real property described above on January 16, 2018; re-inspections were not done due to this being a repeat violation. Respondent received notice via posting at City Hall on May 17, 2018, as well as via posting at the property on May 16, 2018, that the aforesaid conditions constituted a violation of Chapter 42, Article II, Section 42-26 (d) (Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances and was to be corrected immediately as this was a repeat violation.

C. At the time of the hearing, the violations cited above: ☒ continued 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(s) in that the Respondent(s) failed, on or before the date set in the notice of violation, to remedy the conditions of 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 repeat violation by mowing the entire property to include weed eating, edging, and trimming of all high weeds on site and by removing any trash and debris on the property immediately. A daily fine of \$250.00 per day will be assessed for each day the property is in violation beginning May 16, 2018, which is the date the notice was posted on the property. 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 27th day of June, 2018.

Attest:



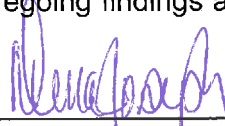
Secretary, Code Enforcement Special Magistrate

By:



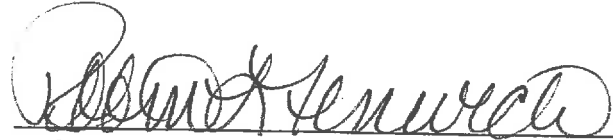
Code Enforcement Special Magistrate

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

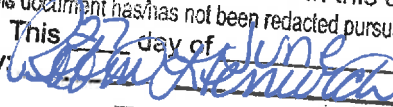


Code Compliance Inspector

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), MARK E. DAVISON, 310 GRANT STREET, PORT ORANGE, FL 32127 by Certified and Regular Mail this 27 day of June, 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 27 day of June, 2018.
By 
/s/ Robin L. Fenwick



Case Cost Sheet Log

Case No. 18-0075

Name	Activity	Activity_Date	Status	Cost
Mark E. Davidson	Cost to mail Notice of Repeat Violation/Notice of Hearings to 310 Grant Street, Port Orange, FL 32127	05/17/2018	Certified mailing was returned "unclaimed"	\$7.14
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law, & Order	06/27/2018		\$27.00
Mark E. Davidson & Cecelia K. Davidson	Cost to mail Finding of Fact, Conclusion of Law & Order to 310 Grant Street, Port Orange, FL 32127	06/27/2018	All mailings were returned "unable to forward"	\$7.14
Clerk of Court	Fee to record Order Imposing Fine/Lien	08/08/2018		\$44.00
Mark E. Davidson & Cecelia K. Davidson	Cost to mail Order Imposing Fine/Lien	08/08/2018		\$14.28

Total: 99.56



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

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 18-0075

To: Mark E & Cecelia K Davidson
310 Grant Street
Port Orange, FL 32127

Re: 312 Grant Street
Port Orange, FL 32127
Parcel ID: 6341-04-01-0170

LEGAL DESCRIPTION: N 180 FT OF W 75 FT OF E 689 FT W OF HWY OF LOT 1B ELIZABETH BUNCH GRANT PORT
ORANGE PER OR 4558 PG 1281 PER OR 6461 PG 0524
Volusia County Public Records
Volusia County, FL

An inspection of the premises on January 16, 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 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. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than ten inches within such natural areas.
- The initial inspection of this property found high weeds and grass. To correct the violation, the entire property needs to be mowed and maintained to include weed eating, edging, and trimming of all high weeds on site.

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 27, 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.

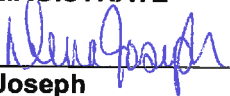
NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **June 27, 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

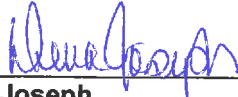
☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Mark E & Cecelia K Davidson, 310 Grant Street, Port Orange, FL 32127, RE: 312 Grant Street, Port Orange, FL 32127, was

☐ Hand-delivered
☒ Posted at the property

Recipient of hand delivered documents: _____

Time: 11:00 AM

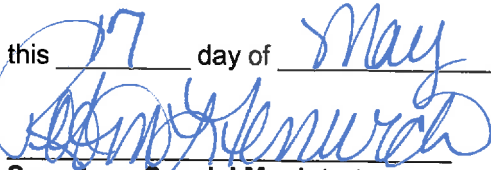
this 16th day of May, 2018.


Dena Joseph

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Mark E & Cecelia K Davidson, 310 Grant Street, Port Orange, FL 32127, RE: 312 Grant Street, Port Orange, FL 32127, was

☒ Posted at City Hall
☐ Sent via certified and regular

this 27 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. 18-0075**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

MARK E. & CECELIA K. DAVIDSON
312 GRANT STREET
PORT ORANGE, FL 32127
PARCEL ID: 6341-04-01-0170

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 June 27, 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. Respondents, MARK E. & CECELIA K. DAVIDSON, whose mailing address is 310 GRANT STREET, PORT ORANGE, FL 32127, is the owner of the property located at 312 GRANT STREET, PORT ORANGE, FL 32127, and more particularly described as:

N 180 FT OF W 75 FT OF E 689 FT W OF HWY OF LOT 1B ELIZABETH BUNCH GRANT PORT
ORANGE PER OR 4558 PG 1281 PER OR 6461 PG 0524

B. The violation was to be corrected by mowing entire property to include weed eating, edging, etc. and removing any trash and debris. This condition was first observed at the real property described above on January 16, 2018; re-inspections were not done due to this being a repeat violation. Respondent received notice via posting at City Hall and certified and regular mailings on May 17, 2018, as well as via posting at the property on May 16, 2018, that the aforesaid conditions constituted a violation of Chapter 42, Article II, Section 42-26 (d) (Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances and was to be corrected immediately as this was a repeat violation.

C. At the time of the hearing, the violations cited above: ☒ continued 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(s) in that the Respondent(s) failed, on or before the date set in the notice of violation, to remedy the conditions of as stated is therefore subject to the provisions of the City of Port Orange Municipal Code 2.207.

ORDER:

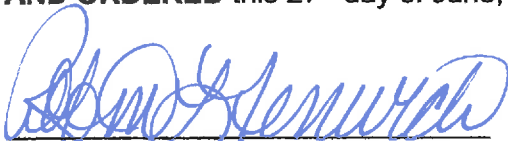
A. Respondent(s) shall correct the aforesaid repeat violation by mowing the entire property to include weed eating, edging, and trimming of all high weeds on site and by removing any trash and debris on the property immediately. A daily fine of \$250.00 per day will be assessed for each day the property is in violation beginning May 16, 2018, which is the date the notice was posted on the property. 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 27th day of June, 2018.

Attest:



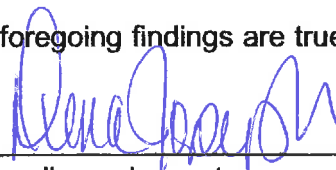
Secretary, Code Enforcement Special Magistrate

By:



Code Enforcement Special Magistrate

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

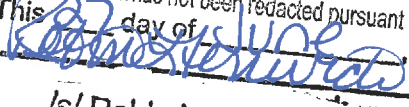


Code Compliance Inspector

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), MARK E. & CECELIA K. DAVIDSON, 310 GRANT STREET, PORT ORANGE, FL 32127 by Certified and Regular Mail this 27 day of June, 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 27 day of JUNE, 2018.
By: 
/s/ Robin L. Fenwick

