



AGENDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF PORT ORANGE

Meeting Date: Wednesday, September 26, 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 - September 12, 2018

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 18-1361

Respondent: Larry Paul Edwards Estate

Valley National Bank

Daycap Holdings, LLC

Address of Violation: 1108 Harms Way, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 08/08/2018

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

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.

4. **CEB Case No.:** 18-1307

Respondent: Associates Financial Services

C/o Ophelia Rebecca Steele

Address of Violation: 401 Leslie Drive, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 08/13/2018

Compliance: Yes

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

Chapter 42, (Nuisances), Article II (Garbage, junk and undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), (h) Abutting property owner maintenance of parkages.

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.

5. **CEB Case No.:** 18-1248

Respondent: Victoria E. Heller

Address of Violation: 974 Countryside West Blvd., Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 08/02/2018

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), (h) Abutting property owner maintenance of parkages.

Chapter 3, Section 303 (Swimming Pools, Spas, and Hot Tubs), 303.1 (Swimming Pools), of the 2018 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

6. **CEB Case No.:** 18-1270

Respondent: Kayla Angela Green

Address of Violation: 704 Greenfield Drive, Port Orange, FL 32129

Code Officer: Dennis Boehmer

First Notified: 08/08/2018

Compliance: Yes

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

Chapter 42, (Nuisances), Article II (Garbage, junk and undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), (h) Abutting property owner maintenance of parkages.

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.

7. CEB Case No.: 18-1342

Respondent: Springwood Square Joint Ventures

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

Code Officer: Dennis Boehmer

First Notified: 08/17/2018

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), (h) Abutting property owner maintenance of parkages.

C. ORDER IMPOSING FINE/LIEN

8. CEB Case No.: 17-1882 (Part 2)

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.

9. **CEB Case No.:** 17-1586

Respondent: Brenda Markham

Address of Violation: 198 Moonstone Court, Port Orange, FL 32129

Code Officer: Dennis Boehmer

First Notified: 10/19/2017

Compliance: Yes

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: 3014.1.8: Roofing or roofing components that have defects that admit rain, roof surfaces with adequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue, or without property anchorage and incapable of supporting all nominal loads and resisting all load defects and

304.7 Roofs and drainage: The roof and flashing shall be sound, tight and not have defects that admit rain.

10. **CEB Case No.:** 17-1588 (Continued from 8/22/18)

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.

11. **CEB Case No.:** 18-0569

Respondent: Richard W. Radabaugh-Timmons

Address of Violation: 5422 Taylor Road, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 04/25/2018

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.

12. **CEB Case No.:** 18-1025

Respondent: JNG Property Group, LLC

Address of Violation: 5204 Sydney Street, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 06/27/2018

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

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.

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
PORT ORANGE, FLORIDA
SEPTEMBER 12, 2018

THE SPECIAL MAGISTRATE HEARING of the City of Port Orange was called to order by Special Magistrate Fuller at 9:02 a.m.

PRESENT: David Fuller, Special Magistrate

ALSO PRESENT: Scott Allman, Code Compliance Inspector
Dena Joseph, 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 Fuller approved the August 22, 2018 meeting minutes as presented.

Oaths

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

FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 17-1587

Respondent: Leovigildo Campoverde & Raffaele Campoverde

Address of Violation: 197 Moonstone Court, Port Orange, FL 32129

Code Officer: Dennis Boehmer

First Notified: 10/19/2017

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: 304.1.8: Roofing of roofing components and 304.7: Roofs and drainage.

Raffaella Campoverde, property owner, introduced herself and was sworn in by Special Magistrate Fuller.

Dennis Boehmer, 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 after review by Ms. Campoverde. The violation was to be corrected on or before August 22, 2018 by removing the tarp from the Mansard roof and making repairs to the missing/loose cedar shingles or replacing the roof with a licensed contractor depending on the severity of the roof damage. Re-inspection was conducted on July 20, 2018 and September 10, 2018 and found the property remains in non-compliance.

Mr. Boehmer recommended the property owners be found in violation of the above referenced code with the violations to be corrected on or before October 13, 2018. In the event the property is not brought into compliance on or before the compliance date, and/or not maintained in a state of compliance, a daily fine of \$200.00 per day will be assessed for each day the property is in violation beyond the compliance date. Accused should be further ordered to contact the Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the order. Mr. Boehmer requested any future violations under this ordinance being considered repeat. The cost sheet in the amount of \$55.56 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Ms. Campoverde testified that she was in the process of obtaining a permit and has had trouble finding the proper shingles for this type of roof. She will have the insurance payment next week and will be able to start working on it and will finalize her permit with the City today. She requested a compliance date by the end of October 2018. Mr. Boehmer has no objection to the extension on the compliance date.

Special Magistrate Fuller granted the recommendation as presented/agreed. The property owner has until October 31, 2018 to bring the property into compliance. Costs in the amount of \$55.56 were awarded to the City.

4. CEB Case No.: 18-924

Respondent: Blake, Sharon

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

Code Officer: Scott Allman

First Notified: 06/18/2018

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 on or before August 15, 2018 by mowing the entire property and trimming all high weeds. Re-inspection was conducted on August 15, 2018 and found the property remains in non-compliance.

Mr. Allman recommended the property owners be found in violation of the above referenced code with the violations to be corrected on or before September 21, 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 as this is a health and safety 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. Mr. Allman requested any future violations under this ordinance being considered repeat. The cost sheet in the amount of \$41.28 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Special Magistrate Fuller granted the recommendation as presented. The property owner has until September 21, 2018 to bring the property into compliance. Costs in the amount of \$41.28 were awarded to the City.

5. CEB Case No.: 18-529

Respondent: Stephen James Slowinski, Terry Killebrew, & Krystal Killebrew

Address of Violation: 4850 Spruce Creek Road, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 04/16/2018

Compliance: No Yes

Cited for violation(s) - City of Port Orange Land Development Code, Chapter 16 (Miscellaneous Regulations), Section 1 (Accessory Uses and Structures),(d) Size Limitations, (4) No accessory residential structure shall be used as a guest house, apartment, or other residential quarters, unless otherwise permitted by this Code.

Mr. Allman requested a dismissal as this property is in compliance with the notice. Special Magistrate Fuller granted the dismissal request.

6. CEB Case No.: 18-1084

Respondent: Timeless FL LLC, C/o Timeless Property Mgmt, RA

Address of Violation: 520 Powers Avenue, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 07/10/2018

Compliance: ~~No~~-Yes

Cited for violation(s) - 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 a dismissal as this property is in compliance with the notice. Special Magistrate Fuller granted the dismissal request.

7. CEB Case No.: 18-1244

Respondent: Mildred E. Davidson

Address of Violation: 5828 Spruce Creek Woods Dr, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 08/02/2018

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

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.

Mr. Allman testified as to the condition of the property, as well as the notice provided to the property owner. Photos were submitted and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected by mowing the entire property and trimming all high weeds. No compliance date was given as this is a repeat violation. Re-inspection was conducted on September 5, 2018 and September 11, 2018 and found the property remains in non-compliance.

Mr. Allman recommended the property owners be found in violation of the above referenced code with the violations to be corrected on or before September 21, 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 as this is a health and safety 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. Mr. Allman requested any future violations under this ordinance being considered repeat. The cost sheet in the amount of \$41.28 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Special Magistrate Fuller granted the recommendation as presented. The property owner has until September 21, 2018 to bring the property into compliance. Costs in the amount of \$41.28 were awarded to the City.

8. CEB Case No.: 18-1062

Respondent: Felix P. Platnesz

Address of Violation: 5466 Taylor Avenue, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 07/09/2018

Compliance: Yes

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

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.

Dena Joseph, Code Compliance Inspector, was sworn in by Special Magistrate Fuller and requested a dismissal as this property is in compliance with the notice. Special Magistrate Fuller granted the dismissal request.

9. CEB Case No.: 18-0799

Respondent: Federal National Mortgage Association

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

Code Officer: Dena Joseph

First Notified: 05/25/2018

Compliance: Yes

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 and

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. Joseph requested a dismissal as this property is in compliance with the notice. Special Magistrate Fuller granted the dismissal request.

10. CEB Case No.: 18-0650

Respondent: June C. Martin

Address of Violation: 521 Lafayette St., Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 05/02/2018

Compliance: Yes

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

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.

Ms. Joseph requested a dismissal as this property is in compliance with the notice. Special Magistrate Fuller granted the dismissal request.

11. CEB Case No.: 18-1145

Respondent: Francis J. Roberts, Jr.

