AGENDA

CODE ENFORCEMENT SPECIAL MAGISTRATE

CITY OF PORT ORANGE

Meeting Date: Wednesday, July 10, 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.:** 18-1924
   Respondent: Wells Fargo Bank, National Assoc TR
   Address of Violation: 71 Golden Gate Circle, Port Orange, FL 32129
   Code Officer: Dennis Boehmer
   First Notified: 12/17/2018

Compliance: No

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

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

City of Port Orange Land Development Code, Chapter 16 (Miscellaneous Regulations), Section 1 (Accessory Uses and Structures), (4) Size Limitations, (d).

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

Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.13 (Window,

skylight and door frames), of the 2018 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

4. **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.

5. **CEB Case No.:** 19-815
   Respondent: Rainbow Development Group LLC
   c/o Ammar Hemaidan
   Address of Violation: 4015 S Williamson Boulevard, Port Orange, FL 32129
   Code Officer: Amanda Bonin
   First Notified: 6/4/2019

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), (c) Maintenance of commercial and industrial zoned lots, (f) Garbage, waste, trash, etc. & (h) abutting property owner maintenance of parkages prohibited of the City of Port Orange Code of Ordinances.

2018 International Property Maintenance Code Chapter 3 (General Requirements), Section 301 (General), 301.3 (Vacant structures and land) as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

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

6. **CEB Case No.:** 19-634
   Respondent: T & D Rental Invest Group LCC
   c/o LABOSCO SHEILA L., Registered Agent
   Address of Violation: 1268 Windsor Drive, Port Orange, FL 32127
   Code Officer: Scott Allman
   First Notified: 4/30/2019

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

Chapter 70 (Traffic), Article II (Stopping, Standing, and Parking), Section 70-49 (Restrictions on abandoned or disabled vehicles), (c) Restrictions, (1) (a), (b) and (2) 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.

7. **CEB Case No.:** 19-643
   Respondent: Mark S. Parker
   Address of Violation: 1272 Windsor Drive, Port Orange, FL 32127
   Code Officer: Scott Allman
   First Notified: 4/30/2019

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

City of Port Orange Land Development Code, Chapter 16, Section 1 (b) Principal use and/or principal structure required.

8. **CEB Case No.:** 19-520
   Respondent: Lori A. & Francis L. Bernstein
   Address of Violation: 240 Fleming Ave., Port Orange, FL 32127
   Code Officer: Dena Joseph
   First Notified: 4/8/2019

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.

Chapter 16, Section 1(b) Principal use and/or principal structure required.

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.

9. **CEB Case No.:** 19-471
   Respondent: Vini Stojanovski
   Address of Violation: 729 Barlow Circle, Port Orange, FL 32127
   Code Officer: Dena Joseph
   First Notified: 3/21/2019

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

Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.13 (Window, skylight and door frames) property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

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

10. **CEB Case No.:** 19-0304
    Respondent: Freda L. Grubbs TR
    Address of Violation: 639 Powers Ave, Port Orange, FL 32129
    Code Officer: Dena Joseph
    First Notified: 2/14/2019

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

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

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

11. **CEB Case No.:** 19-697
    Respondent: Toni Rinehart Est.
    Address of Violation: 215 Fox Place, Port Orange, FL 32127
    Code Officer: Dena Joseph
    First Notified: 5/10/2019

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.

12. **CEB Case No.:** 19-0896
    Respondent: Kenneth D. Veradi & Ruth P. Veradi
    Address of Violation: 5411 Landis Avenue, Port Orange, FL 32127
    Code Officer: Dena Joseph
    First Notified: 6/17/2019

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), (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.

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
JUNE 26, 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 Dena Joseph, Code Compliance Inspector Scott Allman, Code Compliance Inspector Debbie Pearson, Code Enforcement Manager Robin Fenwick, 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 June 12, 2019 meeting minutes as presented.

