



AGENDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF PORT ORANGE

Meeting Date: Wednesday, May 8, 2019

Time: 9:00 AM

Type of Meeting: Regular

Location: Council Chambers
City Hall, 1000 City Center Circle

A. CALL TO ORDER

1. Attorney Overview of Special Magistrate Code Enforcement Process
2. Consideration of Minutes

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 18-1449

Respondent: MHC Pickwick L.L.C., Owner

Attn: David Eldersveld

CT Corporation System, Registered Agent

Address of Violation: 4500 Clyde Morris Blvd. - Pickwick Village Mobile Home
Park, Port Orange FL 32129

Code Officer: Amanda Bonin

First Notified: 9/4/2018

Compliance: No

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

City of Port Orange Code of Ordinances, Chapter 14 (Buildings and Building Regulations), Article VII (Commercial Property Maintenance Standards), Section 14-318 (Other Property improvements; maintenance criteria): Drainage and utility improvements.

City of Port Orange Code of Ordinances, Chapter 14 (Buildings and Building Regulations), Article VII (Commercial Property Maintenance Standards), Section 14-317 (Parking, sidewalk and driveway) Subsection (3): Pavement surfaces.

4. **CEB Case No.:** 19-452

Respondent: Prandip & Goolabday Roopnarine

Address of Violation: 3848 Sunset Cove Drive, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 3/27/2019

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) and (h) Abutting property owner maintenance of parkages of the City of Port Orange Code of Ordinances.

5. **CEB Case No.:** 16-509

Respondent: Rolando Ampier

Address of Violation: 112 Kon Tiki Terr, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 4/5/2016

Compliance: Yes

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

6. **CEB Case No.:** 18-1569

Respondent: Lowe's Home Centers, LLC

C/O Corporation Service Company RA

Address of Violation: 1751 Dunlawton Avenue, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 9/21/2018

Compliance: No

Cited for violation(s) - City of Port Orange Code of Ordinances, Chapter 14 Buildings and Building Regulations, Article VII Commercial Property Maintenance Standards:
Sec. 14-314. - Landscaping and buffers - Maintenance criteria.
Sec. 14-315.- Same - Replacement criteria.
Sec. 14-317.- Parking, sidewalk and driveway areas.
Sec. 14-318.- Other property improvements; maintenance criteria.

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.

7. **CEB Case No.:** 18-1831

Respondent: Lindamar, Inc

C/O Caprice M. Bean, Registered Agent

Address of Violation: 4075 Ridgewood Ave, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 11/19/2018

Compliance: No

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

Chapter 42, (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of property generally - duty of owner), (c) (Maintenance of improved commercial lots) of the City of Port Orange Code of Ordinances.

C. ORDER IMPOSING FINE/LIEN

D. ADJOURNMENT

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

PORT ORANGE CODE ENFORCEMENT
SPECIAL MAGISTRATE MINUTES
COUNCIL CHAMBERS
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
APRIL 24, 2019

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

PRESENT: David Fuller, Special Magistrate

ALSO PRESENT: Amanda Bonin, Code Compliance Inspector
Shelby Field, Assistant City Clerk

Attorney Overview of Special Magistrate Code Enforcement Process

Special Magistrate Fuller dispensed with the overview of the code enforcement process as there were no members of the public present.

Consideration of Minutes

Special Magistrate Fuller approved the April 10, 2019 meeting minutes as presented.

Oaths

Code Compliance Inspector Amanda Bonin was sworn in by Special Magistrate Fuller.

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 19-0259
Respondent: Jeanne N. Stidder
Address of Violation: 275 Brandy Hills Drive, Port Orange, FL 32129
Code Officer: Dennis Boehmer
First Notified: 2/20/2019

Compliance: Yes

Cited for violation(s) - Chapter 70 (Traffic), Article II (Stopping, Standing, and Parking), Section 70-48 Parking of recreational vehicles and equipment on residential premises (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: in an enclosed building or a completely enclosed garage, behind the front plane of a dwelling unit.

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.

Amanda Bonin, Code Compliance Inspector, was sworn in by Special Magistrate Fuller and requested a dismissal of the case as it is in compliance. Special Magistrate Fuller granted the dismissal request.

4. **CEB Case No.:** 19-0222

Respondent: Mary L. Cooper Estate

Address of Violation: 4214 Halifax Drive, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 2/11/2019

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), (f) Garbage, waste, trash, etc. prohibited of the City of Port Orange Code of Ordinances.

