AGENDA

CODE ENFORCEMENT SPECIAL MAGISTRATE

CITY OF PORT ORANGE

Meeting Date: Wednesday, November 14, 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 from 10/24/18

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 18-1041
   Respondent: Thomas Gardner
   Address of Violation: 811 Louisville Street, Port Orange FL 32129
   Code Officer: Dena Joseph
   First Notified: 07/02/2018

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), (c) Maintenance of commercial and industrial zoned lots of the City of Port Orange Code of Ordinances.

City of Port Orange Land Development Code, Chapter 16 (Miscellaneous Regulations), Section 3 (Fences and Walls), (b) General Provisions, (4) Design and Maintenance, (b) All fences shall be maintained in their original upright condition.

Chapter 3 (General Requirements), Section 302 (Exterior Property Areas), 302.7 (Accessory Structures) of the 2018 International Property Maintenance Code as adopted per Chapter 14, Article II 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.

4. **CEB Case No.:** 18-1027
   Respondent: Stacey L. Algieri
   Address of Violation: 5245 Sydney Street, Port Orange FL 32127
   Code Officer: Dena Joseph
   First Notified: 07/03/2018

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 3 (General Requirements), Section 304 (Exterior Structure), 304.15 (Doors) of the 2018 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

5. **CEB Case No.:** 18-1502
   Respondent: David L. Douce
   Kasandra J. Douce
   Address of Violation: 729 Sheldon Circle, Port Orange FL 32127
   Code Officer: Dena Joseph
   First Notified: 09/13/2018

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.

6. **CEB Case No.:** 18-0351
   Respondent: Peter J. Renko
   Address of Violation: 150 Howes Street, Port Orange FL 32127
   Code Officer: Dena Joseph
   First Notified: 03/12/2018

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

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

2017 Florida Building Code, Section 105 (Permits), Section 105.1 (Required) as adopted per Chapter 8, Article 1 of the City of Port Orange Land Development Code: Failure to Obtain a Building Permit.

7. **CEB Case No.:** 18-1512
   Respondent: Adam B. Wilson
   Julie Furnas
   Address of Violation: 409 Grant Street, Port Orange FL 32127
   Code Officer: Dena Joseph
   First Notified: 09/17/2018

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).

8. **CEB Case No.:** 18-1406
   Respondent: ARF Properties Trust
   Address of Violation: 5417 Dubois Avenue, Port Orange FL 32127
   Code Officer: Dena Joseph
   First Notified: 08/28/2018

Compliance: No

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

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

9. **CEB Case No.:** 18-175
   Respondent: Diana M. Benezette
   Address of Violation: 1370 E. Dexter Drive, Port Orange FL 32129
   Code Officer: Amanda Bonin
   First Notified: 02/02/2018

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

Chapter 3, Section 304 Exterior Structure of the 2018 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances, 304.13.2 Openable windows.

10. **CEB Case No.:** 17-282
Respondent: Channing Blake Stacy
Address of Violation: 858 W. Pine Forest Trail, Port Orange FL 32127
Code Officer: Amanda Bonin
First Notified: 03/02/2017

Compliance: No

Cited for violation(s) - Chapter 70 (Traffic), Article II (Stopping, standing, and parking), Section 70-36 (Stopping, standing or parking prohibited in specified places), (a) (1) (k) (1), (2) & (3) of the City of Port Orange Code of Ordinances.

Chapter 70 (Traffic), Article II (Stopping standing and parking), Section 70-48 Parking of recreational vehicles and equipment on residential premises.

11. **CEB Case No.:** 18-1349
Respondent: Charles W. Farrell
Address of Violation: 211 Brittany Avenue, Port Orange FL 32127
Code Officer: Scott Allman
First Notified: 08/21/2018

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

12. **CEB Case No.:** 18-0948
Respondent: Tim Gabel
Address of Violation: 817 Clear Lake Drive, Port Orange FL 32127
Code Officer: Scott Allman
First Notified: 06/21/2018

Compliance: Yes

Cited for violation(s) - 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.

13. **CEB Case No.:** 18-1544
Respondent: Jerome J. Tobolski
Jeffery M. Tobolski
Amy Tobolski
Address of Violation: 683 Reillys Road, Port Orange FL 32127
Code Officer: Scott Allman
First Notified: 09/20/2018

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.

14. **CEB Case No.:** 18-1586
Respondent: Jaqueline M. Sale
Address of Violation: 825 Upland Dr., Port Orange FL 32127
Code Officer: Scott Allman
First Notified: 09/26/2018

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.

15. **CEB Case No.:** 18-1388
Respondent: Wells Fargo Bank, National Association
Address of Violation: 5201 Wood Street, Port Orange FL 32127
Code Officer: Scott Allman
First Notified: 08/24/2018

Compliance: No

Cited for violation(s) - Chapter 3, Section 304 Exterior Structure of the 2018 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances. 304.6 Exterior Walls.

Chapter 3, Section 304 Exterior Structure of the 2018 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances. 304.7 Roofs and drainage.

Chapter 3, Section 304 Exterior Structure of the 2018 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances. 304.13 Window, skylight, and door frames.

16. **CEB Case No.:** 18-1388
    Respondent: Wells Fargo Bank, National Association
    Address of Violation: 5201 Wood Street, Port Orange FL 32127
    Code Officer: Scott Allman
    First Notified: 08/24/2018

Compliance: No

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

17. **CEB Case No.:** 18-1335
    Respondent: John L. Anglis
    Address of Violation: 71 Golden Gate Cir., Port Orange FL32129
    Code Officer: Dennis Boehmer
    First Notified: 08/16/2018

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), (h) abutting property owner maintenance of parkages of the City of Port Orange Code of Ordinances.

C. ORDER IMPOSING FINE/LIEN

18. **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: 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 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.

19. **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.

20. **CEB Case No.:** 18-0361
Respondent: James R. & Bonnie Perry
Address of Violation: 5040 Riverside Drive, Port Orange, FL 32127
Code Officer: Dena Joseph
First Notified: 07/10/2018

Compliance: No

Cited for violation(s) - Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment), 108.1.1 (Unsafe Structures) of the 2018 International Property Maintenance Code as adopted per Chapter 14, Article II, of the City of Port Orange Code of Ordinances,

Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment), 108.1.5 (Dangerous Structure or Premises), (3), (4), (5), (6), (7), and (10) of the 2018 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances, and

Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.1.1 (Unsafe Conditions), (4), (5), (7), (8), (13), of the 2018 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

21. **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.

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

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

2017 Florida Building Code, 6th Edition, Section 105 (permits), Section 105.1 (Required) as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Failure to Obtain a Building Permit.

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.

Case Cost Sheet Log

Case No. 18-1041

Name	Activity	Activity_Date	Status	Cost
Thomas Gardner	Cost to mail Notice of Violation/Notice of Hearing	10/24/2018	Certified mail returned signed, illegible	$7.14
Clerk of Courts	Fee to record Finding of Fact, Conclusion of Law & Order	11/14/2018		$27.00
Thomas Gardner	Cost to mail Finding of Fact, Conclusion of Law & Order	11/14/2018		$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. 18-1041

To: Thomas Gardner
29 Scandia Road
Hacketts Town, NJ 07840

Re: 811 Louisville Street
Port Orange, FL 32129
Parcel ID: 6303-03-00-0530
LEGAL DESCRIPTION: LOT 53 & LOT 54 W OF LOUISVILLE ST RAWLINGS SUB PORT ORANGE PER OR 4360 PG 3013 PER OR 6540 PG 1637
Volusia County Public Records
Volusia County, FL

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

A re-inspection was done on July 20, 2018, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by) **October 21, 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), (c)** Maintenance of commercial and industrial zoned lots) of the City of Port Orange Code of Ordinances: Maintenance of commercial and industrial zoned lots. The owner of every improved lot, piece and parcel of land located within a commercial or industrial zone within the city shall keep each such lot, piece or parcel of land free and clear of all fallen trees and limbs and undergrowth exceeding 12 inches in height. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than 12 inches within such natural areas. Owners of unimproved vacant parcels in such zones shall similarly maintain such portion of their property as lies within ten feet of any improved property, any sidewalk, roadway or bicycle path.

