



AGENDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF PORT ORANGE

Meeting Date: Wednesday, May 22, 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.:** 19-528
Respondent: Charles D. Stasey
Address of Violation: 575 Moonpenny Circle, Port Orange, FL 32129
Code Officer: Scott Allman
First Notified: 4/9/2019

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.

4. **CEB Case No.:** 19-316
Respondent: Natalie A. LaBosco
Address of Violation: 5263 Barhydt Avenue, Port Orange, FL 32128
Code Officer: Dena Joseph
First Notified: 2/25/2019

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), (1), (2), & (3), (d), (e), (f) 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.

5. **CEB Case No.:** 18-1818

Respondent: Cindy Sue Gilliland

Address of Violation: 157 Orchid Lane, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 11/19/2018

Compliance: No

Cited for violation(s) - Sixth Edition (2017) Florida Building Code, Section 105 (Permits), 105.1 (Permits required), as adopted by Chapter 8, Article 1, of the City of Port Orange Land Development Code.

6. **CEB Case No.:** 19-0176

Respondent: Kenneth D. Veradi & Ruth P. Veradi

Address of Violation: 5411 Landis Avenue, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 2/1/2019

Compliance: No

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

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

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

Chapter 18 (Businesses), Article II (Local Business Tax), Section 18-27 (Business Tax Imposed) of the City of Port Orange Code of Ordinances.

C. ORDER IMPOSING FINE/LIEN

7. **CEB Case No.:** 19-0333

Respondent: Springwood Square Joint Ventures

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

Code Officer: Dennis Boehmer

First Notified: 3/6/2019

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.

8. **CEB Case No.:** 18-1662

Respondent: Thomas S. Wintink

Address of Violation: 1391 N. Dexter Drive, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified:

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.

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.

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
MAY 8, 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
Debbie Pearson, Code Enforcement Manager
Shannon Balmer, Assistant City Attorney
Shelby Field, Assistant City Clerk

Attorney Overview of Special Magistrate Code Enforcement Process

Special Magistrate Fuller gave an overview of the code enforcement process as there were members of the public present.

Consideration of Minutes

Special Magistrate Fuller approved the April 24, 2019 meeting minutes as presented.

Oaths

Code Compliance Inspector Amanda Bonin and Deborah Pearson Code Compliance Manager were sworn in by Special Magistrate Fuller.

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 (1), (2), & (3) A.

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.

Amanda Bonin, Code Compliance Inspector, was sworn in by Special Magistrate Fuller and testified as to the condition of the property, as well as the notice provided to the property owner. Photos were submitted into evidence and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected by April 22, 2019 by immediately cautioning off the damaged drainage areas and repairing or replacing the drainage system. Once the drainage system has been completed, the road needs to be repaired. A contractor needs to obtain permits to replace the faulty and/or collapsed drainage lines and for repairs of the ground and roadway.

Donna Loupe, 253 Downing Drive, was sworn in by Special Magistrate Fuller and stated she provided pictures to Code Enforcement this morning regarding a hole on the side of her driveway due to the drainage in August 2018. She is upset that nothing has been done to permanently solve the issue. Ms. Loupe has noticed some structural issues beginning in her home, such as the floor starting to creak. Ms. Loupe submitted pictures into evidence of the lack of construction on the roads in front of her home as of May 5, 2019. Special Magistrate Fuller accepted the photos with no objections.

Mary Ballantyne, 53 Kingsway, was sworn in by Special Magistrate Fuller and stated she has lived in Pickwick about 24 years. She is upset with the lack of help provided from the management and the fall risks from her uneven driveway resulting from sinking.

Allen Bestwick, 403 Prince Charles Ct., was sworn in by Special Magistrate Fuller and stated he has an issue with the drains in front of his home backing up enough for him to swim in. Photos were submitted into evidence and accepted by Special Magistrate Fuller with no objections.

Brian Trudeau, 314 Windsor Dr, was sworn in by Special Magistrate Fuller and is concerned with the lack of safety in the entire park.

Carol Pritchard, 56 Kingsway, was sworn in by Special Magistrate Fuller and submitted photos from May 5, 2019, into evidence of the flooding after recent heavy rainfall. They were accepted by Special Magistrate Fuller with no objections.

Shannon Balmer, Assistant City Attorney, gave an overview of the stipulated Finding of Fact agreed upon between the City and MHC Pickwick L.L.C. and the desire to create reasonable timelines for all of the work that needs to be done.

Stan Martin, Vice President, MHC Pickwick L.L.C, spoke to the cost of fixing all the issues and the time it will take to complete the projects.