Ms. Bonin requested a dismissal of the case as it is in compliance. Special Magistrate Fuller granted the dismissal request.

5. **CEB Case No.:** 18-1881

Respondent: Kathy M. Crozier Trust

Kunik Revocable Living Trust

Address of Violation: 506 Orange Avenue, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 11/21/2018

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), (e) Maintenance of unimproved residential lots of the City of Port Orange Code of Ordinances.

Ms. Bonin requested a dismissal of the case as it is in compliance. Special Magistrate Fuller granted the dismissal request.

6. **CEB Case No.:** 19-0365

Respondent: Hazel E. Kunik Trust

Kunik Revocable Living Trust

Address of Violation: 508 Orange Avenue, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 3/12/2019

Compliance: Yes

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

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

Ms. Bonin requested a dismissal of the case as it is in compliance. Special Magistrate Fuller granted the dismissal request.

C. ORDER IMPOSING FINE/LIEN

7. CEB Case No.: 18-1722

Respondent: DJN Kalimnios Development Inc., Property Owner
C/O Denise Rosa, Registered Agent

Address of Violation: 5563 Ridgewood Avenue, Port Orange, FL 32127

Code Officer: Amanda Bonin

First Notified: 10/24/2018

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), (e) Maintenance of unimproved residential lots of the City of Port Orange Code of Ordinances.

Ms. Bonin requested a continuance of the case to the June 12, 2019 hearing. Special Magistrate Fuller granted the continuance request.

D. ADJOURNMENT 9:02am

Special Magistrate Fuller

Case Cost Sheet Log

Case No. 18-1449

Name	Activity	Activity_Date	Status	Cost
MHC Pickwick L.L.C., Owner Attn: David Eldersveld CT Corporation System, Registered Agent	Cost to mail Notice of Violation/Notice of Hearing	3/20/2019	CT Corporation certified mail returned stamped "Received March 25 2019" "MHC Pickwick certified returned signed, illegible dated 3-26-17"	\$14.60
Clerk of Courts	Fee to record Finding of Fact, Conclusion of Law & Order	5/8/2019		\$27.00
MHC Pickwick L.L.C., Owner Attn: David Eldersveld CT Corporation System, Registered Agent	Cost to mail Finding of Fact, Conclusion of Law & Order	5/8/2019		\$14.60

Total: 56.20



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 18-1449

To: MHC Pickwick L.L.C., Owner
Attn: David Eldersveld
Two North Riverside Plaza, Suite 800
Chicago, IL 60606

To: CT Corporation System, Registered Agent
1200 South Pine Island Road
Plantation, FL 33324

Re: 4500 Clyde Morris Blvd. – Pickwick Village Mobile Home Park
Port Orange, FL 32129
Parcel ID: 6306-00-00-0110

LEGAL DESCRIPTION: 6 16 33 S 530 FT OF SW 1/4 OF SE 1/4 SW OF CL MORRIS EXC S 330 FT OF W660 FT & INC W 1/2 OF NE 1/4 OF SEC 7 16 33 SW OF CLYDE MORRIS EXC N 3/8 OF W 1/2 & EXC E 30 FT & INC N 1250.34 FT OF S 1650.34 FT OF NW 1/4 E OF C/L OF DRAINAGE DITCH PER OR 4725 PGS 3729-3734 INC PER OR 6887 PG 2758
Volusia County Public Records
Volusia County, FL

An inspection of the premises on September 4, 2018, indicates that certain violation(s) of the City of Port Orange Code exists and that one or more of said violations presents a serious threat to the public health, safety and welfare.

Property owner was notified of the violations noted below and given 30 days to correct. A re-inspection was done on October 4, 2018, resulting in non-compliance. The most recent inspection on January 8, 2019, also resulted in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by **April 22, 2019**.

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

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

(Ord. No. 1995-43, § 51, 12-19-95; Ord. No. 2011-27, § 5, 10-25-11)

The initial inspection of this property found several sections of the drainage system and the road to be collapsing along the drainage lines. There are voids under the roadway from being washed out. The Code Official observed a deep hole that appeared to run in and down into the drainage system. The drainage system has caused damage to the roadway causing it to be unsafe and areas under and around mobile homes to settle causing uneven property. To correct the violation, the area needs to be immediately cautioned off and the drainage system needs to be repaired

or replaced. Once the drainage system has been completed, the road needs to be repaired. Permits will be required for this project.