Address of Violation: 5267 Barhydt Ave., Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 07/10/2018

Compliance: Yes

Cited for violation(s) - Chapter 70 (Traffic), Article II (Stopping standing and parking), Section 70-48 Parking of recreational vehicles and equipment on residential premises, (a) and (c)

Ms. Joseph requested a dismissal as this property is in compliance with the notice. Special Magistrate Fuller granted the dismissal request.

12. CEB Case No.: 18-1128

Respondent: Patsy Buechner

Address of Violation: 5231 Orange Avenue, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 07/19/2018

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

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.

Ms. Joseph 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 August 20, 2018 by mowing entire property to include trimming of all high weeds on site, weed eating, edging, and blowing of debris and by mowing entire parkage area. Re-inspection was conducted on August 22, 2018 and found the property remains in non-compliance. The property was re-inspected September 11, 2018 and found to be in compliance; therefore, Ms. Joseph is requesting the property owners be found in violation but no daily fine is being recommended. Ms. Joseph requested any future violations under this ordinance be considered repeat. The cost sheet in the amount of \$41.28 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Special Magistrate Fuller granted the recommendation as presented. Costs in the amount of \$41.28 were awarded to the City.

13. CEB Case No.: 18-0362

Respondent: Sherry A. Spaulding

Address of Violation: 418 Baywood Cir., Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 03/14/2018

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 and 304.1.1 (Unsafe Conditions), (8) Roofing or roofing components.

Sherry Spaulding, property owner, was sworn in by Special Magistrate Fuller.

Ms. Joseph 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 August 26, 2018 by repairing the roof or installing a new roof on the residence. Re-inspection was conducted on August 27, 2018 and September 11, 2018 and found the property remains in non-compliance.

Ms. Joseph recommended the property owners be found in violation of the above referenced code with the violations to be corrected on or before October 10, 2018. In the event the property is not brought into compliance on or before the compliance date, and/or not maintained in a state of compliance, a daily fine of \$100.00 per day will be assessed for each day the property is in violation beyond the compliance date. Accused

should be further ordered to contact the Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the order. Ms. Joseph requested any future violations under this ordinance being considered repeat. The cost sheet in the amount of \$41.28 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Ms. Spaulding testified as to her trouble getting a roofer after the hurricane in 2017. She has recently received estimates from roofers.

Deborah Pearson, Code Compliance Manager, was sworn in and testified as to her discussion with Ms. Spaulding. Ms. Pearson advised Ms. Spaulding that she will need a contract with a roofer and should bring it to this hearing.

Ms. Spaulding states she is on a list for a new roof. Ms. Joseph advised the paperwork states she is on a list for an estimate but not a contract for a roof. Special Magistrate Fuller asked how long she needs to repair or replace the roof.

Special Magistrate Fuller found the property in violation and granted the recommendation as presented. The property owner has until October 12, 2018 to obtain a permit for the repair/replacement or a daily fine of \$50.00 per day will be assessed. Costs in the amount of \$41.28 were awarded to the City.

14. CEB Case No.: 18-887 (Continued from 8/8/18)

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.

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 22, 2018 by maintaining the pond 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. It was reported the weir is not properly functioning. This needs to be tested and if it does not function properly, it needs to be repaired. Re-inspection was conducted on August 7, 2018 and found the property remains in non-compliance.

Ms. Pearson explained the need and requirement for a weir in a retention pond.

Julia Day, neighbor, was sworn in by Special Magistrate Fuller and testified as to the condition of the pond and the weir. She and her husband used to maintain the pond. She is concerned with more water moccasins.

Ms. Bonin recommended the property owners be found in violation of the above referenced code with the violations to be corrected on or before September 27, 2018. In the event the property is not brought into compliance on or before the compliance date, and/or not maintained in a state of compliance, a daily fine of \$50.00 per day will be assessed for each day the property is in violation beyond the compliance date. Accused should be further ordered to contact the Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the order. Ms. Bonin requested any future violations under this ordinance being considered repeat. The cost sheet in the amount of \$41.28 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Special Magistrate Fuller granted the recommendation as presented but also found it to be a health and safety concern as to potential flooding as well as water moccasins. The property owner has until September 27, 2018 to bring the property into compliance or a daily fine of \$100.00 per day will be assessed. Costs in the amount of \$41.28 were awarded to the City.

15. CEB Case No.: 18-1199

Respondent: Ouri TR Attias

Address of Violation: 6710 Duckhorn Court, Port Orange, FL 32128

Code Officer: Amanda Bonin

First Notified: 07/20/2018

Compliance: Yes

Cited for violation(s) - City of Port Orange Code of Ordinances, Chapter 56 (Solid Waste), Article 2 (Collection and Disposal Service), Section 56-31 (Containers Required) and Section 54-34 (Location of Containers).

Ms. Bonin requested a dismissal as this property is in compliance with the notice. Special Magistrate Fuller granted the dismissal request.

16. CEB Case No.: 18-1152

Respondent: Northeast Petro Holdings 1 LLC, c/o Sergio L. Delmico, RA

Address of Violation: 5784 Taylor Branch Road, Port Orange, FL 32127

Code Officer: Amanda Bonin

First Notified: 07/17/2018

Compliance: Yes

Cited for violation(s) - Chapter 42, (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of property generally - duty of owner), (c)

(Maintenance of commercial and industrial zoned lots,

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

City of Port Orange Land Development Code, Chapter 15 (Signs), Section 5 (Temporary Signs), (b) Banners/temporary exterior walls, (6) Temporary banners and wall signs.

Ms. Bonin requested a dismissal as this property is in compliance with the notice. Special Magistrate Fuller granted the dismissal request.

17. CEB Case No.: 18-1151

Respondent: Townhomes West at Port Orange Homeowners Association

Address of Violation: 3640 Clyde Morris Blvd., Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 07/23/2018

Compliance: Yes

Cited for violation(s) - City of Port Orange Land Development Code, Chapter 12 (Roads & Vehicular), SEction 6 (Design standards for off-street parking and loading areas) (G) Curbing, wheel stops and speed bumps (3) Speed bumps or other devices and

City of Port Orange Code of Ordinances, Chapter 58 (Streets, Sidewalks, and Other Places), Article I (In general), Section 58-40 (Removal of obstructions in rights-of-way).

Ms. Bonin requested a dismissal as this property is in compliance with the notice. Special Magistrate Fuller granted the dismissal request.

18. CEB Case No.: 18-216

Respondent: Gwendolyn M. Johnson

Address of Violation: 12 Black Jack Circle, Port Orange, FL 32128

Code Officer: Amanda Bonin

First Notified: 02/14/2018

Compliance: Yes

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

Ms. Bonin requested a dismissal as this property is in compliance with the notice. Special Magistrate Fuller granted the dismissal request.

ORDER IMPOSING FINE/LIEN

19. CEB Case No.: 18-103 (Continued from 6/13/18 & 7/11/18 & 8/8/18)

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 an Order Setting Fine/Lien as the property was not in compliance on or before May 10, 2018 as ordered in the previous hearing on April 25, 2018 by the Special Magistrate. She recommended a flat fine in the amount of \$1,280.00 as it took several months to get the vendor approved and the work completed. The violations were abated by the City's vendor, Daytona Tree Service on September 5, 2018 at the cost of \$725.00. A cost sheet for mailing and recording costs in the amount of \$111.02 was tendered and submitted into evidence without objection.

Special Magistrate Fuller found the property in non-compliance and awarded vendor costs in the amount of \$725.00 plus mailing and recording costs to date of \$111.02. A flat fine in the amount of \$1,280.00 was ordered. The total due from respondent is \$2,116.02.

20. 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.

Ms. Bonin requested a dismissal as this property is in compliance with the Finding of Fact, Conclusion of Law & Order. Special Magistrate Fuller granted the dismissal request.

21. CEB Case No.: 17-1773

Respondent: Matilde Stack

Address of Violation: 3734 Long Grove Lane, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 11/20/2017

Compliance: No

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

Ms. Bonin requested a dismissal as this property is in compliance with the Finding of Fact, Conclusion of Law & Order. Special Magistrate Fuller granted the dismissal request.

ADJOURNMENT – 10:36 a.m.