    - Initial inspection found the property to be severely overgrown with weeds and undergrowth. To correct the violation, the property must be mowed in its entirety to include trimming of all high weeds on site. All undergrowth that is encroaching into right of way area must be cut back.

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.

    - Initial inspection of the property found a chain link fence in need of repair or removal. There are areas of the fence that have collapsed and are broken. To correct the violation, the fence must either be repaired, removed or a new fence installed. Check with the City of Port Orange Building Department to see if a permit will be required for repairs and/or re-installation.

3. **Chapter 3 (General Requirements), Section 302 (Exterior Property Areas), 302.7 (Accessory Structures) of the 2018 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances:** All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

    - Initial inspection of the property found a concrete shed structure that is dilapidated with a roof that is caving in, doors are falling off, etc. To correct the violation, the structure must be repaired or removed from the property. A permit will need to be obtained from the City of Port Orange Building Department for repair of the roof and doors on the structure.

4. **Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Maintenance of property generally-duty of owner), (f) Garbage, waste, trash, etc. prohibited of the City of Port Orange Code of Ordinances:** The owner of every lot, piece and parcel of land located within the city shall keep each such lot, piece and parcel of land free and clear of garbage, waste, trash, debris and junk.

    - Initial inspection of the property found trash and debris on the vacant lot. To correct the violation, all trash and debris must be picked up and removed from site.

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 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 **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 $ 214 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 **November 14, 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 January 9, 2019, 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- 5645.

DATED this 5th day of October, 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 Thomas Gardner, 29 Scandia Road, Hacketts Town, NJ 07840, RE: 811 Louisville Street, Port Orange, FL 32129, was

☐ Hand-delivered Recipient of hand delivered documents: _____

☒ Posted at the property

Time: approx. 10:52 AM

this 5th day of October, 2018.

_____
Dena Joseph

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Thomas Gardner, 29 Scandia Road, Hacketts Town, NJ 07840, RE: 811 Louisville Street, Port Orange, FL 32129, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 12 day of October, 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. 18-175

Name	Activity	Activity_Date	Status	Cost
Diana M. Benezette	Cost to mail Notice of Violation/Notice of Hearing	10/12/2018	Certified mail received signed, illegible. dated 10-15-18	$7.14
Clerk of Courts	Fee to record Finding of Fact, Conclusion of Law & Order	11/14/2018		$27.00
Diana M. Benezette	Cost to mail Finding of Fact, Conclusion of Law & Order	11/14/2018		$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. 18-175

To: Diana M. Benezette
PO Box 265715
Daytona Beach, FL 32126

Re: 1370 E. Dexter Drive
Port Orange, FL 32129
Parcel ID: 6307-07-00-0440
LEGAL DESCRIPTION: LOT 44 HIDDEN LAKE SUB PHASE I MB 37 PGS 121-122 INC PER OR 5276 PG 2484 PER OR 5352 PG 0985 PER OR 6433 PG 1732
Volusia County Public Records
Volusia County, FL

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

The resident was notified of the violations noted below and given three days to comply. Mr. Benezette was also notified of the violations. The latest re-inspection was done on October 2, 2018, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by **October 20, 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 property needs to be 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. **Chapter 42, (Nuisances), Article II, (Garbage, junk, and undergrowth), Section 42-32 - Storage of vehicles, furniture, etc.** No owner of property within the city shall permit the storage of vehicles or parts of vehicles, furniture, appliances or other personal property upon the premises, except in an enclosed building.

- The initial inspection of this property found outside storage on the premises visible from the road/right of way. To correct the violation, all outside storage (other than patio furniture and a grill) must be removed and stored in an enclosed building or behind an opaque fence.

3. **Chapter 3, Section 304 Exterior Structure of the 2018 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances, 304.13.2 Openable windows:** Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

    - The initial inspection of this property found that the front window of the house was boarded with plywood. To correct the violation, the plywood must be removed from the front window and the window repaired if there is any damage.

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 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 **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 **November 14, 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 January 9, 2019, 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 11th day of October, 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 Diana M. Benezette, PO Box 265715, Daytona Beach, FL 32126, RE: 1370 E. Dexter Drive, Port Orange, FL 32129, was

☐ Hand-delivered Recipient of hand delivered documents: _____

☒ Posted at the property

Time: approx. 2:33pm

this 11th day of October, 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 Diana M. Benezette, PO Box 265715, Daytona Beach, FL 32126, RE: 1370 E. Dexter Drive, Port Orange, FL 32129, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 12 day of October, 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. 18-1027

Name	Activity	Activity_Date	Status	Cost
Stacey L. Algieri	Cost to mail Notice of Violation/Notice of Hearing	10/12/2018	Certified mail returned "unclaimed"	$7.14
Clerk of Courts	Fee to record Finding of Fact, Conclusion of Law & Order	11/14/2018		$27.00
Stacey L. Algieri	Cost to mail Finding of Fact, Conclusion of Law & Order	11/14/2018		$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. 18-1027

To: Stacey L. Algieri
5245 Sydney Street
Port Orange, FL 32127

Re: 5245 Sydney Street
Port Orange, FL 32127
Parcel ID: 6315-07-22-0030
LEGAL DESCRIPTION: LOT 3 BLK 22 COMMONWEALTH MOBILE ESTATES 2ND ADD MB 31 PGS 104 THRU 106 PER OR 4621 PG 3468
Volusia County Public Records
Volusia County, FL

An inspection of the premises on July 3, 2018, indicates that certain violation(s) of the City of Port Orange Code exists.

Property owner was notified of the violations noted below and given five days to correct. A re-inspection was done on October 5, 2018, resulting in non-compliance.

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

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

1. **Chapter 42, (Nuisances), Article II (Garbage, junk, and undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), (d) (Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances:** The owner of an improved lot in a residential zone with lot sizes of one acre or less shall keep such lot free and clear of all fallen trees and limbs. All weeds, grass and undergrowth shall be cut to a height not exceeding ten inches. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than ten inches within such natural areas. **(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. **Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.15 (Doors) of the 2018 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances**: Exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

    - The initial inspection of this property found the door leading inside the unit to be broken and off the hinges. To correct the violation, the door must be placed back on the unit and be operable and locked in order to secure the dwelling.

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 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 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 **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

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

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

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **November 14, 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 **January 9, 2019, 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- 5645.

DATED this 12th day of October, 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 Stacey L. Algieri, 5245 Sydney Street, Port Orange, FL 32127, RE: 5245 Sydney Street, Port Orange, FL 32127, was

☐ Hand-delivered Recipient of hand delivered documents: _____

☒ Posted at the property

Time: approx. 3:30 PM

this 12th day of October, 2018.

_____
Dena Joseph

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Stacey L. Algieri, 5245 Sydney Street, Port Orange, FL 32127, RE: 5245 Sydney Street, Port Orange, FL 32127, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 12 day of October, 2018.