2. **City of Port Orange Code of Ordinances, Chapter 14 (Buildings and Building Regulations), Article VII (Commercial Property Maintenance Standards), Section 14-318 (Other property improvements; maintenance criteria): Drainage and utility improvements.** All privately owned drainage and utility improvements shall be maintained to provide service as originally designed. This includes facilities in public easements which are not owned by the city. Specifically included in required maintenance are the following activities:

(1) Replacement of broken pipes, inlets, curbs and other structures.

(2) Cleaning of blocked and clogged drainage structures.

(3) Excavation and resodding of silted-in retention areas per St. Johns River Water Management District standards.

The initial inspection showed the drainage line area of the road collapsing and the ground underneath washed out creating a void under the roadway. To correct the violation, a contractor needs to obtain a permit and replace the faulty and/or collapsed drainage lines.

3. **City of Port Orange Code of Ordinances, Chapter 14 (Buildings and Building Regulations), Article VII (Commercial Property Maintenance Standards), Section 14-317 (Parking, sidewalk and driveway) Subsection (3): Pavement surfaces.** All sidewalk and road pavement surfaces shall be maintained to be free of cracks, potholes and other defects posing a hazard to pedestrian and vehicle safety, and shall be patched, seal coated, or resurfaced as required to maintain the structural integrity of the pavement base and surface. Vegetation shall be trimmed to provide sign visibility per the MUTCD.

The initial inspection showed the road to be caving in along the drainage line, and the ground underneath the roadway is washing out, creating a large void. To correct the violation, a contractor needs to obtain a permit, and following the repair of the drainage system, repair the ground and roadway.

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 May 8, 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 **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

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

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$ 14.60 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 8, 2019**, 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 12, 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 20th day of March 2019.

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 MHC Pickwick L.L.C., Owner, Two North Riverside Plaza, Suite 800, Chicago, IL 60606, RE: 4500 Clyde Morris Blvd., was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☐ Posted at the property

this 20th day of March 2019.

Time: approx. 1:50 PM

Amanda Bonin
Amanda Bonin

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to CT Corporation System, Registered Agent, 1200 South Pine Island Road, Plantation, FL 33324, RE: 4500 Clyde Morris Blvd., was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☐ Posted at the property

this 20th day of March 2019.

Time: approx. 1:50 PM

Amanda Bonin
Amanda Bonin

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to MHC Pickwick L.L.C, Owner, C/O CT Corporation System, Registered Agent, 1200 South Pine Island Road, Plantation, FL 33324, RE: 4500 Clyde Morris Blvd., was

☒ Posted at City Hall

☒ Sent via certified and regular

this 20 day of March, 2019.

Shelly Field
Secretary, Special Magistrate

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to MHC Pickwick LLC, Owner, Two North Riverside Plaza, Suite 800, Chicago, IL 60606, RE: 4500 Clyde Morris Blvd., was
☒ Posted at City Hall
☒ Sent via certified and regular

this 20 day of March, 2019.

Shelly Field
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. 19-452

Name	Activity	Activity_Date	Status	Cost
Prandip Roopnarine	Cost to mail Notice of Violation/Notice of Hearing	4/4/2019	Certified mail returned unclaimed	\$7.30
Goolabday Roopnarine	Cost to mail Notice of Violation/Notice of Hearing	4/4/2019	Certified mail returned unclaimed	\$7.30
Clerk of Courts	Fee to record Finding of Fact, Conclusion of Law & Order	5/8/2019		\$27.00
Prandip Roopnarine	Cost to mail Finding of Fact, Conclusion of Law & Order	5/8/2019		\$7.30
Goolabday Roopnarine	Cost to mail Finding of Fact, Conclusion of Law & Order	5/8/2019		\$7.30

Total: 56.20



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 19-452

To: Prandip Roopnarine &
Goolabday Roopnarine
3848 Sunset Cove Drive
Port Orange, FL 32129

Re: 3848 Sunset Cove Drive
Port Orange, FL 32129

Parcel ID: 620105000350

LEGAL DESCRIPTION: LOT 35 SUNSET COVE PHASE 1 MB 53 PG 63 PER OR 6054 PG 2773

Volusia County Public Records

Volusia County, FL

An inspection of the premises on March 27, 2019, 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 April 2, 2019, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by April 17, 2019.