Special Magistrate David Fuller

Case Cost Sheet Log

Case No. 18-1361

Name	Activity	Activity_Date	Status	Cost
Larry Paul Edwards Estate	Cost to mail Notice of Violation/Notice of Hearings to 1108 Harms Way, Port Orange, FL 32129	08/27/2018	Both mailings were returned "unable to forward"	\$7.14
Daycap Holdings, LLC	Cost to mail Notice of Violation/Notice of Hearings to 4095 SW 67 Avenue, Miami, FL 33155	08/27/2018	Green card signed for (illegible) and dated 9/5/18	\$7.14
Valley National Bank	Cost to mail Notice of Violation/Notice of Hearings to 1700 Palm Beach Lakes Blvd., Suite 1000, West Palm Beach, FL 33401	08/27/2018	Green card signed for by L. Rodriguez on 8/29/18	\$7.14
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law & Order	09/26/2018		\$27.00
Larry Paul Edwards Estate	Cost to mail Finding of Fact, Conclusion of Law & Order to 1108 Harms Way, Port Orange, FL 32129	09/26/2018		\$7.14
Daycap Holdings, LLC	Cost to mail Finding of Fact, Conclusion of Law & Order to 4095 SW 67 Avenue, Miami, FL 33155	09/26/2018		\$7.14
Valley National Bank	Cost to mail Finding of Fact, Conclusion of Law & Order to 1700 Palm Beach Lakes Blvd., Suite 1000, West Palm Beach, FL 33401	09/26/2018		\$7.14

Total: 69.84



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 18-1361

To: Larry Paul Edwards Estate
1108 Harms Way
Port Orange, FL 32129

Valley National Bank
1700 Palm Beach Lakes Blvd.
Suite 1000
West Palm Beach, FL 33401

Daycap Holdings, LLC
4095 SW 67 Avenue
Miami, FL 33155

Re: 1108 Harms Way
Port Orange, FL 32129
Parcel ID: 6307-02-01-0960
LEGAL DESCRIPTION: LOT 96 WILLOW RUN UNIT 1 MB 34 PGS 182-183 INC PER OR 2797 PG 1288 PER OR 6796 PG 3053 PER OR 7108 PG 1703 PER OR 7143 PG 2998 PER OR 7526 PG 1187
Volusia County Public Records
Volusia County, FL

An inspection of the premises on August 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 five days to correct. A re-inspection was done on August 14, 2018, with the most recent on August 22, 2018, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by **September 6, 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. **(h) Abutting property owner maintenance of parkages.** It shall be the duty of every owner of real property within the city to at all times cause to be cut and mowed the grass and weeds, and to cause to be cut and trimmed the flowers, vines, shrubbery, and trees not exceeding six feet in height, in a manner that protects and promotes the public health, safety and welfare and presents an aesthetically pleasing appearance in those areas of the parkage most nearly abutting their properties. Parkages abutting improved residential or commercial lots shall be maintained as provided in subsection **(d)** of this section for improved residential lots. Parkages abutting unimproved residential lots shall be maintained as provided in subsection **(e)** of this section for the maintained portion of unimproved residential lots. "Parkage" is that space between the private property lot or survey line of the property owner and the paved or graded portion of the public street adjacent thereto and includes that area between a sidewalk and street. Every property owner shall also

have the duty of removing any refuse or other debris existing within the adjacent parkage, but the placement of refuse for collection in a manner and in containers specified by other provisions of this Code is not prohibited.

- The initial inspection of this property found high weeds and grass. To correct the violation, the entire property must be mowed and maintained to include edging, weed eating, and blowing of yard debris. Grass clippings are to be blown back onto the property off the street and sidewalk.

2. 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 broken fence. To correct the violation, the fence must be prepared or replaced, with replacement requiring a permit from the City of Port Orange.

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 Enforcement Officer, 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 Enforcement Officer to determine whether the property is in compliance.

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate September 26, 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 **September 26, 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 **November 14, 2018, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

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

DATED this 27th day of August, 2018.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Amanda Bonin
Amanda Bonin

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Larry Paul Edwards Estate, 1108 Harms Way, Port Orange, FL 32129, Valley National Bank, 1700 Palm Beach Lakes Blvd., Suite 1000, West Palm Beach, FL 33401, and Valley National Bank, 1700 Palm Beach Lakes Blvd., Suite 1000, West Palm Beach, FL 33401 RE: 1108 Harms Way, Port Orange, FL 32129, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

Time: approx. 2:25pm

this 27th day of August, 2018.

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 Larry Paul Edwards Estate, 1108 Harms Way, Port Orange, FL 32129, Valley National Bank, 1700 Palm Beach Lakes Blvd., Suite 1000, West Palm Beach, FL 33401, and Valley National Bank, 1700 Palm Beach Lakes Blvd., Suite 1000, West Palm Beach, FL 33401 RE: 1108 Harms Way, Port Orange, FL 32129, was

☒ Posted at City Hall

☐ Sent via certified and regular

this 27 day of August, 2018.

Adam Stenwick
Secretary, Special Magistrate

RIGHT TO APPEAL

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

ACCOMMODATIONS

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



NOTICE OF VIOLATION AND NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 18-1307

To: Associates Financial Services
C/O Ophelia Rebecca Steele
401 Leslie Drive
Port Orange, FL 32127

Re: 401 Leslie Drive
Port Orange, FL 32127
Parcel ID: 6315-09-00-0570

LEGAL DESCRIPTION: LOT 57 SPRUCE CREEK VILLAGE SUB MB 33 PG 36 PER OR 4222 PG 3128 PER OR 4247 PG 0652

Volusia County Public Records
Volusia County, FL

An inspection of the premises on August 13, 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 **September 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. (h) Abutting property owner maintenance of parkages. It shall be the duty of every owner of real property within the city to at all times cause to be cut and mowed the grass and weeds, and to cause to be cut and trimmed the flowers, vines, shrubbery, and trees not exceeding six feet in height, in a manner that protects and promotes the public health, safety and welfare and presents an aesthetically pleasing appearance in those areas of the parkage most nearly abutting their properties. Parkages abutting improved residential or commercial lots shall be maintained as provided in subsection (d) of this section for improved residential lots. Parkages abutting unimproved residential lots shall be maintained as provided in subsection (e) of this section for the maintained portion of unimproved residential lots. "Parkage" is that space between the private property lot or survey line of the property owner and the paved or graded portion of the public street adjacent thereto and includes that area between a sidewalk and street. Every property owner shall also have the duty of removing any refuse or other debris existing within the adjacent parkage, but the placement of refuse for collection in a manner and in containers specified by other provisions of this Code is not prohibited.
 - The initial inspection of this property found high weeds and grass. To correct the violation, the entire property must be mowed and maintained to include edging, weed eating, and blowing of debris.
2. 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 multiple stored items inside the screened-in front porch. To correct the violation, all stored items in the screened-in front porch must be removed and properly stored.

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

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

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

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate September 26, 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 **September 26, 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 **November 14, 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 14 day of August, 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 Associates Financial Services, C/O Ophelia Rebecca Steele, 401 Leslie Drive, Port Orange, FL 32127, RE: 401 Leslie Drive, Port Orange, FL 32127, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

X ☒ Posted at the property

this 15th day of August, 2018.

Time: approx. 11:00 AM

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 Associates Financial Services, C/O Ophelia Rebecca Steele, 401 Leslie Drive, Port Orange, FL 32127, RE: 401 Leslie Drive, Port Orange, FL 32127, was

☒ Posted at City Hall

X ☒ Sent via certified and regular

this 16 day of August, 2018.

Robert 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. 18-1248

Name	Activity	Activity_Date	Status	Cost
Victoria E. Heller	Cost to mail Notice of Violation/Notice of Hearings	08/16/2018	Certified mail returned "unclaimed"	\$7.14
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law & Order	09/26/2018		\$27.00
Victoria E. Heller	Cost to mail Finding of Fact, Conclusion of Law & Order	09/26/2018		\$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. 18-1248

To: Victoria E. Heller
974 Countryside West Blvd.
Port Orange, FL 32127

Re: 974 Countryside West Blvd.
Port Orange, FL 32127

Parcel ID: 6317-25-00-0560

LEGAL DESCRIPTION: LOT 56 COUNTRYSIDE WEST PUD PHASE II MB 45 PGS 164 & 165 PER OR 4394 PG 1640 PER OR 6034 PG 3978

Volusia County Public Records
Volusia County, FL

An inspection of the premises on August 2, 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 August 14, 2018, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by **September 17, 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. (h) Abutting property owner maintenance of parkages. It shall be the duty of every owner of real property within the city to at all times cause to be cut and mowed the grass and weeds, and to cause to be cut and trimmed the flowers, vines, shrubbery, and trees not exceeding six feet in height, in a manner that protects and promotes the public health, safety and welfare and presents an aesthetically pleasing appearance in those areas of the parkage most nearly abutting their properties. Parkages abutting improved residential or commercial lots shall be maintained as provided in subsection (d) of this section for improved residential lots. Parkages abutting unimproved residential lots shall be maintained as provided in subsection (e) of this section for the maintained portion of unimproved residential lots. "Parkage" is that space between the private property lot or survey line of the property owner and the paved or graded portion of the public street adjacent thereto and includes that area between a sidewalk and street. Every property owner shall also have the duty of removing any refuse or other debris existing within the adjacent parkage, but the placement of refuse for collection in a manner and in containers specified by other provisions of this Code is not prohibited.
 - The initial inspection of this property found high weeds and grass. To correct the violation, the entire property must be mowed and maintained to include edging, weed eating, and blowing of debris.