Oaths

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

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 19-0431
   Respondent: Douglas William Meyer
   Tressa Sue Meyer
   Address of Violation: 72 Brandy Hill Dr, Port Orange, FL 32129
   Code Officer: Dennis Boehmer
   First Notified: 3/25/2019

Compliance: No

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.

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.

Dennis Boehmer, Code Compliance Inspector, was sworn in by Special Magistrate Fuller and testified as to the condition of the property, as well as the notice provided to the property owner. Photos were submitted into evidence and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected by May 27, 2019 by removing all outside stored items to an enclosed building, mowing and maintaining the entire property to include the rights of way, edging, weed eating, and blowing yard debris/grass clippings back onto the property, and removing all garbage, waste, trash, debris and junk to be properly disposed of by taking to the curb for pick-up.

Don Huseman, Attorney for Tressa Meyer, was present and had no objections to the pictures testified to and submitted into evidence.

Mr. Boehmer recommended the property owners be found in violation of the above referenced code with the violations to be corrected on or before July 6, 2019 by mowing/weed-eating the entire yard, cleaning/removing the undergrowth and vegetation found on the right side of the home, all grass clippings are to be blown back into the yard from the street, removing all outside storage of items from the back porch area to an enclosed shed or garage and all trash and debris to be taken to the curb for pick-up. In the event the property is not brought into compliance on or before the compliance date, and/or not maintained in a state of compliance, a daily fine in the amount of $100.00 per day shall be assessed for each day the property is in violation beyond the compliance date. Accused should be further ordered to contact the Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the order. Mr. Boehmer requested any future violations under this ordinance be considered repeat. The cost sheet in the amount of $56.20 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Mr. Huseman objected to the previous notices presented by Mr. Boehmer as Ms. Meyer was not the owner of the property although she did live there with her father at the time. He confirmed the violations that have been corrected and those that remain in non-compliance with Mr. Boehmer.

Deborah Pearson, Code Enforcement Manager, was sworn in by Special Magistrate Fuller and testified as to the weeds growing along the side of the home.

Tressa Meyer, owner of the property, was sworn in by Special Magistrate Fuller and testified as to the violations that have been corrected in the back corner of the property. Matthew Jones, Deputy City Attorney, stipulated that the photos shown by Ms. Meyer from her cell phone were accurately represented by her and Mr. Huseman. He questioned Ms. Meyer as to the violations corrected yesterday. Ms. Meyer agreed the property remains in non-compliance relating to the weeds growing along the side of the home. She did not plant them.

Special Magistrate Fuller granted the recommendation as presented. The property owner has until July 6, 2019 to mow/weed-eat the entire yard, clean/remove the undergrowth and vegetation found on the right side of the home, all grass clippings are to be blown back into the

yard from the street, remove all outside storage of items from the back porch area to an enclosed shed or garage and all trash and debris to be taken to the curb for pick-up or a daily fine in the amount of $100.00 per day shall be imposed. Costs in the amount of $56.20 were awarded to the City. While most of the violations have been corrected, not all have, and they must all remain in compliance to avoid the daily fine of $100.00.

Mr. Huseman had no objection to the entry of the Finding of Fact, Conclusion of Law, and Order as presented.

4. **CEB Case No.:** 19-559
   Respondent: Adam D & Carrie L Erdelyan
   Address of Violation: 3837 Long Grove Lane, Port Orange, FL 32129
   Code Officer: Amanda Bonin
   First Notified: 4/15/2019

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

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 May 27, 2019 by mowing the entire property, trimming, edging, and cleaning up all debris. This includes the right of way, landscape beds, and the xeriscape area.

Aaron Reid, HOA's Property Manager, was sworn in by Special Magistrate and testified as to the condition of the property and the on-going issues with this property and property owner.

Ms. Bonin recommended the property owners be found in violation of the above referenced codes as the property was not in compliance until June 25, 2019. Ms. Bonin requested any future violations under this ordinance be considered repeat. The cost sheet in the amount of $41.60 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Special Magistrate Fuller granted the recommendation as presented. Costs in the amount of $41.60 were awarded to the City.