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

1. **City of Port Orange Code of Ordinances Chapter 42 Article 2 Section 42-26. - Cleanliness of property generally—Duty of owner. (d) Maintenance of improved residential lots.** The owner of an improved lot in a residential zone with lot sizes of one acre or less shall keep such lot free and clear of all fallen trees and limbs. All weeds, grass and undergrowth shall be cut to a height not exceeding ten inches. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than ten inches within such natural areas. **(h) Abutting property owner maintenance of parkages.** It shall be the duty of every owner of real property within the city to at all times cause to be cut and moved the grass and weeds, and to cause to be cut and trimmed the flowers, vines, shrubbery, and trees not exceeding six feet in height, in a manner that protects and promotes the public health, safety and welfare and presents an aesthetically pleasing appearance in those areas of the parkage most nearly abutting their properties. Parkages abutting improved residential or commercial lots shall be maintained as provided in subsection (d) of this section for improved residential lots. Parkages abutting unimproved residential lots shall be maintained as provided in subsection (e) of this section for the maintained portion of unimproved residential lots. "Parkage" is that space between the private property lot or survey line of the property owner and the paved or graded portion of the public street adjacent thereto and includes that area between a sidewalk and street. Every 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 the property to be overgrown. To correct the violation, the entire property needs to be mowed, weed-eated, edged, and all debris cleaned up and blown back onto the property from the road and right of way.

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 May 8, 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 **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

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

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$ 14.60 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

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

DATED this 4th day of April, 2019.

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 Prandip Roopnarine & Goolabday Roopnarine 3848 Sunset Cove Drive Port Orange, FL 32129, RE: 3848 Sunset Cove Drive, was

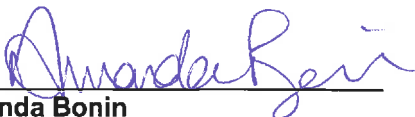
☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

this 4th day of April, 2019.

Time: approx. 3:13pm


Amanda Bonin

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Prandip Roopnarine & Goolabday Roopnarine 3848 Sunset Cove Drive Port Orange, FL 32129, RE: 3848 Sunset Cove Drive, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 4 day of April, 2019.


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. 16-509

Name	Activity	Activity_Date	Status	Cost
Rolando Ampier	Cost to mail Notice of Violation/Notice of Hearing	4/4/2019	certified mail returned unclaimed	\$7.30
Clerk of Courts	Fee to record Finding of Fact, Conclusion of Law & Order	5/8/2019		\$27.00
Rolando Ampier	Cost to mail Finding of Fact, Conclusion of Law & Order	5/8/2019		\$7.30

Total: 41.60



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 16-509

To: Rolando Ampier
112 Kon Tiki Terr
Port Orange, FL 32129

Re: 112 Kon Tiki Terr
Port Orange, FL 32129
Parcel ID: 630503001360

LEGAL DESCRIPTION: LOT 136 BAREFOOT PARK MB 31 PG 62 PER OR 4445 PG 2836 PER OR 5678 PG 4984
Volusia County Public Records
Volusia County, FL

An inspection of the premises on April 5, 2016, indicates that certain violation(s) of the City of Port Orange Code exists.

Property owner was notified of the violations noted below and given seven days to correct. A re-inspection was done on April 27, 2016, resulting in non-compliance. The most recent inspection was February 20, 2019, where the property owner was given ten days to remove all outside storage. The property was re-inspected on March 7, 2019, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by April 20, 2019.

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

1. **City of Port Orange Code of Ordinances, Chapter 42, Section 42-32. - Storage of vehicles, furniture, etc.:** No owner of property within the city shall permit the storage of vehicles or parts of vehicles, furniture, appliances or other personal property upon the premises, except in an enclosed building.

- The initial inspection of this property found outside storage in the driveway and behind the utility room. To correct the violation, all outside storage must be either removed or properly stored in an enclosed building (i.e. a shed, utility room, the house).

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 May 8, 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 **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 \$ 7.39 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 8, 2019**, 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 12, 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 4th day of April, 2019.

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 Rolando Ampier 112 Kon Tiki Terr., Port Orange, FL 32129, RE: 112 Kon Tiki Terr, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

this 4th day of April, 2019.