2. Chapter 3, Section 303 (Swimming Pools, Spas and Hot Tubs), 303.1 (Swimming pools), of the 2018 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

- The initial inspection of this property found a pool in unsanitary condition. To correct the violation, the pool must be cleaned in accordance with the code or covered with a valid pool cover.

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

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

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

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate September 26, 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 **September 26, 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 **November 14, 2018, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

For further information regarding this matter, you may contact the undersigned Code Compliance Inspector at (386) 506-5641.

DATED this 14 day of August, 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 Victoria E. Heller, 974 Countryside West Blvd., Port Orange, FL 32127, RE: 974 Countryside West Blvd., Port Orange, FL 32127, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

this 15th day of August, 2018.

Time: approx. 10:15 a.m.

J. Scott Allman
J. Scott Allman

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Victoria E. Heller, 974 Countryside West Blvd., Port Orange, FL 32127, RE: 974 Countryside West Blvd., Port Orange, FL 32127, was

☐ Posted at City Hall

☒ Sent via certified and regular

this 16th day of August, 2018.

Robert X. Henuer
Secretary, Special Magistrate

RIGHT TO APPEAL

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

ACCOMMODATIONS

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



NOTICE OF VIOLATION AND NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 18-1270

To: Kayla Angela Green
704 Greenfield Drive
Port Orange, FL 32129

Re: 704 Greenfield Drive
Port Orange, FL 32129
Parcel ID: 6305-05-01-0390

LEGAL DESCRIPTION: LOT 39 LAURELWOOD MOBILE ESTATES UNIT I MB 33 PG 191 PER OR 4788 PG 1969 PER OR 6720 PGS 0622-0623 PER OR 7208 PGS 1239-1242 INC
Volusia County Public Records
Volusia County, FL

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

This correspondence will serve as official notification that the below stated violation(s) must be corrected by **August 25, 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. (h) Abutting property owner maintenance of parkages. It shall be the duty of every owner of real property within the city to at all times cause to be cut and mowed the grass and weeds, and to cause to be cut and trimmed the flowers, vines, shrubbery, and trees not exceeding six feet in height, in a manner that protects and promotes the public health, safety and welfare and presents an aesthetically pleasing appearance in those areas of the parkage most nearly abutting their properties. Parkages abutting improved residential or commercial lots shall be maintained as provided in subsection (d) of this section for improved residential lots. Parkages abutting unimproved residential lots shall be maintained as provided in subsection (e) of this section for the maintained portion of unimproved residential lots. "Parkage" is that space between the private property lot or survey line of the property owner and the paved or graded portion of the public street adjacent thereto and includes that area between a sidewalk and street. Every property owner shall also have the duty of removing any refuse or other debris existing within the adjacent parkage, but the placement of refuse for collection in a manner and in containers specified by other provisions of this Code is not prohibited.
 - The initial inspection of this property found high weeds and grass. To correct the violation, the entire property must be mowed and maintained to include weed-eating around all trees, shrubs, bushes, fence line to include property line on the right side of the driveway.

2. 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 plastic containers stored on the front yard. To correct the violation, the plastic containers must be removed from the property and properly stored.
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 unregistered gray Toyota Camry car parked under the carport. To correct the violation, the car must be covered with an approved car cover, or properly tagged with a current state license plate.

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

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

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

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate September 26, 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.

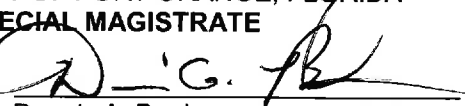
NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **September 26, 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 **November 14, 2018, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

For further information regarding this matter, you may contact the undersigned Code Compliance Inspector at (386) 506-5643.

DATED this 15TH day of AUGUST, 2018.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: 

Dennis A. Boehmer

☐ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Kayla Angela Green, 704 Greenfield Drive, Port Orange, FL 32129, RE: 704 Greenfield Drive, Port Orange, FL 32129, was

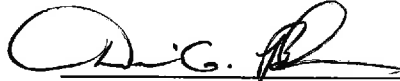
☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

this 15TH day of AUGUST, 2018.

Time: approx. 1055 HOURS



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 Kayla Angela Green, 704 Greenfield Drive, Port Orange, FL 32129, RE: 704 Greenfield Drive, Port Orange, FL 32129, was

☒ Posted at City Hall

☐ Sent via certified and regular

this 15 day of August, 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. 18-1342

Name	Activity	Activity_Date	Status	Cost
Springwood Square Joint Ventures	Cost to mail Notice of Repeat Violation/Notice of Hearings to 73 W. Granada Blvd., Ormond Beach, FL 32174	08/24/2018	Both mailings were returned "vacant, unable to forward"	\$7.14
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law & Order	09/26/2018		\$27.00
Springwood Square Joint Ventures	Cost to mail Finding of Fact, Conclusion of Law & Order to 73 W. Granada Blvd., Ormond Beach, FL 32174	09/26/2018		\$7.14

Total: 41.28



NOTICE OF REPEAT VIOLATION AND NOTICE OF HEARING

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

To: Springwood Square Joint Ventures
73 W. Granada Blvd.
Ormond Beach, FL 32174

CASE NO. 18-1342

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

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

An inspection of the premises on **August 17, 2018**, indicates that certain repeat violation(s) of the City of Port Orange Code exist. This correspondence will serve as official notification that the below stated violation(s) must be corrected immediately.

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. (h) Abutting property owner maintenance of parkages. It shall be the duty of every owner of real property within the city to at all times cause to be cut and mowed the grass and weeds, and to cause to be cut and trimmed the flowers, vines, shrubbery, and trees not exceeding six feet in height, in a manner that protects and promotes the public health, safety and welfare and presents an aesthetically pleasing appearance in those areas of the parkage most nearly abutting their properties. Parkages abutting improved residential or commercial lots shall be maintained as provided in subsection (d) of this section for improved residential lots. Parkages abutting unimproved residential lots shall be maintained as provided in subsection (e) of this section for the maintained portion of unimproved residential lots. "Parkage" is that space between the private property lot or survey line of the property owner and the paved or graded portion of the public street adjacent thereto and includes that area between a sidewalk and street. Every property owner shall also have the duty of removing any refuse or other debris existing within the adjacent parkage, but the placement of refuse for collection in a manner and in containers specified by other provisions of this Code is not prohibited.
 - The initial inspection of this property found high weeds and grass and underbrush. To correct the violation, the entire property must be mowed and maintained to include edging, weed eating, and blowing of yard debris. Grass clippings are to be blown back onto the property off the street and sidewalk.

You have previously (within the past five years) been found by the Special Magistrate to have violated the above referenced code section(s) on December 13, 2017 under Case No.17-1721.

A fine up to \$5,000 per day per violation for a repeat violation may be assessed by the Special Magistrate.

Once you have caused the violation(s) to be corrected, you must request a re-inspection by the Code Enforcement Officer to determine whether the property is in compliance.

This case shall be presented to the Special Magistrate even if the violation(s) has been corrected prior to the scheduled hearing date below.

NOTICE OF HEARING AS TO REPEAT VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate September 26, 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 in the notice of repeat violation above, and shall issue a Final Order affording the proper relief which may include a per diem fine of up to \$5,000 for each day the repeat violation continues, beginning with the date the repeat violation is found to have occurred by the code inspector. 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.

A certified copy of the 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(s) 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 shall be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the Special Magistrate, during the hearing on **September 26, 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 November 14, 2018, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

For further information regarding this matter, you may contact the undersigned Code Enforcement Officer at (386) 506- 5643.

DATED this 23RD day of August, 2018.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: 
Dennis A. Boehmer

☐ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Repeat Violation and Notice of Hearing to: Springwood Square Joint Ventures, 73 W. Granada Blvd., Ormond Beach, FL 32174, RE: Springwood Square Port Orange, FL 32129, was:

☐ Hand-delivered

☒ Posted at the property

Recipient of hand delivered documents: N/A

Time: 1350 HOURS

this 23RD day of August, 2018.



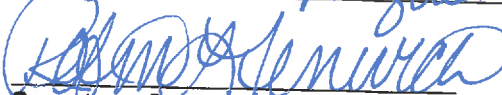
Dennis A. Boehmer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Repeat Violation and Notice of Hearing to Springwood Square Joint Ventures, 73 W. Granada Blvd., Ormond Beach, FL 32174, RE: Springwood Square Port Orange, FL 32129, was:

☒ Posted at City Hall

☒ Sent via certified and regular

this 24 day of August, 2018.