5. **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 this case to the July 10, 2019 hearing. Special Magistrate Fuller granted the continuance request. A representative from Lowe's was present and agreed to the continuance.

6. **CEB Case No.:** 19-696
   Respondent: Jennifer M Foster
   Address of Violation: 45 Elda Ln., Port Orange, FL 32127
   Code Officer: Scott Allman
   First Notified: 5/10/2019

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.

Scott Allman, 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.

7. **CEB Case No.:** 19-179
   Respondent: Thomas A. Williams
   Address of Violation: 3 Lawrence Ct., Port Orange, Fl 32127
   Code Officer: Scott Allman
   First Notified: 2/4/2019

Compliance: Yes

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.

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.

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

8. **CEB Case No.:** 19-616
   Respondent: Jacqueline M. Sale
   Address of Violation: 825 Upland Dr., Port Orange, FL 32127
   Code Officer: Scott Allman
   First Notified: 4/25/2019

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.

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

9. **CEB Case No.:** 19-517
   Respondent: Mr. Frank Murden
   Address of Violation: 341 Sagewood Dr., Port Orange, FL 32127
   Code Officer: Scott Allman
   First Notified: 4/8/2019

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.

Mr. Allman 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 May 31, 2019 by mowing the property, trimming all high weeds, removing tall weeds in front of the garage and by removing the leaf pile from the front yard.

Mr. Allman recommended the property owners be found in violation of the above referenced code with the violations to be corrected on or before July 8, 2019 by mowing the entire property to include the rights of way, edging, weed eating, and blowing of yard debris, grass clippings are to be blown back onto the property and off the street and sidewalk, remove weeds in front of garage, and remove the leaf pile from front yard. In the event the property is not brought into compliance on or before the compliance date, and/or not maintained in a state of compliance, the City shall have the option to abate the violations and impose a fine for the costs. Accused should be further ordered to contact the Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the order. Mr. Allman requested any future violations

under this ordinance be considered repeat. The cost sheet in the amount of $41.60 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Special Magistrate Fuller granted the recommendation as presented. The property owner has until July 8, 2019 to mow the entire property to include the rights of way, edging, weed eating, and blowing of yard debris, grass clippings are to be blown back onto the property and off the street and sidewalk, remove weeds in front of garage, and remove the leaf pile from front yard or the City shall have the option to abate the violations as it is a health and safety concern. No fine was imposed. Costs in the amount of $41.60 were awarded to the City.

10. **CEB Case No.:** 19-500
    Respondent: Dana Deella Anderson
    Address of Violation: 3248 S. Peninsula Dr., Port Orange, FL 32127
    Code Officer: Dena Joseph
    First Notified: 4/3/2019

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.

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.

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

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

Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.1, of the 2018 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

Dena Joseph, 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 June 10, 2019 by mowing the property to include weed eating, edging, and blowing debris off sidewalks and driveway areas, removing all trash and debris, removing all outside storage to include (but not limited to) saw, window/mirror, extension cord, bucket, wire fencing, etc. and storing in an enclosed building. All broken windows on site must be repaired, all missing soffit must be repaired or replaced, and all

dilapidated fencing on site that was installed without a permit must be removed OR a permit must be acquired and fencing repaired to include the payment of all pertinent fees and all inspections performed, OR a new fence must be installed with an approved permit to include the payment of all pertinent fees and all inspections performed.

Dana Deella Anderson, property owner, was sworn in by Special Magistrate Fuller and testified as to the condition of the property as of today.