_____
Secretary, Special Magistrate

RIGHT TO APPEAL

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

ACCOMMODATIONS

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

Case Cost Sheet Log

Case No. 17-282

Name	Activity	Activity_Date	Status	Cost
Channing Blake Stacy	Cost to mail Notice of Violation/Notice of Hearing	10/12/2018	Certified mail received signed "illegible" dated 11/3/18	$7.14
Clerk of Courts	Fee to record Finding of Fact, Conclusion of Law & Order	11/14/2018		$27.00
Channing Blake Stacy	Cost to mail Finding of Fact, Conclusion of Law & Order	11/14/2018		$7.14

Total: 41.28

NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 17-282

To: Channing Blake Stacy
858 W. Pine Forest Trail
Port Orange, FL 32127

Re: 858 W. Pine Forest Trail
Port Orange, FL 32127
Parcel ID: 6316-04-00-0770
LEGAL DESCRIPTION: LOT 77 COUNTRYSIDE SUB UNIT 1 MB 36 PGS 92-93 INC PER OR 4981 PG 0874 PER OR 6021 PG 4000 PER OR 6614 PG 2423 PER OR 6670 PG 0856 PER OR 6755 PGS 1701-1702
Volusia County Public Records
Volusia County, FL

An inspection of the premises on March 2, 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 three days to correct. The most recent re-inspection was done on August 7, 2018, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by **October 11, 2018.**

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

1. **Chapter 70 (Traffic), Article II (Stopping standing and parking), Section 70-36 (Stopping, standing or parking prohibited in specified places), (a) (1) (k) (1), (2) & (3) of the City of Port Orange Code of Ordinances: (a)** Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic device, no person shall: **(1)** Stop, stand or park a motor vehicle or trailer: **(k)** On any other portion of the front yard of a residential lot, except on approved driveways. As used in this section, driveways shall be constructed of the following materials: **(1)** Concrete or paved materials; **(2)** Nonpaved materials, excluding grass and dirt, provided that loose materials such as gravel, bark or cypress mulch are effectively contained within a border of concrete, railroad ties, or other rigid materials; or **(3)** Concrete paver strips, paver blocks, or other semi-pervious materials.
2. **City of Port Orange Code of Ordinances, Chapter 70 (Traffic), Article II (Stopping standing and parking), Section 70-48 Parking of recreational vehicles and equipment on residential premises: (c)** No recreational vehicle or equipment greater than 24 feet in length shall be parked or stored on any residential lot or the right-of-way adjoining the residential lot except for the following: **(1)** In an enclosed building or a completely enclosed garage. **(2)** Behind the front plane of a dwelling unit. **(3)** Anywhere on residential premises for a period not to exceed 72 hours in any continuous 30-day period for the purpose of maintenance, loading or unloading. The recreational vehicle or equipment shall be measured along the centerline from the front to the rear of the vehicle or equipment and shall include all appurtenances, accessories and attachments, including but not limited to the trailer tongue, inboard and/or outboard engine, and engine trailer assembly. **(d)** When a recreational vehicle or equipment is stored or when parked for maintenance, loading and unloading, the recreational vehicle engine or associated equipment engine shall not be operated between the hours of 9:00 p.m. and 7:00 a.m. Subsection **(c)(3)** shall not be construed to prohibit the arrival and departure of recreational vehicles to and from the driveway of the residence. **(e)** No recreational vehicle or equipment shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot or in any location not approved for such use. **(f)** No recreational vehicles and equipment shall be parked on the right-of-way adjoining the residential premises.

- The initial inspection of this property found a boat parked in the front yard. The property owner has been notified on several occasions of the violation and was advised on how to correct the violation. To correct the violation, the boat must be parked in the driveway or behind the front plane of the house. Alternatively, a driveway extension where the boat is currently parked may be created out of rock or mulch and landscape timbers.

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 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 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 **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 **November 14, 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 **January 9, 2019, 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 11th day of October, 2018.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: _____
Amanda Bonin

☑ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Channing Blake Stacy, 858 W. Pine Forest Trail, Port Orange, FL, 32127, RE: 858 W. Pine Forest Trail, Port Orange, FL, 32127, was

☐ Hand-delivered Recipient of hand delivered documents: _____

☑ Posted at the property

Time: approx. 1:53pm

this 11th day of October, 2018.

_____
Amanda Bonin

☑ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Channing Blake Stacy, 858 W. Pine Forest Trail, Port Orange, FL, 32127, RE: 858 W. Pine Forest Trail, Port Orange, FL, 32127, was

☑ Posted at City Hall

☑ Sent via certified and regular

this 12 day of October, 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. 18-1349

Name	Activity	Activity_Date	Status	Cost
Charles W. Farrell	Cost to mail Notice of Violation/Notice of Hearing	10/12/2018	Certified mail not returned	$7.14
Clerk of Courts	Fee to record Finding of Fact, Conclusion of Law & Order	11/14/2018		$27.00
Chalres W. Farrell	Cost to mail Finding of Facts, conclusion of Law & Order	11/14/2018		$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. 18-1349

To: Charles W. Farrell
211 Brittany Avenue
Port Orange, FL 32127

Re: 211 Brittany Avenue
Port Orange, FL 32127
Parcel ID: 6321-01-01-0270
LEGAL DESCRIPTION: LOT 27 CAMBRIDGE SUB UNIT 1 MB 32 PG 4 PER OR 4957 PG 3602 PER OR 5531 PG 2169
Volusia County Public Records
Volusia County, FL

An inspection of the premises on August 21, 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 **October 29, 2018.**

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

1. **Chapter 42, (Nuisances), Article II (Garbage, junk, and undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), (d) (Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances**. The owner of an improved lot in a residential zone with lot sizes of one acre or less shall keep such lot free and clear of all fallen trees and limbs. All weeds, grass and undergrowth shall be cut to a height not exceeding ten inches. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than ten inches within such natural areas. **(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, and all yard debris removed.

2. **City of Port Orange Code of Ordinances, Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-32 Storage of vehicles, furniture, etc.** No owner of property within the city shall permit the storage of vehicles or parts of vehicles, furniture, appliances or other personal property upon the premises, except in an enclosed building.

    - The initial inspection of this property found stored items in front of the garage. To correct the violation, all stored items in front of the garage must be removed and or 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 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 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 **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 $ 71.14 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 **November 14, 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 **January 9, 2019, 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- 5641.

DATED this 9 day of October, 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 Charles W. Farrell, 211 Brittany Avenue, Port Orange, FL 32127, RE: 211 Brittany Avenue, Port Orange, FL 32127, was

☐ Hand-delivered Recipient of hand delivered documents: _____

☒ Posted at the property

this 9 day of October, 2018.

Time: approx. 10:40 a.m.

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 Charles W. Farrell, 211 Brittany Avenue, Port Orange, FL 32127, RE: 211 Brittany Avenue, Port Orange, FL 32127, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 12 day of October, 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. 18-0351

Name	Activity	Activity_Date	Status	Cost
Clerk of Courts	Fee to record Finding of Fact, Conclusion of Law & Order	11/14/2018		$27.00
Peter J. Renko	Cost to mail Finding of Fact, conclusion of Law & Order	11/14/2018		$7.14

Total: 34.14

NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 18-0351

To: Peter J. Renko
150 Howes Street
Port Orange, FL 32127

Re: 150 Howes Street
Port Orange, FL 32127
Parcel ID: 6310-07-44-0120
LEGAL DESCRIPTION: LOTS 12 13 & 14 BLK 44 ALLANDALE PER OR 3705 PG 4975
Volusia County Public Records
Volusia County, FL

An inspection of the premises on March 12, 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 30 days to correct.

A re-inspection was done on March 26, 2018, resulting in non-compliance. Property owner was notified of the violations noted below and given 10 days to correct.

A second re-inspection was done on April 6, 2018, resulting in non-compliance. A third re-inspection was conducted on September 20, 2018, also resulting in non-compliance.