Secretary, Special Magistrate

RIGHT TO APPEAL

PURSUANT TO F.S. CH. 162.11, ANY DECISION BY THE SPECIAL MAGISTRATE MAY BE APPEALED TO THE CIRCUIT COURT AND MUST BE FILED WITHIN THIRTY (30) DAYS OF THE EXECUTION OF THE ORDER. SUCH AN APPEAL SHALL BE LIMITED TO APPELLATE REVIEW OF THE TESTIMONY AND EVIDENCE OF THE PROCEEDING CREATED BEFORE THE SPECIAL MAGISTRATE. IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE SPECIAL MAGISTRATE WITH RESPECT TO ANY MATTER CONSIDERED AT THE MEETING OR HEARING, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS, AND, FOR SUCH PURPOSE HE OR SHE MAY NEED TO ENSURE AT HIS OR HER OWN EXPENSE FOR THE TAKING AND PREPARATION OF A VERBATIM RECORD OF ALL TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

ACCOMMODATIONS

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

Case Cost Sheet Log

Case No. 17-1882 (Part 2)

Name	Activity	Activity_Date	Status	Cost
Barbara & Richard L. Divoll	Cost to mail Notice of Violation/Notice of Hearings to 67 Tamarind Drive, Key West, FL 33040	03/27/2018	Both green cards were signed for by Barbara Divoll on March 29, 2018	\$13.34
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law, & Order	06/13/2018		\$27.00
Barbara & Richard L. Divoll	Cost to mail Finding of Fact, Conclusion of Law & Order to 67 Tamarind Drive, Key West, FL 33040	06/13/2018	Green cards have not been received.	\$13.34
Clerk of Court	Fee to record Order Setting Fine/Lien	07/11/2018		\$44.00
Barbara & Richard L. Divoll	Cost to mail Order Setting Fine/Lien to 67 Tamarind Drive, Key West, FL 33040	07/11/2018		\$13.34
Barbara & Richard L. Divoll	Cost to mail Order Setting Fine/Lien (part 2) to 67 Tamarind Drive, Key West, FL 33040	09/26/2018		\$13.34
Clerk of Court	Fee to record Order Setting Fine/Lien	09/26/2018		\$44.00

Total: 168.36



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 17-1882

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

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

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

Volusia County Public Records
Volusia County, FL

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

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

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

1. **City of Port Orange Code of Ordinances, Chapter 42, Section 42-26(d):** *Maintenance of improved residential lots. The owner of an improved lot in a residential zone with lot sizes of one acre or less shall keep such lot free and clear of all fallen trees and limbs. All weeds, grass and undergrowth shall be cut to a height not exceeding ten inches. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than ten inches within such natural areas.*
 - Upon inspection of this property, I observed that the fenced-in patio was covered in high weeds and grass. To comply with this notice, mow, cut back all high weeds and grass, and maintain in this condition.
2. **City of Port Orange Land Development Code, Chapter 16, Section 3(b),4(b)(d):** *All fences shall be maintained in their original upright condition. Missing boards, pickets, or posts shall be replaced in a timely manner with material of the same type and quality.*
 - Upon inspection of this property, I observed the fence surrounding the patio area is dilapidated and falling down. To comply with this notice, the fence needs to be removed, repaired, or replaced with a building permit.
3. **2017 Florida Building Code, 6th Edition, Section 105 (Permits), Section 105.1 (Required) as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances:** *Failure to Obtain a Building Permit: Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any required impact-resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.*
 - Upon inspection of this property, I observed that part of the Mansard roof was tarped and another part of the roof was missing shingles. To comply with this notice, an approved building permit is required for the repair/replacement of all rotten wood and roofing materials.

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

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

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

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate May 9, 2018, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

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

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$ 19,288 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

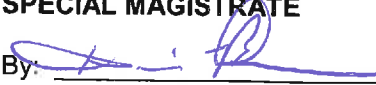
NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **May 9, 2018**, enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on **June 13, 2018, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

For further information regarding this matter, you may contact the undersigned Code Compliance Inspector at (386) 506-5643.

DATED this 23RD day of MAY, 2018.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: 

Dennis A. Boehmer

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

☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

this 23RD day of MARCH, 2018.

Time: approx. 2:00 pm



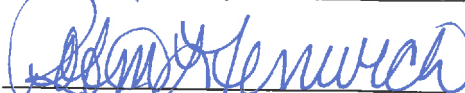
Dennis A. Boehmer

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

☒ Posted at City Hall

☒ Sent via certified and regular

this 26 day of MARCH, 2018.



Secretary, Special Magistrate

RIGHT TO APPEAL

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

ACCOMMODATIONS

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

**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 17-1882**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Recorded in the Public Records:
Instrument #2018 123 593 6-19-18
Book: 7560 Page: 2256

Petitioner,

BARBARA & RICHARD L. DIVOLL
164 SWEETGUM LANE
PORT ORANGE, FL 32129
PARCEL ID: 6337-09-01-1640

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, BARBARA & RICHARD L. DIVOLL, whose mailing address is 67 TAMARIND DRIVE, KEY WEST, FL 33040, is the owner of the property located at 164 SWEETGUM LANE, PORT ORANGE, FL 32129, and more particularly described as:

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

B. High weeds and grass need to be mowed, cut back and maintained, as well as repairs/replacement/removal of the dilapidated and falling fence. The roof must also be repaired or replaced. A permit may be required prior to the start of any fence or roof work. This condition was first observed at the real property described above on December 12, 2017; re-inspections made on March 21, 2018 and June 11, 2018 confirmed the condition as being the same. Respondent received notice via posting at City Hall on March 26, 2018, as well as posted on the property on March 23, 2018, that the aforesaid conditions constituted a violation of City of Port Orange Code of Ordinances, Chapter 42, Section 42-26(d): Maintenance of improved residential lots; Port Orange Land Development Code, Chapter 16, Section 3(b), 4(b)(d): All fences shall be maintained in their original upright condition; and 2017 Florida

Building Code, 6th Edition, Section 105 (Permits), Section 105.1 (Required) as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances and was to be corrected by April 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:

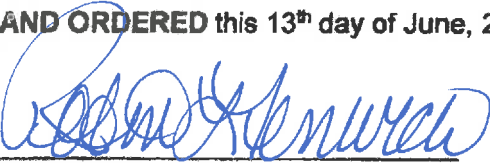
A. Respondent(s) shall correct the aforesaid violation by mowing/cutting all high weeds and grass and repairing/replacing/removing the dilapidated and falling fence on or before **July 6, 2018** ("Compliance Date-1"). In addition, Respondent shall correct the aforesaid violation by repairing the damaged roof on site which may require a permit for repairs by a licensed roofing contractor on or before **September 13, 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 \$250.00 per day will be assessed for each day the property is in violation beyond the Compliance Dates. 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 13th day of June, 2018.

Attest:



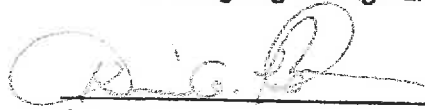
Secretary, Code Enforcement Special Magistrate

By:



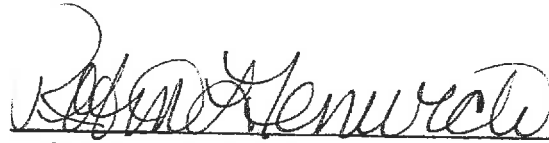
Code Enforcement Special Magistrate

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), BARBARA & RICHARD L. DIVOLL, 67 Tamarind Drive, Key West, FL 33040 by Certified and Regular Mail this 19 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 19 day of June, 2018.
By: 

/s/ Robin L. Fenwick



**CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE**

CASE NO. 17-1882

CITY OF PORT ORANGE,
a Florida municipal corporation

Petitioner,

v.

**Barbara & Richard L. Divoll
67 Tamarind Drive
Key West, FL 33040**

**Re: 164 Sweetgum LN
Port Orange, FL 32129**

Respondent. _____

Space Reserved for Recording Data

ORDER IMPOSING FINE/LIEN

This cause came on for public hearing before the Code Enforcement Special Magistrate of the City of Port Orange, after due notice to the Respondent(s), on the 13th day of June, 2018, at which time Staff and the Respondent(s) had the opportunity to be heard and the Magistrate made findings of fact, conclusions of law, and thereupon issued His written order finding that a violation existed, a copy having been furnished by U. S. Mail to the Respondent.

Said Order found Respondent(s) in violation of the Port Orange Code of Ordinances Chapter 42, Section 42-26(d) and Land Development Code, Chapter 16, Section 3(b), 4(b)(d), as the same pertains to Maintenance of improved lots and all fences shall be maintained in their original upright condition, and required Respondent(s) to take certain corrective action no later than July 6th, 2018. In the event of non-compliance by Respondent(s) a fine in the amount of \$250.00 per day is imposed.