Ms. Joseph recommended the property owner be found in violation of the above referenced code with the violations to be corrected on or before July 14, 2019 by mowing and maintaining the property to include weed eating, edging, and blowing debris off sidewalks and driveway areas, removing all trash and debris, removing all outside storage to include (but not limited to) saw, window/mirror, extension cord, bucket, wire fencing, etc. and storing in an enclosed building. All broken windows on site must be repaired, all missing soffit must be repaired or replaced, and all dilapidated fencing on site that was installed without a permit must be removed OR a permit must be acquired and fencing repaired to include the payment of all pertinent fees and all inspections performed, OR a new fence must be installed with an approved permit to include the payment of all pertinent fees and all inspections performed. In the event the property is not brought into compliance on or before the compliance date, and/or not maintained in a state of compliance, a daily fine in the amount of $50.00 per day shall be assessed for each day the property is in violation beyond the compliance date. Accused should be further ordered to contact the Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the order. Ms. Joseph requested any future violations under this ordinance be considered repeat. The cost sheet in the amount of $34.30 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Ms. Anderson asked for an additional week to complete the repairs.

Special Magistrate Fuller granted the recommendation with some amendments. The property owner has until July 21, 2019 mow and maintain, weed eat, edging, and blow free all grass clippings from the roadway back onto the property, all trash and debris on site must be removed, all outside stored items to include, but not limited to (saw, window/mirror, extension cord, bucket, wire fencing, etc.) must be removed and properly stored in an enclosed building, all broken windows on site must be repaired, all missing soffit must be repaired or replaced, and all dilapidated fencing on site that was installed without a permit must be removed OR a permit must be acquired and fencing repaired to include the payment of all pertinent fees and all inspections performed, OR a new fence must be installed with an approved permit to include the payment of all pertinent fees and all inspections performed. No fine was imposed as Ms. Anderson agreed to bring the property into compliance. Costs in the amount of $34.30 were awarded to the City.

11. **CEB Case No.:** 19-732
    Respondent: Edwina V. Schaffer
    First National Bank of America
    Address of Violation: 5348 Landis Avenue, Port Orange FL 32127
    Code Officer: Dena Joseph
    First Notified: 5/16/2019

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.

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.

Chapter 42, (Nuisances), Article V - Unsafe Conditions, Division II Nuisance Trees, Section 42-103 Declaration of a nuisance, 42-104 Nuisance abatement requirements, & 42-105 Enforcement - Failure of owner to abate nuisance; assessments of costs, creation of lien.

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

Ms. Joseph testified as to the condition of the property, as well as the notice provided to the property owner, who has been determined to be deceased. Photos were submitted into evidence and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected by June 20, 2019 by mowing and maintaining the property (to include the area between the sidewalk and roadway), weed eating, edging, and blowing all grass clippings in the roadway back onto the property, the large nuisance Pine tree was to be removed from the property which would require a tree removal permit be obtained from the City of Port Orange Building Department, removing all trash and debris on site, removing all outside stored items to include but not limited to (couch, clothing, shoes, weights, plastic bottles, extension cord, etc.) and properly store them in an enclosed building, replace or repair all broken windows on site, and obtaining a building permit for the addition that was built on the property without a permit which would include paying all fees associated with the cost of the permit and performing all inspections for compliance with the permit.

Ms. Joseph recommended the property owners be found in violation of the above referenced code with the violations to be corrected on or before July 14, 2019 by mowing and maintaining the property (to include the area between the sidewalk and roadway), weed eating, edging, and blowing all grass clippings in the roadway back onto the property, the large nuisance Pine tree was to be removed from the property which would require a tree removal permit be obtained from the City of Port Orange Building Department, removing all trash and debris on site, removing all outside stored items to include but not limited to (couch, clothing, shoes, weights, plastic bottles, extension cord, etc.) and properly store them in an enclosed building, replace or repair all broken windows on site, and obtaining a building permit for the addition that was built on the property without a permit which would include paying all fees associated with the cost of the permit and performing all inspections for compliance with the permit. In the event the