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

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

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

    - The initial inspection of this property found the yard to be high and not being maintained. To correct the violation, the entire property must be mowed and maintained to include trimming of all high weeds, 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.) of the City of Port Orange Code of Ordinances:** No owner of property within the city shall permit the storage of vehicles or parts of vehicles, furniture, appliances or other personal property upon the premises, except in an enclosed building.

    - The initial inspection found a large number of items being stored on the outside of the home. To correct the violation, items being stored on the outside of the property must be stored in an enclosed building.

3. **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: (a)** Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic device, no person shall: **(1)** Stop, stand or park a motor vehicle or trailer: **(k)** On any other portion of the front yard of a residential lot, except on approved driveways. As used in this section, driveways shall be constructed of the following materials: **(1)** Concrete or paved materials; **(2)** Nonpaved materials, excluding grass and dirt, provided that loose materials such as gravel, bark or cypress mulch are effectively contained within a border of concrete, railroad ties, or other rigid materials; or **(3)** Concrete paver strips, paver blocks, or other semi-pervious materials.

    - The initial inspection of property resulted in a vehicle parked in the front yard of the residence. To correct the violation, the vehicle must be moved into driveway or placed on an installed driveway extension made of mulch, rock, etc. and contained within a border of concrete, railroad ties, or other rigid materials.

4. **2017 Florida Building Code, Section 105 (Permits), Section 105.1 (Required) as adopted per Chapter 8, Article I of the City of Port Orange Land Development Code: Failure to Obtain a Building Permit:** Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any required impact-resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

    - The initial inspection of property resulted in a new roof installation on the shed at the back side of the property. No permits were obtained for the work that was done. To correct the violation, a permit must be obtained through the City of Port Orange Building Department by a certified roofing contractor.

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 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 **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

If the violation is not corrected within the time specified for correction ordered by the **Special Magistrate**, then a certified copy of an order imposing a fine may be recorded in the public records of the county and once recorded, it SHALL CONSTITUTE

A LIEN against the property upon which the violation was found to exist and upon any other real or personal property owned by the violator. If said lien remains unpaid for more than ninety days, the City may seek to foreclose on said lien.

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are $ 0 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **November 14, 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 January 9, 2019, 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- 5645.

DATED this 12th day of October, 2018.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Dena Joseph
Dena Joseph

X ☐ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Peter J. Renko, 150 Howes Street, Port Orange, FL 32127, RE: 150 Howes Street, Port Orange, FL 32127, was

☑ Hand-delivered Recipient of hand delivered documents: Peter Renko - owner
☐ Posted at the property

Time: approx. 11:20 AM

this 12th day of October, 2018.

Dena Joseph
Dena Joseph

X ☐ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Peter J. Renko, 150 Howes Street, Port Orange, FL 32127, RE: 150 Howes Street, Port Orange, FL 32127, was

☒ Posted at City Hall
☐ Sent via certified and regular

this 12 day of Oct., 2018.

Kathy Kennedy
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. 18-1512

Name	Activity	Activity_Date	Status	Cost
Adam B. Wilson	Cost to mail Notice of Violation/Notice of Hearing	10/04/2018	Certified mail returned signed "Adam Wilson"	$7.14
Julie Furnas	Cost to mail Notice of Violation/Notice of Hearing	10/04/2018	Certified mail not returned	$7.14
Clerk of Courts	Fee to record Finding of Fact, Conclusion of Law & Order	11/14/2018		$27.00
Adam B. Wilson	Cost to mail Finding of Fact, Conclusion of Law & Order	11/14/2018		$7.14
Julie Furnas	Cost to mail Finding of Fact, Conclusion of Law & Order	11/14/2018		$7.14

Total: 55.56

NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 18-1512

To: Adam B. Wilson
Julie Furnas
409 Grant Street
Port Orange, FL 32127

Re: 409 Grant Street
Port Orange, FL 32127
Parcel ID: 6341-03-00-0760
LEGAL DESCRIPTION: E 68 FT OF LOTS 76 & 77 MARSHALLS ADD PORT ORANGE PER MB 5 PG 77 PER OR 3801 PG 2069 PER OR 3809 PG 2682 PER OR 4009 PG 2433 PER OR 5575 PG 2162 PER OR 5877 PG 3100
Volusia County Public Records
Volusia County, FL

An inspection of the premises on September 17, 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 3 days to correct. A re-inspection was done on September 26, 2018, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by **October 14, 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.

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 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 **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 **November 14, 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 January 9, 2019, 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- 5645.

DATED this 3rd day of October, 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 Adam B. Wilson, Julie Furnas, 409 Grant Street, Port Orange, FL 32127, RE: 409 Grant Street, Port Orange, FL 32127, was

☐ Hand-delivered
☒ Posted at the property

Recipient of hand delivered documents: _____

Time: approx. 12:25 pm

this 3rd day of October, 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 Adam B. Wilson, Julie Furnas, 409 Grant Street, Port Orange, FL 32127, RE: 409 Grant Street, Port Orange, FL 32127, was

☒ Posted at City Hall
☒ Sent via certified and regular

this 4 day of October, 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. 18-1544

Name	Activity	Activity_Date	Status	Cost
Jerome J. Tobolski, Jeffery M. Tobolski, and Amy Tobolski	Cost to mail Notice of Violation/Notice of Hearing	10/03/2018	Certified mail returned "unclaimed"	$21.42
Clerk of Courts	Fee to record Finding of Fact, Conclusion of Law & Order	11/14/2018		$27.00
Jerome J. Tobolski, Jeffery M. Tobolski, and Amy Tobolski	Cost to mail Finding of Fact, Conclusion of Law & Order	11/14/2018		$21.42

Total: 69.84

NOTICE OF REPEAT VIOLATION
AND
NOTICE OF HEARING

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 18-1544

To: Jerome J. Tobolski
Jeffrey M. Tobolski
Amy Tobolski
470 Longwood Hills Drive
Longwood, FL 32750

Re: 683 Reillys Road
Port Orange, FL 32127
Parcel ID: 6320-02-03-0210
LEGAL DESCRIPTION: LOT 21 BLK 3 SWEETWATER HILLS UNIT 1 MB 34 PG 191 PER OR 4066 PG 4141 PER OR 7147 PG 3838
Volusia County Public Records
Volusia County, FL

An inspection of the premises on September 20, 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.

    - The initial inspection of this property found high weeds and grass. To correct the repeat violation, the entire property must be mowed and trimmed of all high weeds and grass.

You have previously (within the past five years) been found by the Special Magistrate to have violated the above referenced code section(s) on June 27, 2018 under Case No. 18-478.

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 **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 **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 $ 21.42 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 **November 14, 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 January 9, 2019, 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- 5641.

DATED this 2 day of October, 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 Repeat Violation and Notice of Hearing to: Jerome J. Tobolski, Jeffrey M. Tobolski, Amy Tobolski, 470 Longwood Hills Drive, Longwood, FL, 32750, RE: 683 Reillys Road, Port Orange, FL 32127, was:

☐ Hand- delivered Recipient of hand delivered documents: _____

☒ Posted at the property

Time: 11:25 a.m.

this 2 day of October, 2018.