In consideration of the testimony taken and evidence presented at hearing, it is found as follows:

Respondent(s) failed to take the corrected action as ordered. An Affidavit of Non-Compliance was filed with the Special Magistrate and testimony was presented by Code Compliance Inspector D.A. Boehmer, certifying under oath that the required corrective action had not been taken by the respondent as ordered and a true and correct copy of that affidavit is attached hereto as Exhibit "A," and incorporated herein by reference.

Based upon the foregoing premises, and by the authority of Section 162.09, Florida Statutes (2012), and Article V, Part II, of the Code of Ordinances for the City of Port Orange, Florida; it is hereby,

ORDERED:

1. A fine in the amount of \$250.00 per day beginning on the 7th day of July, 2018, is hereby imposed upon the Respondent, Barbara J. & Richard L. Divoll. Said fine, if applicable, shall continue to accrue thereafter for each and every day the violation exists, and in either event shall run in favor of the local governing body of the City of Port Orange, Florida, and shall be payable to the order of:

CITY OF PORT ORANGE
1000 City Center Circle
Port Orange, FL 32129

2. A lien is imposed on the subject property in the amount of \$111.02 representing the total of fines, vendor abatement costs, and cost of enforcement as aforesaid.
3. The Respondent shall notify Code Compliance Inspector D.A. Boehmer, to request a re-inspection, if the Respondent complies with the Magistrate's Order of finding that a violation exists.

A certified copy of this Order shall be recorded in the Official Records of the office of the Clerk of the Circuit Court in Volusia County, Florida, and such recordation shall constitute a lien against the Respondent's real and personal property, said property to include, but not necessarily be limited to that real property described as follows:

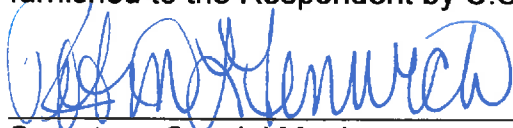
Tax Parcel ID: **633709011640**
Street address: **164 Sweetgum LN, Port Orange, Florida.**
Legal Description: **LOT 164 SPRINGWOOD VILLAGE UNIT 1 MB 34 PG 167 INC PER OR 4132 PG 1183 PER OR 5606 PG 3036, of the Public Records of Volusia County, Florida; and per deed recorded in Book 5606, page 3036, Public Records of Volusia County, Florida.**

DONE AND ORDERED the 11 day of July, 2018, in the City of Port Orange, Volusia County, Florida.

SPECIAL MAGISTRATE
CITY OF PORT ORANGE, FLORIDA

By: 
Special Magistrate

I HEREBY CERTIFY that a true and correct copy of the foregoing order has been furnished to the Respondent by U.S. Mail this 11 day of July 2018.



Secretary, Special Magistrate

Pursuant to Florida Statutes Section 162.11 Appeals. —An aggrieved party, including the local governing body, may appeal a final administrative order of an enforcement board to the circuit court. Such an appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the enforcement board. An appeal shall be filed within 30 days of the execution of the order to be appealed.

History. —s. 1, ch. 80-300; s. 10, ch. 82-37; s. 3, ch. 85-150; s. 10, ch. 86-201.

Note. —Former s. 166.061.

Form Approved by the Board Attorney 08.08.0

Exhibit A
Affidavit of Non-Compliance

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

Vs.

CASE NO: 17-1882

**Barbara & Richard L. Divol
67 Tamarind Drive
Key West, FL 33040**

**Re: 164 Sweetgum LN
Port Orange, FL 32129**

Respondents,

AFFIDAVIT OF NON-COMPLIANCE

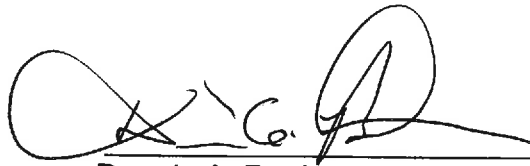
**STATE OF FLORIDA
COUNTY OF VOLUSIA**

BEFORE ME, The undersigned authority, personally appeared; D.A. Boehmer, Code Compliance Inspector for the City of Port Orange, Florida. Who, after being duly sworn, deposes and says:

1. That on June 13th, 2018, the Special Magistrate held a public hearing and issued his Order in the above-styled matter.
2. That pursuant to said Order, Respondents were to have taken certain corrective action on or before July 6th, 2018.
3. That a re-inspection was performed on July 9th, 2018.
4. That the re-inspection revealed that the corrective action ordered by the Special Magistrate has not been taken. In that, the dilapidated fence was to be removed or replaced.

FURTHER AFFIANT SAYETH NOT.

Dated this 10th day of July 2018.



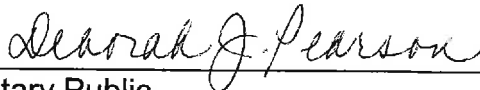
Dennis A. Boehmer
Code Compliance Inspector
City of Port Orange, Florida

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me

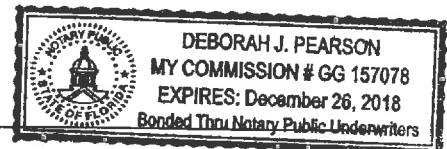
This 10th day of July 2018 by D.A. Boehmer who

is personally known to me.



Notary Public
State of Florida at Large

Commission No. _____



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.

By: Robin L. Fenwick day of July, 2018.

/s/ Robin L. Fenwick



NOTICE OF VIOLATION AND NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 17-1586

To: Brenda Markham
198 Moonstone Ct.
Port Orange, FL 32129

Re: 198 Moonstone Ct.
Port Orange, FL 32129
Parcel ID: 6337-01-29-1980

LEGAL DESCRIPTION: S 58 FT OF N 763.5 FT OF W 46.5 FT OF E 120.5 FT OF LOT 2 BLK 17 & LOT 3 BLK 16
DUNLAWTON DB M PG 187 PER OR 4552 PG 0350 PER OR 5967 PG 0568 PER OR 7398 PG 1852
Volusia County Public Records
Volusia County, FL

An inspection of the premises on October 19, 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 9 months to date to correct. A final re-inspection was done on July 17, 2018, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by **August 18, 2018**.

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

1. 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:
3014.1.8: Roofing or roofing components that have defects that admit rain, roof surfaces with adequate 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 defects.
304.7 Roofs and drainage: The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.
 - The initial inspection of this property found a roof in disrepair and no attempts to repair have been made. To correct the violation, a building permit must be applied and issued from the City of Port Orange, and a licensed roofing contractor must be hired to repair the roof.

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 22, 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.

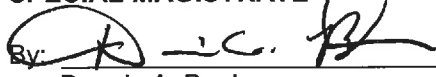
NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **August 22, 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 26, 2018, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

For further information regarding this matter, you may contact the undersigned Code Compliance Inspector at (386) 506-5643.

DATED this 18TH day of July, 2018.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: 
Dennis A. Boehmer

☐ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Brenda Markham, 198 Moonstone Ct., Port Orange, FL 32129, RE: 198 Moonstone Ct., Port Orange, FL 32129, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

this _____ day of _____, 2018.

Time: approx. 1054 HOURS


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 Brenda Markham, 198 Moonstone Ct., Port Orange, FL 32129, RE: 198 Moonstone Ct., Port Orange, FL 32129, was
☒ Posted at City Hall
☒ Sent via certified and regular

this 18 day of July, 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. 17-1586**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Recorded in the Public Records:
Instrument # 2018 170354 08/22/18
Book: 7588 Page: 695

Petitioner,

BRENDA MARKHAM
198 MOONSTONE COURT
PORT ORANGE, FL 32129
PARCEL ID: 6337-01-29-1980

Respondent.

_____ /

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

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on August 22, 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, BRENDA MARKHAM, whose mailing address is 198 MOONSTONE COURT, PORT ORANGE, FL 32129, is the owner of the property located at 198 MOONSTONE COURT, PORT ORANGE, FL 32129, and more particularly described as:

S 58 FT OF N 763.5 FT OF W 46.5 FT OF E 120.5 FT OF LOT 2 BLK 17 & LOT 3 BLK 16
DUNLAWTON DB M PG 187 PER OR 4552 PG 0350 PER OR 5967 PG 0568 PER OR 7396 PG 1852

B. Violation is to be corrected by removing the tarp from the Mansard roof and making repairs to the missing/loose cedar shingles or replacing the roof with a licensed contractor depending on the severity of the roof damage. This condition was first observed at the real property described above on October 19, 2017; re-inspection made on August 20, 2018 confirmed the condition as being the same. Respondent received notice via posting at City Hall and via regular and certified mailing on July 18, 2018, as well as posted on the property on July 18, 2018, that the aforesaid conditions constituted a violation of 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 and was to be corrected by August 18, 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.