Jake Johansson, City Manager, was sworn in by Special Magistrate Fuller and stated he believes it is a reasonable and fairly aggressive timeline. He would like to hear what the company is going to do to deal with the flooding and protect the residents in the meantime.

Special Magistrate Fuller would like to see a stipulation added to address the immediate flooding issues while they deal with the bigger issues.

Robert Wallace, Pickwick resident, believes the management and construction of Pickwick is declining.

Ms. Bonin recommended the property owners be found in violation of the above referenced code with the violations to be corrected as follows; an inspection report from a licensed contractor engaged to inspect the respondent's entire stormwater system shall be submitted to the City on or before June 8, 2019, identifying any and all defects or deficiencies preventing the stormwater system to operate as designed. Permit applications for repairs, replacement, or modification of the respondent's stormwater system shall be submitted to the appropriate permitting authority before July 8, 2019. All permits required for repairs, replacement, or modification of the respondent's stormwater system shall be obtained on or before October 8, 2019. Finally, construction of necessary repairs, replacement, or modification of the respondent's stormwater system shall be completed by December 31, 2019.

Failure to complete any one of the corrective measures outlined above shall result in a daily fine of \$250.00 to be assessed for each day the corrective measures remain incomplete beyond the compliance date. Accused should be further ordered to contact the Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the order. Ms. Bonin requested any future violations under this ordinance be considered repeat.

Special Magistrate Fuller deemed the property to be a serious threat to the public health, safety, and welfare and granted the recommendations as presented with an amendment to add a stipulation addressing the immediate flooding issues. Special Magistrate Fuller asked for the City Attorney and the MHC Pickwick L.L.C. representative to complete the revised Finding of Fact by May 15, 2019. Should the revised Stipulated Finding of Fact not be completed by May 15, 2019, the case will be continued to the hearing on May 22, 2019.

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.

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

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.

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

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.

Ms. Bonin requested a continuance of the case to the June 26, 2019 hearing. Special Magistrate Fuller granted the continuance request.

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.

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

There were none.

D. ADJOURNMENT – 10:01am

Special Magistrate Fuller



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 19-528

To: Charles D. Stasey
575 Moonpenny Circle
Port Orange, FL 32129

Re: 575 Moonpenny Circle
Port Orange, FL 32129
Parcel ID: 6316-02-00-1010
LEGAL DESCRIPTION: LOT 101 FOXBORO SUB MB 34 PG 117 PER OR 4564 PG 0546
Volusia County Public Records
Volusia County, FL

An inspection of the premises on **April 9, 2019**, indicates that certain violation(s) of the City of Port Orange Code exists.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by **April 18, 2019**.

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

City of Port Orange Code of Ordinances, Chapter 42, Article II, 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. **(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.

- 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 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.

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 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 **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 22, 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 26, 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 11 day of April, 2019.

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 D. Stasey, 575 Moonpenny Circle, Port Orange, FL 32127 RE: 575 Moonpenny Circle, Port Orange, FL 32127, was

☐ Hand-delivered

☒ Posted at the property

Recipient of hand delivered documents: _____

Time: approx. 2:30 p.m.

this 11 day of April, 2019.

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 D. Stasey, 575 Moonpenny Circle, Port Orange, FL 32127 RE: 575 Moonpenny Circle, Port Orange, FL 32127, was

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

this 12 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.



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 19-316

To: Natalie A. LaBosco
15 Lazy Eight Dr.
Port Orange, FL 32128

Re: 5263 Barhydt Avenue
Port Orange, FL 32128
Parcel ID: 6310-07-77-0070

LEGAL DESCRIPTION: LOTS 7 & 8 BLK D ALLENDALE SUB MB 4 PG 146 PER OR 4444 PG 3375
Volusia County Public Records
Volusia County, FL

An inspection of the premises on February 25, 2019, and April 9, 2019 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 within three days from receipt of this notice.

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

1. **Chapter 70 (Traffic), Article II (Stopping standing and parking), Section 70-48 (Parking of recreational vehicles and equipment on residential premises), (c), (1), (2), & (3), (d), (e), (f), of the Port Orange Code of Ordinances:** (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 revealed a recreational vehicle over 24 feet in length parked in the driveway of the residence. To correct the violation, the RV must be removed from the property or stored entirely behind the front plane of the home.

2. **Chapter 42, Article II, 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 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 revealed high weeds and grass on the property. In order to correct the violation, the entire property must be mowed, edged, weed eaten, and blown free of all grass clippings.