Time: approx. 3:30pm

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 Rolando Ampier 112 Kon Tiki Terr., Port Orange, FL 32129, RE: 112 Kon Tiki Terr, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 4 day of April, 2019.

Shelly Field
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. 18-1569

Name	Activity	Activity_Date	Status	Cost
Lowe's Home Centers, LLC C/O Corporation Service Company RA	Cost to mail Notice of Violation/Notice of Hearing	1/31/2019	Certified mail returned stamped "Von D Smith 2-4-19"	\$7.45
Clerk of Courts	Fee to record Finding of Fact, Conclusion of Law & Order	4/10/2019		\$27.00
Lowe's Home Centers, LLC C/O Corporation Service Company RA	Cost to mail Finding of Fact, Conclusion of Law & Order	4/10/2019		\$7.30

Total: 41.75



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 18-1569

To: Lowe's Home Centers, LLC (Property Owner)
C/O Corporation Service Company (Registered Agent)
1201 Hays Street
Tallahassee, FL 32301-2525

CC: Lowe's Home Centers, LLC
1751 Dunlawton Ave.
Port Orange, FL 32129

Re: 1751 Dunlawton Avenue
Port Orange, FL 32129
Parcel ID: 6318-04-00-0060

LEGAL DESCRIPTION: LOT 6 PORT ORANGE GATEWAY CENTER REPLAT MB 50 PGS 24 THRU 27 INC EXC PART
NOW ASSESSED AS LOT 6A PORT ORANGE GATEWAY CENTER LOT 6 REPLAT MB 55 PGS 168-169 **SEE 6317-38
Volusia County Public Records
Volusia County, FL

An inspection of the premises on September 21, 2018, indicates that certain violation(s) of the City of Port Orange Code exists.

Code Enforcement met with the Store Manager in July regarding an upcoming inspection and went over what needed to be corrected. The commercial inspection with landscape plans started on September 21, 2018. The manager was sent an email with the landscape plan and corrections to be made on October 4, 2018 and given 45 days to correct the violations from that date. A re-inspection was done on January 3, 2019, resulting in non-compliance, and with no progress being made towards compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by **March 21, 2019**.

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

City of Port Orange Code of Ordinances, Chapter 14 Buildings and Building Regulations, Article VII Commercial Property Maintenance Standards:

Sec. 14-314. - Landscaping and buffers—Maintenance criteria.

(a) *Approved landscape plans.* All properties which developed under specifically approved landscape plans shall be required to maintain the materials shown on such plans according to subsection (d) below, within the following parameters:

(1) *Trees.* All trees shall be maintained as shown on the plans. Replacement trees, if necessary, must meet the size criteria of section 14-315, and must be from the same general category, i.e., shade trees, understory trees, palms, etc. In buffering applications, evergreen trees may be replaced only with evergreen species.

(2) *Shrubs.* All shrubs shall be maintained as shown on the plans. Required buffer shrubs shall be grown to and maintained at a minimum height of five feet, with regular trimming and pruning to foster dense growth. Shrubs required

along parking areas shall be maintained at a minimum height of three feet. Other shrubs shall be maintained at a reasonable mature height for the species.

(3) *Lawns*. Lawns shall be maintained as shown on the plans. Alternative living ground covers may be utilized as desired. Approved mulch materials may be used in designated lawn areas:

- a. To accommodate new or expanded planting areas and their natural growth.
- b. In natural areas or areas of heavy shade where lawn maintenance has been unsuccessful.
- c. In limited areas subject to foot traffic where maintenance has been unsuccessful.

(4) *Natural areas*. Natural areas shall be left generally undisturbed, with no removal of natural material except for weeds and dead material. Natural areas may be underbrushed and sodded or mulched with city approval.

(5) *Other planting areas*. Other planting areas shown on the plans shall be maintained with similar materials to those originally specified. Annual flower beds may be converted to permanent material with at least a two-month flowering period, or material with berries, colorful flower bracts, or variegated foliage to simulate the original design intent.

(d) *Required maintenance and anticipated growth and coverage*. The following criteria shall be used to evaluate the maintenance and growth of all landscape plantings:

(1) Existing trees preserved during development shall be maintained so as to provide the greatest opportunity for survival. Such maintenance shall include, as necessary, the following activities:

- a. Trimming and pruning to reduce stress.
- b. Soil aeration.
- c. Deep root fertilization.