J. Scott Allman
J. Scott Allman

X I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Repeat Violation and Notice of Hearing to: Jerome J. Tobolski, Jeffrey M. Tobolski, Amy Tobolski, 470 Longwood Hills Drive, Longwood, FL, 32750, RE: 683 Reillys Road, Port Orange, FL 32127, was:

X ☐ Posted at City Hall

☐ X Sent via certified and regular

this 3 day of Oct., 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. 18-1586

Name	Activity	Activity_Date	Status	Cost
Jaqueline M. Sale	Cost to mail Notice of Violation/Notice of Hearings	10/03/2018	Certified mail not recieved	$7.14
Clerk of Courts	Fee to record Finding of Fact, Conclusion of Law & Order	11/14/2018		$27.00
Jaqueline M. Sale	Cost to mail Finding of Fact, Conclusion of Law & Order	11/14/2018		$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

CASE NO. 18-1586

To: Jaqueline M. Sale
5950 Shallowford Rd. STE D
Chattanooga, TN 37421

Re: 825 Upland Dr.
Port Orange, FL 32127
Parcel ID: 6321-04-00-1150
LEGAL DESCRIPTION: LOT 115 THE HAMLET SUB 1ST ADDITION MB 35 PGS 99-100 INC PER OR 4975 PG 1225 PER OR 5864 PG 4185 PER D/C 5865 PG 4113 PER OR 5910 PG 1211 PER OR 5947 PGS 4351-4352 PER OR 5952 PGS 0372-0373 PER OR 5969 PG 2888-2890 PER OR 7536 PG 2799
Volusia County Public Records
Volusia County, FL

An inspection of the premises on September 26, 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) of the City of Port Orange Code of Ordinances, Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of Property Generally-Duty of Owner), (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 (10) inches.

    - An inspection of the property found extremely high weeds and grass. To correct the repeat violation, the property needs to be mowed, maintained and all high weeds trimmed.

You have previously (within the past five years) been found by the Special Magistrate to have violated the above referenced code section(s) on July 11, 2018 under Case No. 18-0815.

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 **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 **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 **November 14, 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 January 9, 2018 2019 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- 5641.

DATED this 2 day of October, 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 Repeat Violation and Notice of Hearing to: Jaqueline M. Sale, 5950 Shallowford Rd. STE D, Chattanooga, TN, 37421, RE: 825 Upland Dr., Port Orange, FL 32127, was:

☐ Hand- delivered
☒ Posted at the property

Recipient of hand delivered documents: _____

Time: 10:50 a.m.

this 2 day of October, 2018.

J. Scott Allman
J. Scott Allman

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Repeat Violation and Notice of Hearing to: Jaqueline M. Sale, 5950 Shallowford Rd. STE D, Chattanooga, TN, 37421, RE: 825 Upland Dr., Port Orange, FL 32127, was:

☒ Posted at City Hall

☒ Sent via certified and regular

this 3 day of Oct., 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. 18-1502

Name	Activity	Activity_Date	Status	Cost
David Douce	Cost to mail Notice of Violation/Notice of Hearing	10/04/2018	Certified mail returned signed "David Douce"	$7.14
Kassandra Douce	Cost to mail Notice of Violation/Notice of Hearing	10/04/2018	Certified mail received signed, illegible. dated 10-15-18	$7.14
Clerk of Courts	Fee to record Finding of Fact, Conclusion of Law & Order	11/14/2018		$27.00
David Douce	Cost to mail Finding of Fact, Conclusion of Law & Order	11/14/2018		$7.14
Kassandra Douce	Cost to mail Finding of Fact, Conclusion of Law & Order	11/14/2018		$7.14

Total: 55.56

NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 18-1502

To: David L. Douce
Kasandra J. Douce
5180 Alva NW
Warren, OH 44483

Re: 729 Sheldon Circle
Port Orange, FL 32127
Parcel ID: 6315-04-11-0610
LEGAL DESCRIPTION: LOT 61 BLK 11 COMMONWEALTH MOBILE ESTS FIRST ADD MB 29 PG 47 PER OR 6452 PG 3169 PER OR 6452 PG 3170 PER OR 6453 PG 4356
Volusia County Public Records
Volusia County, FL

An inspection of the premises on September 13, 2018, indicates that certain violation(s) of the City of Port Orange Code exists.

Property owner was notified of the violations noted below and given 5 days to correct. A re-inspection was done on September 27, 2018, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by **October 14, 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.

    - Initial inspection found a xeriscape yard with very high weeds growing through the rocks. Property owner was left a 5-day door hanger stating that the weeds must be cut and/or sprayed so that they do not exceed 10 inches

in height. To correct the violation, all high weeds and grass on the property are to be mowed and maintained to include weed eating, edging, blowing of debris, etc.

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 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 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 **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 **November 14, 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 **January 9, 2019, 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) 506-5645.

DATED this 3rd day of October, 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 David L. Douce, Kasandra J. Douce, 5180 Alva NW, Warren, OH 44483, RE: 729 Sheldon Circle, Port Orange, FL 32127, was

☐ Hand-delivered Recipient of hand delivered documents: _____

☒ Posted at the property

Time: approx. 1:46 PM

this 3rd day of October, 2018.

Dena Joseph

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to David L. Douce, Kasandra J. Douce, 5180 Alva NW, Warren, OH 44483, RE: 729 Sheldon Circle, Port Orange, FL 32127, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 4 day of Oct., 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. 18-1406

Name	Activity	Activity_Date	Status	Cost
ARF Properties Trust	Cost to mail Notice of Violation/Notice of Hearings	09/14/2018	Certified mail returned "unclaimed"	$7.14
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law & Order	11/14/2018		$27.00
ARF Properties Trust	Cost to mail Finding of Fact, Conclusion of Law & Order	11/14/2018		$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. 18-1406

To: ARF Properties Trust
5217 Dubois Ave. Land Trust
4138 Sudbury Avenue
Jacksonville, FL 32210

Re: 5417 Dubois Avenue
Port Orange, FL 32127
Parcel ID: 6310-07-20-0110
LEGAL DESCRIPTION: LOTS 11 & 12 BLK 20 ALLANDALE MB 4 PG 146 PER OR 1736 PG 25 & OR 5557 PG 613 PER OR 5585 PG 3085 PER OR 7560 PG 4196
Volusia County Public Records
Volusia County, FL

An inspection of the premises on August 28, 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 seven days to correct. A re-inspection was done on September 12, 2018, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by **September 24, 2019.**

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. **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.** The owner of every lot, piece, and parcel of land located within the city shall keep each such lot, piece, and parcel of land free and clear of garbage, waste, trash, debris and junk.

- The initial inspection of this property found garbage and debris. To correct the violation, all trash and debris onsite must be cleaned up and removed from the property.

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

If the violation is corrected and then recurs, or if the violation is not corrected by the specified time for correction by the Code 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 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 **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

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

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

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **November 14, 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 January 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 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- 5645.

DATED this 13th day of September, 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 ARF Properties Trust, 5217 Dubois Ave. Land Trust, 4138 Sudbury Avenue, Jacksonville, FL 32210, RE: 5417 Dubois Avenue, Port Orange, FL 32127, was

☐ Hand-delivered Recipient of hand delivered documents: _____

☒ Posted at the property

Time: approx. 1:03 PM

this 13th day of September, 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 ARF Properties Trust, 5217 Dubois Ave. Land Trust, 4138 Sudbury Avenue, Jacksonville, FL 32210, RE: 5417 Dubois Avenue, Port Orange, FL 32127, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 14 day of Sept., 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. 18-0948

Name	Activity	Activity_Date	Status	Cost
Tim Gabel	Cost to mail Notice of Violation/Notice of Hearing	08/31/2018	Certified mail returned "unclaimed"	$7.14
Clerk of Courts	Fee to record Finding of Fact, Conclusion of Law & Order	11/14/2018		$27.00
Tim Gabel	Cost to mail Finding of Fact, Conclusion of Law & Order	11/14/2018		$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. 18-0948

To: Tim Gabel
817 Clear Lake Drive
Port Orange, FL 32127

Re: 817 Clear Lake Drive
Port Orange, FL 32127
Parcel ID: 6316-10-00-0620
LEGAL DESCRIPTION: LOT 62 COUNTRYSIDE PUD UNIT III-D MB 40 PG 44 PER OR 5208 PG 4332 PER OR 6296 PGS 1968-1970 INC
Volusia County Public Records
Volusia County, FL

An inspection of the premises on June 21, 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 ten days to correct. A re-inspection was done on August 27, 2018, resulting in non-compliance.