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 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 **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.

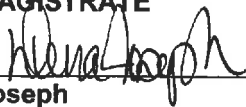
NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **May 22, 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 26, 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 April, 2019.

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 Natalie A. LaBosco, 15 Lazy Eight Dr., Port Orange, FL, 32128, RE: 5263 Barhydt Avenue, Port Orange, FL 32128, was

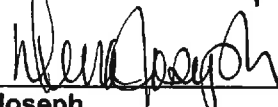
☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

Time: approx. 1:00 PM

this 12th day of April, 2019.

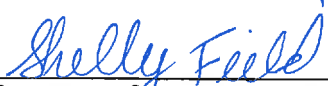

Dena Joseph

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Natalie A. LaBosco, 15 Lazy Eight Dr., Port Orange, FL, 32128, RE: 5263 Barhydt Avenue, Port Orange, FL 32128, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 18 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. 18-1818

Name	Activity	Activity_Date	Status	Cost
Cindy Sue Gilliland	Cost to mail Notice of Violation/Notice of Hearing	4/18/2019	Certified mail not returned	\$7.30
Clerk of Courts	Fee to record Finding of Fact, Conclusion of Law & Order	5/22/2019		\$27.00
Cindy Sue Gilliland	Cost to mail Finding of Fact, Conclusion of Law & Order	5/22/2019		\$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. 18-1818

To: Cindy Sue Gilliland
157 Orchid Lane
Port Orange, FL 32127

Re: 157 Orchid Lane
Port Orange, FL 32127
Parcel ID: 6316-00-00-0100

LEGAL DESCRIPTION: 6316-00-00-0100, Parkwood Mobile Home Village, 157 Orchid Lane, Port Orange, FL, 32127
Volusia County Public Records
Volusia County, FL

An inspection of the premises on November 19, 2018, indicates that certain violation(s) of the City of Port Orange Code exists.

Property owner was notified of the violations noted below and originally given 10 days to correct. Re-inspections were conducted on January 25, 2019, February 21, 2019, and April 10, 2019 resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by **May 8, 2019**.

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

1. **Sixth Edition (2017) Florida Building Code, Section 105 (Permits), 105.1 (Permits Required), as adopted by Chapter 8, Article 1, of the City of Port Orange Land Development Code:** Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any required impact-resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.
 - The initial inspection of this property found the installation of a carport and concrete slab. To correct the violation, the mobile home owner must obtain and pay for all necessary permits for the installation of a concrete slab and carport from the City of Port Orange Building Department.

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 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 **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 \$ 7.80 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 22, 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 26, 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 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 Cindy Sue Gilliland, 157 Orchid Lane, Port Orange, FL, 32127, RE: 157 Orchid Lane, Port Orange, FL 32127, was
☐ Hand-delivered Recipient of hand delivered documents: _____
☒ Posted at the property

Time: approx. 3:10 pm

this 12th day of April, 2019.

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 Cindy Sue Gilliland, 157 Orchid Lane, Port Orange, FL, 32127, RE: 157 Orchid Lane, Port Orange, FL 32127, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 18 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. 19-0176

Name	Activity	Activity_Date	Status	Cost
Clerk of Courts	Fee to record Finding of Fact, Conclusion of Law & Order	5/22/2019		\$27.00
Kenneth D. & Ruth P. Veradi	Cost to mail Finding of Fact, Conclusion of Law & Order	5/22/2019		\$14.60

Total: 41.60



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 19-0176

To: Kenneth D. Veradi
Ruth P. Veradi
5411 Landis Avenue
Port Orange, FL 32127

Re: 5411 Landis Avenue
Port Orange, FL 32127

Parcel ID: 6310-07-25-0150

LEGAL DESCRIPTION: LOTS 15 & 16 BLK 25 ALLANDALE MB 4 PG 146 PER OR 5300 PG 4519
Volusia County Public Records
Volusia County, FL

An inspection of the premises on February 1, 2019, indicates that certain violation(s) of the City of Port Orange Code exists.

A re-inspection was done on March 29, 2019, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected no later than **April 30, 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.
 - 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 on site. To correct the violation, any trash and debris on the property must be properly disposed of.