(2) Landscape plantings shall be maintained based on accepted professional practices to include regular irrigation, fertilization, pest control, weed control, and trimming and pruning.

(3) Reasonable growth shall be based on accepted industry standards.

(4) All trees and shrubs shall be trimmed so as not to interfere with pedestrian and vehicle movements.

(5) Mulched areas shall be maintained so as to provide solid coverage and reasonable weed control.

(6) Natural areas shall be kept free of garbage, trash and other foreign materials. Dead material shall be removed and replaced as required by this article. Natural area edges and other disturbed areas shall be mulched or sodded with weed growth controlled.

(7) Irrigation systems must be maintained in proper working order to provide 100 percent coverage of planted landscaped areas.

- According to the requirements listed on the provided site plan all plants, shrubs, trees, must be provided and maintained as per plan and within the standards listed above.

Sec. 14-315. - Same—Replacement criteria.

(a) *Landscape plantings*. When the material required to be maintained under this article dies or fails to meet standards for reasonable growth, it shall be replaced with the same or similar material meeting the minimum specification of the zoning code.

(b) *Buffer plantings*. When material required to be maintained as part of a specific buffer shown on an approved plan or mandated by code at the time of development dies or fails to meet standards for reasonable growth, it shall be replaced with material as close in size and fullness as similar adjacent materials planted at the same time. However, the following upper limits shall apply to replacement material:

- (1) Replacement shade trees will be no larger than four-inch caliper, 20 feet in height (except palms).
- (2) Replacement understory trees will be no larger than two-inch caliper, 12 feet in height (except palms).
- (3) Replacement shrubs will be no larger than four feet in height.

(c) *Natural areas*. When material in natural areas required to be maintained by this article dies or is removed, it shall be replaced with the same or similar materials from the city's approved list of native plants and meeting minimum zoning code specifications. However, where natural areas are specifically designed to act as a required buffer, the requirements of subsection (b) above shall apply.

- According to the requirements listed on the provided site plan all plants, shrubs, trees, must be provided and maintained as per plan and within the standards listed above.

Sec. 14-317. - Parking, sidewalk and driveway areas.

(a) *Maintenance criteria*.

(1) *Parking lot striping, fire lane and traffic control markings*. All striping and markings required by the original site plan, the Manual of Uniform Traffic Control Devices (MUTCD), or other city codes must meet minimum visibility standards and shall conform to the design standards of the MUTCD.

(2) *Traffic and parking control signage.* All signage required by the site plan, the MUTCD, and other city codes shall be maintained according to accepted standards.

(3) *Pavement surfaces.* All sidewalk and road pavement surfaces shall be maintained to be free of cracks, potholes and other defects posing a hazard to pedestrian and vehicle safety, and shall be patched, seal coated, or resurfaced as required to maintain the structural integrity of the pavement base and surface. Vegetation shall be trimmed to provide sign visibility per the MUTCD.

(4) *Storage of products or materials.* Designated parking, sidewalk and driveway areas shall not be used for the storage or sale of products or materials of any type. Products or materials unloaded in designated service areas and loading zones shall be moved indoors or into approved outside storage areas within 24 hours.

(b) *Construction standards:*

(1) All maintenance activities shall utilize materials and specifications equal to or exceeding those required for new construction of similar facilities.

(2) All traffic sign installations shall conform to the standards of the MUTCD.

- The parking lot needs to be resurfaced and all deficiencies repaired. All parking lot markings need to be repainted. Any stop signs or the like need to be kept clean and legible, not blocked by any vegetation, and if faded or broken, must be replaced in accordance with the standards of the MUTCD. All outside storage including but not limited to pallets, pallets of compacted cardboard, mini storage pods, product in the parking lot, a water cage, miscellaneous items in the rear of the building, etc. need to be removed and properly stored.

Sec. 14-318. - Other property improvements; maintenance criteria.

(c) *Walls and fences.* All walls and fences shall be maintained in accordance with the zoning chapter of the land development code and the following standards:

(1) Fences and walls shall be painted, stained or otherwise maintained as originally designed.

(2) Fences and walls shall be kept free of unpermitted signs, posters and graffiti.

(3) Fences and walls shall be maintained in their original upright position, with all gates in good operating condition.