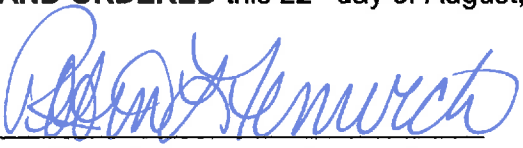
ORDER:

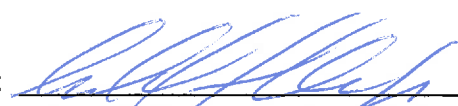
A. Respondent(s) shall correct the aforesaid violation by removing the tarp from the Mansard roof and making repairs to the missing/loose cedar shingles or replacing the roof with a licensed contractor depending on the severity of the roof damage on or before September 3, 2018. ("Compliance Date"). Due to the nature of the repairs already completed, a daily fine was not imposed. 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.

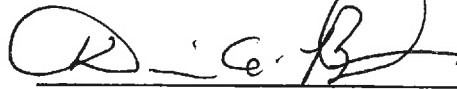
C. A certified copy of this Order may be recorded in the public records of Volusia County, Florida, and shall thereafter constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property. The findings in this Order shall be binding upon Respondent(s) 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 22th day of August, 2018.

Attest: 
Secretary, Code Enforcement Special Magistrate

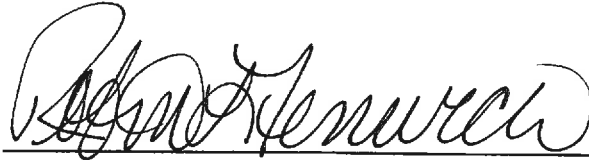
By: 
Code Enforcement Special Magistrate

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), Brenda Markham, 198 Moonstone Court, Port Orange, FL 32127 by Certified and Regular Mail this 22 day of August, 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 22 day of August, 2018.

By: 

/s/ Robin L. Fenwick



Case Cost Sheet Log

Case No. 17-1588 (Continued from 8/22/18)

Name	Activity	Activity_Date	Status	Cost
Steven Joseph Srno	Cost to mail Notice of Violation/ Notice of Hearings to 1166 N. Tracy Drive, Port Orange, FL 32129	06/11/2018	Certified mail returned "vacant"	\$7.35
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law, & Order	07/11/2018		\$27.00
Steven Joseph Srno	Cost to mail Finding of Fact, Conclusion of Law, & Order to 1166 N. Tracy Drive, Port Orange, FL 32129	07/11/2018	Mailings returned "unclaimed"	\$7.14
Clerk of Court	Fee to record Order Setting Fine/Lien	09/26/2018		\$44.00
Steven Joseph Srno	Cost to mail Order Setting Fine/Lien to 1166 N. Tracy Drive, Port Orange, FL 32129	09/26/2018		\$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. 17-1588

To: Steven Joseph Srno
1166 N Tracy Drive
Port Orange, FL 32129

Alliance Management JV LLC
8095 NW 12th Street Ste 400
Doral, FL 33126

Re: 1166 N Tracy Drive
Port Orange, FL 32129
Parcel ID: 6307-03-00-0290
LEGAL DESCRIPTION:

LOT 29 WILLOW RUN UNIT 2 MB 36 PGS 16-18 INC PER OR 4697 PG 2884 PER OR 6692 PG 0454

Volusia County Public Records
Volusia County, FL

An inspection of the premises on October 20, 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 seven days to correct. Several re-inspections were done with the most recent on June 8, 2018, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by June 28, 2018.

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

City of Port Orange Code of Ordinances Chapter 42, Article 2, Section 42-26. - Cleanliness of property generally—Duty of owner (d) Maintenance of improved residential lots. The owner of an improved lot in a residential zone with lot sizes of one acre or less shall keep such lot free and clear of all fallen trees and limbs. All weeds, grass and undergrowth shall be cut to a height not exceeding ten inches. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than ten inches within such natural areas. (f) Garbage, waste, trash, etc., prohibited. The owner of every lot, piece and parcel of land located within the city shall keep each such lot, piece and parcel of land free and clear of garbage, waste, trash, debris, and junk. (h) Abutting property owner maintenance of parkages. It shall be the duty of every owner of real property within the city to at all times cause to be cut and moved the grass and weeds, and to cause to be cut and trimmed the flowers, vines, shrubbery, and trees not exceeding six feet in height, in a manner that protects and promotes the public health, safety and welfare and presents an aesthetically pleasing appearance in those areas of the parkage most nearly abutting their properties. Parkages abutting improved residential or commercial lots shall be maintained as provided in subsection (d) of this section for improved residential lots. Parkages abutting unimproved residential lots shall be maintained as provided in subsection (e) of this section for the maintained portion of unimproved residential lots. "Parkage" is that space between the private property lot or survey line of the property owner and the paved or graded portion of the public street adjacent

\$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 July 11, 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 \$ 714 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 **July 11, 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 22, 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 8th 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 Steven Joseph Srno 1166 Tracy Drive Port Orange, FL 32129, RE: 1166 N Tracy Drive Port Orange, FL 32129, was

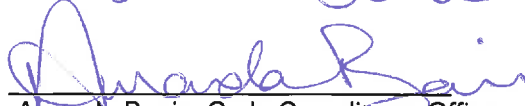
☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

this 8th day of June, 2018.

Time: approx. 4:15 pm


Amanda Bonin, Code Compliance Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing Steven Joseph Srno 1166 Tracy Drive Port Orange, FL 32129, RE: 1166 N Tracy Drive Port Orange, FL 32129, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 8 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.

**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 17-1588**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

STEVEN JOSEPH SRNO
1166 N. TRACY DRIVE
PORT ORANGE, FL 32129
PARCEL ID: 6307-03-00-0290

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 July 11, 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 JOSEPH SRNO, whose mailing address is 1166 N. Tracy Drive, Port Orange, FL 32129, is the owner of the property located at 1166 N. Tracy Drive, Port Orange, FL 32129, and more particularly described as:

LOT 29 WILLOW RUN UNIT 2 MB 36 PGS 16-18 INC PER OR 4697 PG 2884 PER OR 6692 PG 0454

B. The violation was to be corrected 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. A permit is required for the replacement of any windows or exterior doors. The garage door also needs to be repaired or replaced, which will also require a permit. This condition was first observed at the real property described above on October 20, 2017; re-inspections made on July 9, 2018 confirmed the condition as being the same. Respondent received notice via posting at City Hall on June 8, 2018, as well as posted on the property on June 8, 2018, that the aforesaid conditions constituted a violation of City of Port Orange Code of Ordinances Chapter 42, Article 2, Section 42-26. - Cleanliness of property generally—Duty of owner (d) (f) & (h), 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) & (d), 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. 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, and 304.13 Window, skylight and door frames and was to be corrected on June 28, 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 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. A permit is required for the replacement of any windows or exterior doors. The garage door also needs to be repaired or replaced, which will also require a permit on or before July 20, 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 in the amount of \$250.00 per day shall be imposed for every day the violation continues past 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. 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.

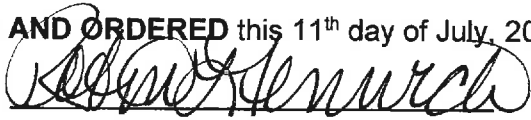
B. The Findings of Fact and Conclusions of Law set forth in the Order of the Special Magistrate constitute a final administrative order which may be appealed by filing a notice of appeal with the Circuit Court within 30 days of the signing of this order.

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 11th day of July, 2018.

Attest:



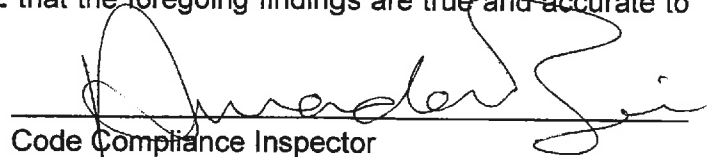
Secretary, Code Enforcement Special Magistrate

By:

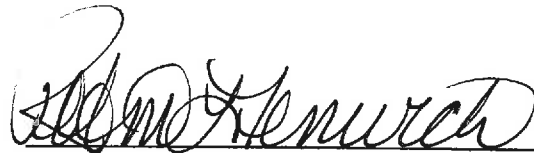


Code Enforcement Special Magistrate

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 JOSEPH SRNO, 1166 N. TRACY DRIVE, PORT ORANGE, FL 32129 by Certified and Regular Mail this 11 day of July, 2018.