3. **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 a large amount of outside stored items on the property to include, but not limited to, wood, vehicle parts, furniture, old RV with no sides, appliances, tires, etc. To correct the violation, all items being stored on the outside of the home must be stored in an enclosed building. This is to include the shell of the recreational vehicle that has been gutted.
4. **Chapter 18 (Businesses), Article II (Local Business Tax), Section 18-27 (Business Tax Imposed) of the City of Port Orange Code of Ordinances:** There is hereby imposed upon each and every business, profession and occupation having an effective place of business within the city business tax according to the schedule of taxes contained in this article.
- The initial inspection resulted in what appears to be a scrapping business being run from residence. To correct the violation, a business tax must be obtained through the City of Port Orange. Home based only allows an office and telephone. No employees, products, customers are allowed to come to the home or be on site. Home address cannot be used for any advertising of business.

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 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 **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 **May 22, 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 26, 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 19th 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 Kenneth D. Veradi, Ruth P. Veradi, 5411 Landis Avenue, Port Orange, FL, 32127, RE: 5411 Landis Avenue, Port Orange, FL, 32127, was

- ☒ Hand-delivered
☐ Posted at the property

Recipient of hand delivered documents: Kenneth Veradi - owner

Time: approx. 10:50 AM

this 19th day of April, 2019.

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 Kenneth D. Veradi, Ruth P. Veradi, 5411 Landis Avenue, Port Orange, FL, 32127, RE: 5411 Landis Avenue, Port Orange, FL, 32127, was

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

this 24 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

Case Cost Sheet Log

Case No. 19-0333

Name	Activity	Activity_Date	Status	Cost
Springwood Square Joint Ventures	Cost to mail Notice of Violation/Notice of Hearing	3/8/2019	Certified mail returned " vacant, unable to forward"	\$7.30
Clerk of Courts	Fee to record Finding of Fact, Conclusion of Law & Order	4/10/2019		\$27.00
Springwood Square Joint Ventures	Cost to mail Finding of Fact, Conclusion of Law & Order	4/10/2019	Certified mail returned signed, illegible	\$7.30
Clerk of Courts	Fee to record Order Imposing Fine/Lien	5/22/2019		\$44.00
Springwood Square Joint Ventures	Cost to mail Order Imposing Fine/Lien	5/22/2019		\$7.30

Total: 92.90



**NOTICE OF REPEAT VIOLATION
AND
NOTICE OF HEARING**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 19-0333

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 **March 6, 2019**, 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 September 26, 2018 under Case No.18-1342.

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 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 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 \$ 7,30 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.

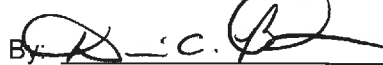
NOTICE OF HEARING SETTING FINE AND LIEN

In the event the Special Magistrate, during the hearing on **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- 5643.

DATED this 7TH day of MARCH, 2019.

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: _____

☒ Posted at the property

this 7TH day of MARCH, 2019.

Time: 1500 HRS.


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 8 day of March, 2019.


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. 19-0333**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

SPRINGWOOD SQUARE JOINT VENTURES
SPRINGWOOD SQUARE
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 April 10, 2019, 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, PORT ORANGE, FL 32129, 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 March 6, 2019; re-inspection was not necessary as this is repeat violation. Respondent received notice via posting at City Hall and via regular and certified mailing on March 8, 2019, as well as posted on the property on March 7, 2019 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: ☒ continued to exist, or ☐ remained noncompliant until _____ [Date].

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

CONCLUSION OF LAW:

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

ORDER:

A. Respondent(s) shall correct the aforesaid violation by mowing the entire property to include weed eating, edging, blowing, etc. and removing all fallen limbs on site immediately. ("Compliance Date"). In the event that the property is not brought into compliance on or before the Compliance Date, and/or not maintained in a state of compliance, the City shall have the option to abate the violation. If paragraph D. above is checked and the Respondent(s) has/have not abated the condition by the Compliance Date, then notice of the violation will be given to the City Council. The City Council may repair the condition and charge the Respondent(s) with the reasonable costs of the repairs. Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the Special Magistrate may impose additional fines to cover all costs incurred by the city in enforcing its codes and all costs or repairs pursuant to sub section (a)." The cost to date is \$41.60 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 April, 2019.

Attest: Shelly Field
Secretary, Code Enforcement Special Magistrate

By: [Signature]
Code Enforcement Special Magistrate

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

Amender Gami
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 10 day of April, 2019.