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

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

1. **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 damaged stockade fence. To correct the violation, the damaged fence must be removed, repaired, or replaced. In the event that the fence is replaced, a permit will need to be applied for and issued by 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 October 10, 2018, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

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

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are $ 7.14 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 **October 10, 2018,** enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement **Special Magistrate on 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- 5641.

DATED this 30th 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 : Tim Gabel, 817 Clear Lake Drive, Port Orange, FL 32127, RE: 817 Clear Lake Drive, Port Orange, FL 32127, was

☐ Hand-delivered Recipient of hand delivered documents: _____

☒ Posted at the property

Time: approx. 1:00 p.m

this 30th day of August, 2018.

J. Scott Allman
J. Scott Allman

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Tim Gabel, 817 Clear Lake Drive, Port Orange, FL 32127, RE: 817 Clear Lake Drive, Port Orange, FL 32127, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 31 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. 18-1388

Name	Activity	Activity_Date	Status	Cost
Wells Fargo Bank, National Association	Cost to mail Notice of Violation/Notice of Hearing	10/12/2018	Certified mail returned signed, illegible	$7.14
Clerk of Courts	Fee to record Finding of Fact, Conclusion of Law & Order	11/14/2018		$27.00
Wells Fargo Bank, National Association	Cost to mail Finding of Fact, Conclusion of Law & Order	11/14/2018		$7.14

Total: 41.28

11/14
11/9

NOTICE OF VIOLATION AND NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 18-1388

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

Re: 5201 Wood St.
Port Orange, FL 32127
Parcel ID: 6310-08-10-0010
LEGAL DESCRIPTION: LOT 1 EXC E 25 FT BLK 10 DEPOT ADD ALLANDALE MB 11 PG 83 PER OR 5176 PG 4617 PER OR 7549 PGS 0330-0331
Volusia County Public Records
Volusia County, FL

An inspection of the premises on August 24, 2018 indicates that certain violation(s) of the City of Port Orange Code exists. Hurricane Matthew and Irma caused extensive damage to the roof and walls of the home.

An email was sent to Laura B. Henry, representative of Wells Fargo Bank, on August 23, 2018, in reference to the condition of the property, and there was no response received. A reinspection of the property was conducted on October 11, 2018, showing non-compliance.

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

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

- During the inspection, missing siding with exposed walls was observed. To correct the violation, all damaged and rotted wood needs to be replaced and siding re-installed. A permit will be needed to conduct the repairs. Additionally, permits for repair must be obtained or a demolition permit obtained to remove the structure.

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

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

- During the inspection, the blue tarp on the roof protecting it from rain and to stop leaks was observed. To correct the violation, the blue tarp must be removed, and the roof must be repaired and in good condition not to admit rain. A permit is required to repair the roof. Additionally, permits for repair must be obtained or a demolition permit obtained to remove the structure.

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

304.13 Window, skylight, and door frames. Every window, skylight, door, and frame shall be kept in sound condition, good repair, and weather tight.

- During the inspection, a damaged and broken skylight on the roof was observed. To correct the violation, the skylight must be replaced. A permit will be required to replace the skylight.

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 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 **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 $ 71.14 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 **November 14, 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 **January 9, 2019, 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 12 day of October, 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 Wells Fargo Bank, National Association, 3476 Stateview Blvd., MAC # x7801-03K, Fort Mill, SC 29715, RE: 5201 Wood St., Port Orange, FL 32127, was

☐ Hand-delivered Recipient of hand delivered documents: _____

X Posted at the property

Time: approx. 10:30 am.

this 12 day of October, 2018.

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 Wells Fargo Bank, National Association, 3476 Stateview Blvd., MAC # x7801-03K, Fort Mill, SC 29715, RE: 5201 Wood St., Port Orange, FL 32127, was

X Posted at City Hall

X Sent via certified and regular

this 12 day of October, 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. 18-1388

Name	Activity	Activity_Date	Status	Cost
Wells Fargo Bank, National Association	Cost to mail Notice of Violation/Notice of Hearings	10/12/2018	Certified mail returned signed, illegible	$7.14
Clerk of Courts	Fee to record finding of Fact, Conclusion of Law & Order	11/14/2018		$27.00
Wells Fargo Bank, National Association	Cost to mail Finding of Fact, Conclusion of Law & Order	11/14/2018		$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. 18-1388

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

Re: 5201 Wood St
Port Orange, FL 32127
Parcel ID: 6310-08-10-0010
LEGAL DESCRIPTION: LOT 1 EXC E 25 FT BLK 10 DEPOT ADD ALLANDALE MB 11 PG 83 PER OR 5176 PG 4617 PER OR 7549 PGS 0330-0331
Volusia County Public Records
Volusia County, FL

An inspection of the premises on August 24, 2018, indicates that certain violation(s) of the City of Port Orange Code exists.

A re-inspection was done on October 5, 2018, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by **November 9, 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. **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**: The owner of every lot, piece, and parcel of land located within the city shall keep each such lot, piece, and parcel of land free and clear of garbage, waste, trash, debris and junk.

    - The initial inspection of this property found trash and debris. To correct the violation, all garbage, junk, trash and debris must be cleaned up and removed from the property.

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

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

The burden shall rest upon the Respondent to request a re-inspection by the Code 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 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 **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 $ 71.14 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 **November 14, 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 **January 9, 2019, 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- 5641.

DATED this 12 day of October, 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 Wells Fargo Bank, National Association, 3476 Stateview Blvd, MAC # x7801-03K, Fort Mill, SC 29715, RE: 5201 Wood St, Port Orange, FL 32127, was

□ Hand-delivered Recipient of hand delivered documents: _____

X Posted at the property

Time: approx. 10:30 A.m.

this 12 day of October, 2018.

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 Wells Fargo Bank, National Association, 3476 Stateview Blvd, MAC # x7801-03K, Fort Mill, SC 29715, RE: 5201 Wood St, Port Orange, FL 32127, was

X Posted at City Hall

X Sent via certified and regular

this 12 day of October, 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. 18-1335

Total:

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
Clerk of Courts	Fee to record Order Imposing Fine/Lien	11/14/2018		$44.00
Springwood Square Joint Ventures	Cost to mail Order Imposing Fine/Lien	11/14/2018		$7.14

Total: 92.42

NOTICE OF REPEAT VIOLATION
AND
NOTICE OF HEARING

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 18-1342

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

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 Recipient of hand delivered documents: N/A

☒ Posted at the property

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.

CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 18-1342

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

Recorded in the Public Records:
Instrument # 2018 196008 09/27/18
Book: 7603 Page: 1591

SPRINGWOOD SQUARE JOINT VENTURES
73 W. GRANADA BLVD.
ORMOND BEACH, FL 32174

SUBJECT PROPERTY:

SPRINGWOOD SQUARE COMMON AREAS
PORT ORANGE, FL 32129
PARCEL ID: 6337-15-00-1090

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 September 26, 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, SPRINGWOOD SQUARE JOINT VENTURES, whose mailing address is 73 W. Granada Blvd. Ormond Beach, FL 32174, is the owner of the property located at Springwood Square common areas, and more particularly described as:

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

B. The violation was to be corrected by mowing the entire property to include weed eating, edging, blowing, etc. and removing all fallen limbs on site. This condition was first observed at the real property described above on August 2, 2018; re-inspection made on September 11, 2018 confirmed the condition as being the same. Respondent received notice via posting at City Hall and via regular and certified mailing on August 24, 2018, as well as posted on the property on August 23, 2018, that the aforesaid conditions constituted a violation of Chapter 42 (Nuisances), Article II (Garbage, waste, trash, etc. prohibited), Section 42-26 (Cleanliness of property generally-duty of owner), (d) (Maintenance of improved residential lots) & (f) (Garbage, waste, trash, etc. prohibited) of the City of Port Orange Code of Ordinances, and was to be corrected immediately as this is a repeat violation.