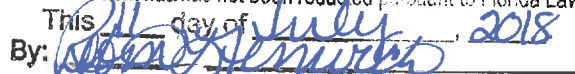


Secretary, Code Enforcement Special Magistrate

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 11 day of July, 2018
By: 

/s/ Robin L. Fenwick



Case Cost Sheet Log

Case No. 18-0569

Name	Activity	Activity_Date	Status	Cost
Richard W. Radabaugh-Timmons	Cost to mail Notice of Violation/Notice of Hearings	06/28/2018	Certified mailing returned "unclaimed"	\$7.14
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law, & Order	08/22/2018		\$27.00
Richard W. Radabaugh-Timmons	Cost to mail Finding of Fact, Conclusion of Law, & Order	08/24/2018	Nothing returned yet.	\$7.14
Clerk of Court	Fee to record Order Imposing Fine/Lien	09/26/2018		\$44.00
Richard W. Radabaugh-Timmons	Cost to mail Order Imposing Fine/Lien	09/26/2018		\$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. 18-0569

To: Richard W Radabaugh-Timmons
5422 Taylor Avenue
Port Orange, FL 32127

Re: 5422 Taylor Avenue
Port Orange, FL 32127
Parcel ID: 6315-03-01-0150

LEGAL DESCRIPTION: LOT 15 BLK 1 COMMONWEALTH MOBILE ESTS MB 26 PG 111 PER OR 3879 PG 0472 PER OR 6978 PG 4169 PER D/C 6978 PG 4170 PER OR 6983 PG 4403
Volusia County Public Records
Volusia County, FL

An inspection of the premises on April 25, 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 June 19, 2018, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by ~~June 30, 2018~~ ^{July 8, 2018} ^{DMJ}.

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 maintained to include trimming of all high weeds to a height less than 10 inches.

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 22, 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 22, 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 26, 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 27th day of June, 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 Richard W Radabaugh-Timmons, 5422 Taylor Avenue, Port Orange, FL 32127, RE: 5422 Taylor Avenue, Port Orange, FL 32127, was

☐ Hand-delivered

☒ Posted at the property

Recipient of hand delivered documents: _____

Time: approx. 2:25 PM

this 27th day of June, 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 Richard W Radabaugh-Timmons, 5422 Taylor Avenue, Port Orange, FL 32127, RE: 5422 Taylor Avenue, Port Orange, FL 32127, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 29 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. 18-1025

Name	Activity	Activity_Date	Status	Cost
JNG Property Group LLC C/O Nadine Richards, RA	Cost to mail Notice of Violation/Notice of Hearings	07/16/2018	Green card was signed for by P. Webster (undated but received by the Clerk's Office on 7/20/18)	\$7.14
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law & Order	08/22/2018		\$27.00
JNG Property Group LLC C/O Nadine Richards, RA	Cost to mail Finding of Fact, Conclusion of Law & Order	08/22/2018	Green card was signed for by P. Webster (undated)	\$7.14
Clerk of Court	Fee to record Order Imposing Fine/Lien	09/26/2018		\$44.00
JNG Property Group LLC C/O Nadine Richards, RA	Cost to mail Order Imposing Fine/Lien	09/26/2018		\$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. 18-1025

To: JNG Property Group LLC, Owner
C/O Nadine Richards, Registered Agent
2440 SE Federal Highway, Suite 705
Stuart, FL 34994

Re: 5204 Sydney Street
Port Orange, FL 32127
Parcel ID: 631-50-72-10080

LEGAL DESCRIPTION: LOT 8 BLK 21 COMMONWEALTH MOBILE ESTS 2ND ADD MB 31 PGS 104-106 INC PER OR 4644 PGS 1030-1031 PER OR 6447 PGS 1442-1443 PER OR 7460 PG 3875
Volusia County Public Records
Volusia County, FL

An inspection of the premises on June 27, 2018, indicates that certain violation(s) of the City of Port Orange Code exists.

A re-inspection was done on July 11, 2018, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by **July 23, 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.
2. 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: It shall be the duty of every owner of real property within the city to at all times cause to be cut and mowed the grass and weeds, and to cause to be cut and trimmed the flowers, vines, shrubbery, and trees not exceeding 6 feet in height, in a manner that protects and promotes the public health, safety and welfare and presents an aesthetically pleasing appearance in those areas of the package most nearly abutting their properties. Packages abutting improved residential or commercial lots shall be maintained as provided in subsection (d) of this section for improved residential lots.
 - The initial inspection of this property found high weeds and grass and yard debris. To correct the violation, the property and package (area b/w sidewalk and roadway) must be mowed in its entirety to include trimming of all high weeds on site, edging, weed eating and blowing debris. In addition, all yard debris to include fallen limbs, trees, etc. must be removed from the property. Property must be maintained on a regular basis.

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 22, 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 **August 22, 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 26, 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 12th day of July, 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 JNG Property Group LLC, Owner, C/O Nadine Richards, Registered Agent, 2440 SE Federal Highway, Suite 705, Stuart, FL 34994, RE: 5204 Sydney Street, Port Orange, FL 32127, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

this 12th day of July, 2018.

Time: approx. 11:55 AM

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 JNG Property Group LLC, Owner, C/O Nadine Richards, Registered Agent, 2440 SE Federal Highway, Suite 705, Stuart, FL 34994, RE: 5204 Sydney Street, Port Orange, FL 32127, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 16th day of July, 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. 18-1025**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Recorded in the Public Records:
Instrument # 2018 170349 08/22/18
Book: 7588 Page: 675

Petitioner,

JNG PROPERTY GROUP LLC
C/O NADINE RICHARDS, REGISTERED AGENT
5204 SYDNEY STREET
PORT ORANGE, FL 32127
PARCEL ID: 631-50-72-10080

Respondent.

_____ /

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

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on August 22, 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, JNG PROPERTY GROUP LLC, whose mailing address is C/O NADINE RICHARDS, RA, 2440 SE FEDERAL HIGHWAY, SUITE 705, STUART, FL 34994, is the owner of the property located at 5204 SYDNEY STREET, PORT ORANGE, FL 32127, and more particularly described as:

LOT 8 BLK 21 COMMONWEALTH MOBILE ESTS 2ND ADD MB 31 PGS 104-106 INC PER OR 4644
PGS 1030-1031 PER OR 6447 PGS 1442-1443 PER OR 7460 PG 3875

B. Violation is to be corrected by mowing the property and parkage in its entirety to include trimming of all high weeds on site, edging, weed eating, and blowing of debris. This condition was first observed at the real property described above on June 27, 2018; re-inspection made on July 24, 2018 confirmed the condition as being the same. Respondent received notice via posting at City Hall and via regular and certified mailing on July 16, 2018, as well as posted on the property on July 12, 2018, that the aforesaid conditions constituted a violation of Chapter 42, Article II, Section 42-26 (d) & (h) of the City of Port Orange Code of Ordinances and was to be corrected by July 23, 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.

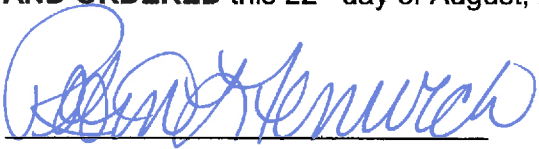
ORDER:

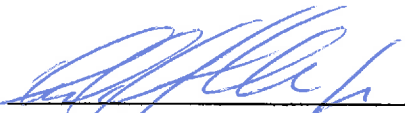
A. Respondent(s) shall correct the aforesaid violation by mowing the property and parkage in its entirety to include trimming of all high weeds on site, edging, weed eating, and blowing of debris on or before September 2, 2018. ("Compliance Date"). In the event that the property is not brought into compliance 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.

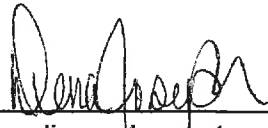
C. A certified copy of this Order may be recorded in the public records of Volusia County, Florida, and shall thereafter constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property. The findings in this Order shall be binding upon Respondent(s) 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 22th day of August, 2018.

Attest: 
Secretary, Code Enforcement Special Magistrate

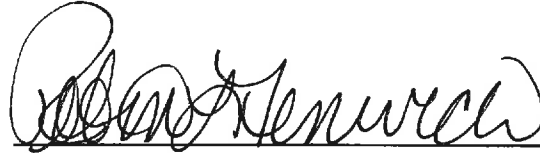
By: 
Code Enforcement Special Magistrate

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

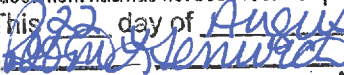


Code Compliance Inspector

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), JNG Property Group LLC, C/O NADINE RICHARDS, RA, 2440 SE FEDERAL HIGHWAY, SUITE 705, STUART, FL 34994 by Certified and Regular Mail this 22 day of August, 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 22 day of August, 2018.
By: 
/s/ Robin L. Fenwick