Shelly Field
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 reduced pursuant to Florida Law.
This 10 day of April, 2019.
By: *Robin L. Fenwick*

/s/ Robin L. Fenwick



Case Cost Sheet Log

Case No. 18-1662

Name	Activity	Activity_Date	Status	Cost
Thomas S. Wintink	Cost to mail Notice of Violation/Notice of Hearing	3/5/2019	Certified mail returned unclaimed	\$7.30
Clerk of Courts	Fee to record Finding of Fact, Conclusion of Law & Order	4/10/2019		\$27.00
Thomas S. Wintink	Cost to mail Finding of Fact, Conclusion of Law & Order	4/10/2019	Certified mail not returned	\$7.30
Clerk of Courts	Fee to record Order Imposing Fine/Lien	5/22/2019		\$44.00
Thomas S. Wintink	Cost to mail Order Imposing Fine/Lien	5/22/2019		\$7.30

Total: 92.90



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 18-1662

To: Thomas S. Wintink
1391 N. Dexter Drive
Port Orange, FL 32129

Re: 1391 N. Dexter Drive
Port Orange, FL 32129
Parcel ID: 6307-07-00-0200

LEGAL DESCRIPTION: LOT 20 HIDDEN LAKE SUB PHASE I MB 37 PGS 121 & 122 INC PER OR 4179 PG 1809-1810
Volusia County Public Records
Volusia County, FL

An inspection of the premises on October 11, 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. Re-inspections done on October 16, 2018, and November 16, 2018 resulted in non-compliance. A final notification was given on January 29, 2019, with a re-inspection on February 12, 2019, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by **March 14, 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.
 - 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 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.
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 of this property found items being stored outside in the front and back yard. To correct the violation, all items being stored outside must be removed from the property.

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

(b) All fences shall be maintained in their original upright condition.

(d) Missing boards, pickets, or posts shall be replaced in a timely manner with material of the same type and quality.

- The initial inspection of this property found a fence in disrepair. To correct the violation, the fence must be removed, repaired or replaced with a permit.

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

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

The burden shall rest upon the Respondent to request a re-inspection by the Code 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 \$ 7:30 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 **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 5th 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 Thomas S. Wintink, 1391 N. Dexter Drive, Port Orange, FL, 32129, RE: 1391 N. Dexter Drive, Port Orange, FL, 32129, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

this 5th day of March, 2019.

Time: approx. 340

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 Thomas S. Wintink, 1391 N. Dexter Drive, Port Orange, FL, 32129, RE: 1391 N. Dexter Drive, Port Orange, FL, 32129, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 5 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.

**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 18-1662**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

THOMAS S. WINTINK
1391 N. DEXTER DRIVE
PORT ORANGE, FL 32129
PARCEL ID : 6307-07-00-0200

Respondent.

_____ /

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

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on April 10, 2019, 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, THOMAS S. WINTINK, whose mailing address is 1391 N. DEXTER DRIVE, PORT ORANGE, FL 32129, is the owner of the property located at 1391 N. DEXTER DRIVE, PORT ORANGE, FL 32129, and more particularly described as:

LOT 20 HIDDEN LAKE SUB PHASE I MB 37 PGS 121 & 122 INC PER OR 4179 PG 1809-1810

B. The violation was to be corrected by mowing, trimming, and edging all high weeds and grass, removing all outside storage, and either removing, repairing, or replacing the fence. This condition was first observed at the real property described above on October 11, 2018; re-inspections were conducted on March 14, 2019 and April 9, 2019. Respondent received notice via posting at City Hall and certified and regular mail on March 5, 2019, as well as posted on the property March 5, 2019 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) 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. 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 March 14, 2019.

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

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

CONCLUSION OF LAW:

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

ORDER:

A. Respondent(s) shall correct the aforesaid violation by mowing, trimming, and edging all high weeds and grass, removing all outside storage, and either removing, repairing, or replacing the fence on or before April 24, 2019. ("Compliance Date"). In the event that the property is not brought into compliance on or before the Compliance Date, and/or not maintained in a state of compliance, a daily fine in the amount of \$150.00 per day shall 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 \$41.60 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 April, 2019.

Attest: Shelly Field
Secretary, Code Enforcement Special Magistrate

By: [Signature]
Code Enforcement Special Magistrate

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

[Signature]
Code Compliance Inspector

I HEREBY CERTIFY that a true and correct copy of the foregoing Findings of Fact, Conclusion of Law, and Order have been furnished to Respondent(s), Thomas S. Wintink, 1391 N. Dexter Drive, Port Orange, FL 32129 by Certified and Regular Mail this 10 day of April, 2019.

Shelly Field
Secretary, Code Enforcement Special Magistrate

CITY OF PORT ORANGE, FLORIDA
I HEREBY CERTIFY the foregoing is a true copy
of the original filed in this office.
This document has not been rejected pursuant to Florida Law.
This 10 day of April, 2019.
By: [Signature]
/s/ Robin L. Fenwick