C. At the time of the hearing, the violations cited above: [_X_] continued to exist, or [___] remained noncompliant until _____ [Date].

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

CONCLUSION OF LAW:

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

ORDER:

A. Respondent(s) shall correct the aforesaid violation by mowing the entire property to include weed eating, edging, blowing, etc. and removing all fallen limbs on site on or before October 6, 2018. ("Compliance Date"). In the event that the property is not brought into compliance on or before the Compliance Date, and/or not maintained in a state of compliance, the City shall have the option to abate the violation as it has been determined to be a serious threat to the public health, safety, and welfare. 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 26th day of September, 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), Springwood Square Joint Ventures, 73 W. Granada Blvd, Ormond Beach, FL 32174 by Certified and Regular Mail this 27 day of September, 2018.

Secretary, Code Enforcement Special Magistrate

CITY OF PORT ORANGE, FLORIDA
I HEREBY CERTIFY the foregoing is a true copy
of the original filed in this office.
This document has/has not been redacted pursuant to Florida Law.
This 27 day of Sept, 2018
By: /s/ Robin L. Fenwick

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	Certified mail returned "unclaimed"	$7.14
Clerk of Courts	Fee to record Order Imposing Fine/Lien	11/14/2018		$44.00
Victoria E. Heller	Cost to mail Order Imposing Fine/Lien	11/14/2018		$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. 18-1248

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

Time: approx. 10:15 a.m.

this 15th day of August, 2018.

J. Scott Allman
J. Scott Allman

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

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. 18-1248

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

Recorded in the Public Records:
Instrument # 2018 196003 09/27/18
Book: 7603 Page: 1569

VICTORIA E. HELLER
974 COUNTRYSIDE WEST BLVD.
PORT ORANGE, FL 32127
PARCEL ID: 6317-25-00-0560

Respondent.

_____/

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

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on September 26, 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, VICTORIA E. HELLER, whose mailing address is 974 Countryside West Blvd., Port Orange, FL 32127, is the owner of the property located at 974 Countryside West Blvd, Port Orange, FL 32127, and more particularly described as:

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

B. The violation was to be corrected by mowing the entire property and trimming all high weeds and by cleaning the unsanitary pool or by installing a valid pool cover. This condition was first observed at the real property described above on August 2, 2018; re-inspections made on September 17, 2018 and September 20, 2018 confirmed the condition as being the same. Respondent received notice via posting at City Hall and via regular and certified mailing on August 16, 2018, as well as posted on the property on August 15, 2018, that the aforesaid conditions constituted a violation of Chapter 42, (Nuisances), Article II (Garbage, junk, and undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), (d) (Maintenance of improved residential lots) and (h) (Abutting property owner maintenance of parkages) of the City of Port Orange Code of Ordinances and 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, and was to be corrected by September 17, 2018.

C. At the time of the hearing, the violations cited above: [_X_] continued to exist, or [___] remained noncompliant until _____ [Date].

D. [_X_] 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 trimming all high weeds and maintaining the property in a state of compliance on or before October 12, 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 26th day of September, 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.

T. Scott Dynan
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), Victoria E. Heller, 974 Countryside West Blvd., Port Orange, FL 32127 by Certified and Regular Mail this 27 day of September, 2018.

Robin L. Fenwick
Secretary, Code Enforcement Special Magistrate

CITY OF PORT ORANGE, FLORIDA
I HEREBY CERTIFY the foregoing is a true copy of the original filed in this office.
This document has/has not been redacted pursuant to Florida Law.
This 27 day of Sept, 2018.
By: Robin L. Fenwick

/s/ Robin L. Fenwick

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
Clerk of Courts	Fee to record Order Imposing Fine/Lien	11/14/2018		$44.00
Larry Paul Edwards Estate	Cost to mail Order Imposing Fine/Lien	11/14/2018		$7.14

Total: 120.98

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

☒ 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

☒ 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.

_____
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. 18-1361

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

Recorded in the Public Records:
Instrument # 2018 196001 09/27/18
Book: 7603 Page: 1565

LARRY PAUL EDWARDS ESTATE
1108 HARMS WAY
PORT ORANGE, FL 32129
PARCEL ID: 6307-02-01-0960

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 September 26, 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, LARRY PAUL EDWARDS ESTATE, whose mailing address is 1108 Harms Way, Port Orange, FL 32129, is the owner of the property located at 1108 Harms Way, Port Orange, FL 32129, and more particularly described as:

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

B. The violation was to be corrected by mowing, weed-eating, and edging the entire property including the right of way, and to repair the broken vinyl fence. This condition was first observed at the real property described above on August 8, 2018; re-inspection made on September 11, 2018 confirmed the condition as being the same. Respondent received notice via posting at City Hall and via regular and certified mailing on August 27, 2018, as well as posted on the property on August 27, 2018, that the aforesaid conditions constituted a violation of Chapter 42, (Nuisances), Article II (Garbage, junk, and undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), (d) (Maintenance of improved residential lots) & (h) of the City of Port Orange Code of Ordinances, City of Port Orange Land Development Code, Chapter 16 (Miscellaneous Regulations), Section 3 (Fences and Walls), (b) General Provisions, (4) Design and Maintenance, (b) All fences shall be maintained in their original upright condition

& (d) Missing boards, pickets, or posts shall be replaced in a timely manner with material of the same type and quality and was to be corrected by September 6, 2018.

C. At the time of the hearing, the violations cited above: [_X_] continued to exist, or [___] remained noncompliant until _____ [Date].

D. [_X_] 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 The violation was to be corrected by mowing, weed-eating, and edging the entire property including the right of way, and to repair the broken vinyl fence on or before October 8, 2018. ("Compliance Date"). In the event that the property is not brought into compliance on or before the Compliance Date, and/or not maintained in a state of compliance, a daily fine of $50.00 per day will be assessed for each day the property is in violation beyond the Compliance Date. If paragraph D. above is checked and the Respondent(s) has/have not abated the condition by the Compliance Date, then notice of the violation will be given to the City Council. The City Council may repair the condition and charge the Respondent(s) with the reasonable costs of the repairs. Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the Special Magistrate may impose additional fines to cover all costs incurred by the city in enforcing its codes and all costs or repairs pursuant to sub section (a)." The cost to date is $69.84 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 26th day of September, 2018.

Attest: _____ By: _____

Secretary, Code Enforcement Special Magistrate — 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), Larry Paul Edwards Estate, 1108 Harms Way, Port Orange, FL 32129 and Valley National Bank, 1700 Palm Beach Lakes Blvd., Suite 1000, West Palm Beach, FL 33401 by Certified and Regular Mail this 27 day of September, 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 La
This 27 day of Sept, 2018.
By:

/s/ Robin L. Fenwick

Case Cost Sheet Log

Case No. 18-0361

Name	Activity	Activity_Date	Status	Cost
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law, & Order	10/10/2018		$27.00
James R. & Bonnie Perry	Cost to mail Finding of Fact, Conclusion of Law, & Order	10/10/2018		$14.28
Clerk of Courts	Fee to record Order Imposing Fine/Lien	11/14/2018		$44.00
Bonnie & James R. Perry	Cost to mail Order Imposing Fine/Lien	11/14/2018		$14.28

Total: 99.56

NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 18-0361

To: James R. & Bonnie Perry
Property Owners
5040 Riverside Drive
Port Orange, FL 32127

Re: 5040 Riverside Drive
Port Orange, FL 32127
Parcel ID: 631012020010
LEGAL DESCRIPTION: LOTS 1 & 2 & LAND IN FRONT OF SAME & RIP RTS BLK 2 NORWOOD PER OR 2380 PG 1816
Volusia County Public Records
Volusia County, FL

I, Dena Joseph, have been designated by Al Tischler, Building Official for Case# 18-0361, to determine the condition of this structure.