(d) *Trash, litter and debris.* All sites shall be maintained so as to be free of trash and litter of any type, except in an approved dumpster or can. Paved areas shall be kept free of built-up silt and dirt.

- The blue section of wall behind the sign on the face of the building needs to be re-painted. The building and wall need to be pressure washed and painted if needed following the pressure washing. All trash and debris must be cleaned up and removed from the site.

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 of this property found a very large amount of outside storage (pallets, pallets of compacted cardboard, mini storage pods, product in the parking lot, a water cage, miscellaneous items in the rear of the building, etc.). To correct the violation, the outside stored items must be properly stored inside an enclosed building, or in the exterior storage cage in the back of the building.

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

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

The burden shall rest upon the Respondent to request a re-inspection by the Code 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 April 10, 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 **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

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

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$ 7.14 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **April 10, 2019**, 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 **May 22, 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 31st day of January, 2019.

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 Lowe's Home Centers, LLC (Property Owner), C/O Corporation Service Company (Registered Agent), 1201 Hays Street, Tallahassee, FL 32301-2525, RE: 1751 Dunlawton Ave., Port Orange, FL, 32129, was

☐ Hand-delivered

Recipient of hand delivered documents: Robert Hendrickson

☐ Posted at the property

this 31st day of January, 2019.

Time: approx. 10:50 Am

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 Lowe's Home Centers, LLC (Property Owner), C/O Corporation Service Company (Registered Agent), 1201 Hays Street, Tallahassee, FL 32301-2525, RE: 1751 Dunlawton Ave., Port Orange, FL, 32129, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 31 day of January, 2019.

Shelly Field
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. 18-1831

Name	Activity	Activity_Date	Status	Cost
Lindamar, Inc c/o Caprice M. Bean, Registered Agent	Cost to mail Notice of Violation/Notice of Hearing	4/9/2019	just sent	\$7.30
Clerk of Courts	Fee to record Finding of Fact, Conclusion of Law & Order	5/8/2019		\$27.00
Lindamar, Inc c/o Caprice M. Bean, Registered Agent	Cost to mail Finding of Fact, Conclusion of Law & Order	5/8/2019		\$7.30

Total: 41.60



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 18-1831

To: Lindamar, Inc.
c/o Caprice M. Bean, Registered Agent
172 Camden Cay Dr.
St. Augustine, FL 32086

Re: 4075 Ridgewood Ave.

Port Orange, FL 32127

Parcel ID: 6303-11-01-0012

LEGAL DESCRIPTION: PART OF LOTS 1 2 & 3 S & E OF BRIDGE APPROACH BEING W 239 FT ON S/L & INC E 100 FT OF W 255 FT OF LOT 3 EXC ROAD BLK A WILSONS PORT ORANGE PER OR 1564 PG 0390 PER 2368 PG 1098

Volusia County Public Records

Volusia County, FL

An inspection of the premises on November 19, 2019, indicates that certain violation(s) of the City of Port Orange Code exists. Property manager was contacted and a re-inspection was performed on November 25, 2018 resulting in non-compliance. As of April 3, 2019, the property is still in violation.

This correspondence will serve as official notification that the below stated violation(s) must be **corrected by April 30, 2019.**

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

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), (c) (Maintenance of improved commercial lots) *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.

The inspection of this property found high weeds and grass. To correct the violation, the entire property must be mowed and maintained to include the rights of way, edging, weed eating, and blowing of yard debris. Grass clippings are to be blown back onto the property off the street and sidewalk. All invasive Brazilian Pepper plants are to be removed.

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 inspection of this lot found trash and debris scattered over the lot and around the property line. To correct the violation, clean up and remove all garbage, waste, trash, etc., from the entire property and haul away.

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 May 8, 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 **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 \$ 7.30 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 8, 2019**, 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 12, 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 8th day of April, 2019.

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 Lindamar, Inc., c/o Caprice M. Bean, Registered Agent, 172 Camden Cay Dr., St. Augustine, FL 32086, RE: 4075 Ridgewood Ave., Port Orange, FL 32127, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

this 8th day of April, 2019.

Time: approx. 10:50 AM

Dena Joseph
Dena Joseph

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Lindamar, Inc., c/o Caprice M. Bean, Registered Agent, 172 Camden Cay Dr., St. Augustine, FL 32086, RE: 4075 Ridgewood Ave., Port Orange, FL 32127, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 9 day of April, 2019.

Shelly Field
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.