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

An inspection of the premises on July 10, 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 30 days to obtain the proper permits to correct the violations. A re-inspection was done on August 9, 2018 resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by **September 30, 2018** by obtaining all necessary permits to either demolish or repair the structure. Permits, once obtained, allow 6 months prior to their expiration.

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

1. Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment), 108.1.1 (Unsafe Structures) of the 2018 International Property Maintenance Code as adopted per Chapter 14, Article II, of the City of Port Orange Code of Ordinances: An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum standards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation that partial or complete collapse is possible.

    - Initial inspection conducted after noticing trusses that have been lying in the yard for over 8 months and appear to be unusable. The roof has obvious holes where water has been intruding and windows that have been open for over 8 months as well. There was once a tarp on the roof that is now completely deteriorated. The chimney was crushed due to something possibly falling on it. I left a 30-day door hanger asking for the residents to contact me and to obtain new permits in order to repair the damages to the structure or demolish.

2. Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment), 108.1.5 (Dangerous Structure or Premises), (3), (4), (5), (6), (7) and (10) of the 2018 International Property Maintenance Code as adopted per Chapter 14, Article II, of the City of Port Orange Code of Ordinances: For the purpose of this code, any structure or premises that has any or all of the conditions or defects described as follows shall be considered to be dangerous:

   (3) Any portion of a building, structure, or appurtenance that has been damaged by fire, earthquake, wind, flood, deterioration, neglect, abandonment, vandalism, or by any other cause to such an extent that it is likely to partially or completely collapse, or to become detached or dislodged.

   (4) Any portion of a building, or any member, appurtenance or ornamentation of the exterior thereof that is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one half the original designed value.

   (5) The building or structure, or part of the building or structure, because of dilapidation, deterioration, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.

   (6) The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.

   (7) The building or structure is neglected, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.

   (10) Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the code official to be a threat to life or health.

3. Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.1.1 (Unsafe Conditions), (4), (5), (7), (8), (13) of the 2018 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances:

   (4) Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight.

   (5) Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load effects.

   (7) Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.

   (8) Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects.

   (13) Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly anchored, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

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

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

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

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

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate** **October 10, 2018, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

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

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are $____Ø____ 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 **October 10, 2018,** enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on **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) 506-5645.

DATED this 10th day of August, 2018.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Dena Joseph
Dena Joseph, Code Compliance Inspector

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to James R. & Bonnie Perry, Property Owners, 5040 Riverside Drive, Port Orange, FL 32127
RE: 5040 Riverside Drive, Port Orange, FL 32127, was

☒ Hand-delivered Recipient of hand delivered documents: Owner: Bonnie Perry
☐ Posted at the property

Time: approx. 9:25 AM

this 10th day of August, 2018.

Dena Joseph, Code Compliance Inspector

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to James R. & Bonnie Perry, Property Owners, 5040 Riverside Drive, Port Orange, FL 32127
RE: 5040 Riverside Drive, Port Orange, FL 32127, 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.

CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 18-0361

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

Recorded in the Public Records:
Instrument # 2018 205514 10/10/18
Book: 7608 Page: 4295

JAMES R. & BONNIE PERRY
5040 RIVERSIDE DRIVE
PORT ORANGE, FL 32127
PARCEL ID: 6310-12-02-0010

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 October 10, 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, JAMES R. & BONNIE PERRY, whose mailing address is 5040 RIVERSIDE DRIVE, PORT ORANGE, FL 32127, is the owner of the property located at 5040 RIVERSIDE DRIVE, PORT ORANGE, FL 32127, and more particularly described as:

LOTS 1 & 2 & LAND IN FRONT OF SAME & RIP RTS BLK 2 NORWOOD PER OR 2380 PG 1816

B. The violation was to be corrected by obtaining all necessary permits to either demolish or repair the structure. This condition was first observed at the real property described above on July 10, 2018; re-inspections made on August 9, 2018 and October 1, 2018 confirmed the condition as being the same. Respondent received notice via posting at City Hall and via regular and certified mailing on August 15, 2018, as well as posted on the property on August 10, 2018, that the aforesaid conditions constituted a violation of Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment), 108.1.1 (Unsafe Structures) and 108.1.5 (Dangerous Structure or Premises), (3), (4), (5), (6), (7), and (10) and Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.1.1 (Unsafe Conditions), (4), (5), (7), (8), and (13) 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 September 30, 2018.

C. At the time of the hearing, the violations cited above: [_X_] continued to exist, or [___] remained noncompliant until _____ [Date].

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

CONCLUSION OF LAW:

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

ORDER:

A. Respondent(s) shall correct the aforesaid violation by obtaining all necessary permits to either demolish or repair the structure on or before November 14, 2018. ("Compliance Date"). In the event that the property is not brought into compliance on or before the Compliance Date, and/or not maintained in a state of compliance, a daily fine of $50.00 per day will be assessed for each day the property is in violation beyond the Compliance Date. If paragraph D. above is checked and the Respondent(s) has/have not abated the condition by the Compliance Date, then notice of the violation will be given to the City Council. The City Council may repair the condition and charge the Respondent(s) with the reasonable costs of the repairs. Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the Special Magistrate may impose additional fines to cover all costs incurred by the city in enforcing its codes and all costs or repairs pursuant to sub section (a)." The cost to date is $34.14 as indicated on the cost sheet submitted into evidence. The Respondent(s) will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion. Any future violations under this ordinance shall be considered repeat violations.

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

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

DONE AND ORDERED this 10th day of October, 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), James R. & Bonnie Perry, 5040 Riverside Drive, Port Orange, FL 32127 by Certified and Regular Mail this 10 day of October, 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 10 day of October 2018
By: /s/ Robin L. Fenwick

Case Cost Sheet Log

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

Name	Activity	Activity_Date	Status	Cost
Barbara & Richard L. Divoll	Cost to mail Notice of Violation/Notice of Hearings to 67 Tamarind Drive, Key West, FL 33040	03/27/2018	Both green cards were signed for by Barbara Divoll on March 29, 2018	$13.34
Clerkk of Court	Fee to record Finding of Fact, Conclusion of Law, & Order	06/13/2018		$27.00
Barbara & Richard L. Divoll	Cost to mail Finding of Fact, Conclusion of Law & Order to 67 Tamarind Drive, Key West, FL 33040	06/13/2018		$14.28
Clerk of Courts	Fee to record Order Imposing Fine/Lien	11/14/2018		$44.00
Barbara & Richard L. Divoll	Cost to mail Order Imposing Fine/Lien	11/14/2018		$15.12

Total: 113.74

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 $ 19.28 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **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 MARCH, 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 LanePort Orange, FL 32129, was

☐ Hand-delivered Recipient of hand delivered documents: _____

☒ Posted at the property

this 23 RD 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 LanePort 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,

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: [_X_] 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 La...
This 19 day of June, 2018.
By: Robin Fenwick

/s/ Robin L. Fenwick

Recorded in the Public Records:
Instrument # 2018 140 528 7/11/18
Book: 7570 Page: 2244

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

DEBORAH J. PEARSON
MY COMMISSION # GG 157078
EXPIRES: December 26, 2018
Bonded Thru Notary Public Underwriters

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.
This 11 day of July, 2018.
By: _____
/s/ Robin L. Fenwick