property is not brought into compliance on or before the compliance date, and/or not maintained in a state of compliance, a daily fine in the amount of $50.00 per day shall be assessed for each day the property is in violation beyond the compliance date. Accused should be further ordered to contact the Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the order. Ms. Joseph requested any future violations under this ordinance be considered repeat. The cost sheet in the amount of $56.20 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Special Magistrate Fuller granted the recommendation as presented and deemed the property a health and safety violation. The property owner has until July 14, 2019 to mow and maintain the property (to include the area between the sidewalk and roadway), weed eating, edging, and blowing all grass clippings in the roadway back onto the property, the large nuisance Pine tree needs to be removed from the property which would require a tree removal permit be obtained from the City of Port Orange Building Department, remove all trash and debris on site, remove all outside stored items to include but not limited to (couch, clothing, shoes, weights, plastic bottles, extension cord, etc.) and properly store them in an enclosed building, replace or repair all broken windows on site, and obtain a building permit for the addition that was built on the property without a permit which would include paying all fees associated with the cost of the permit and performing all inspections for compliance with the permit or a daily fine in the amount of $50.00 per day shall be imposed. Costs in the amount of $56.20 were awarded to the City.

12. **CEB Case No.:** 18-1291
    Respondent: John Crouch
    Address of Violation: 410 Grant Street, Port Orange, FL 32127
    Code Officer: Dena Joseph
    First Notified: 6/5/2018

Compliance: Yes

Cited for violation(s) - City of Port Orange Land Development Code, Chapter 16 (Miscellaneous Regulations), Section 2 (Home Occupations), (d) Restrictions, (3), (4), (10) and (12)

Chapter 42, (Nuisances), Article II (Sanitary Conditions), Section 42-55 Obnoxious and Contaminating Businesses and Occupations, (a) and (b) of the City of Port Orange Code of Ordinances.

City of Port Orange Land Development Code, Chapter 16 (Miscellaneous Regulations), Section 2 (Home Occupations), (b)Permitted Home Occupations, (1), (2), (3), and (4) of the City of Port Orange Land Development Code.

NFPA 1: Fire Code, 2015 Edition - Chapter 43 Spraying, Dipping, and Coating Using Flammable or Combustible Materials. There is no mixing or spraying room.

NFPA 33: Standard for Spray Application Using Flammable or Combustible Materials, Chapter 4 (general requirements)

NFPA 33, Chapter 7 (Ventilation)

NFPA 33, Chapter 9 (Protection), there is no sprinkler system in place

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

C. ORDER IMPOSING FINE/LIEN

13. **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: 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.

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.

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

14. **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: 10/11/2018

Compliance: No

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

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

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.

Ms. Bonin requested an Order Setting Fine/Lien as the property was not in compliance by April 24, 2019 as ordered in the previous hearing on April 10, 2019 by the Special Magistrate. She requested a daily fine in the amount of $150.00 per day as ordered in the Finding of Fact, Conclusion of Law & Order to begin on April 25, 2019.The City retained vendor Mark Solomon Properties who abated a portion of the violations at the cost of $625.00. A cost sheet for mailing and recording costs in the amount of $92.90 was tendered and submitted into evidence without objection. The fence was not abated due to costs; however, the screen on the pool enclosure was fixed to secure the pool.

Special Magistrate Fuller found the property in non-compliance and awarded $625.00 in abatement costs, daily fines in the amount of $150.00 per day the fence remains in non-compliance and mailing and recording costs to date of $92.90. A lien is imposed on the property in the amount of $717.90 with ongoing fines in the amount of $150.00 per day.

D. ADJOURNMENT - 10:37 a.m.

_____

Special Magistrate Fuller

Case Cost Sheet Log

Case No. 18-1924

Name	Activity	Activity_Date	Status	Cost
Wells Fargo Bank, National Assoc TR	Cost to mail Notice of Violation/Notice of Hearing	5/28/2019	Certified mail returned signed, illegible	$7.30
Clerk of Courts	Fee to record Finding of Fact, Conclusion of Law & Order	7/10/2019		$27.00
Wells Fargo Bank, National Assoc TR	Cost to mail Finding of Fact, Conclusion of Law & Order	7/10/2019		$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. 18-1924

To: Wells Fargo Bank, National Assoc TR
5720 Premier Park Dr.
West Palm Beach, FL 33407

Re: 71 Golden Gate Circle
Port Orange, FL 32129
Parcel ID: 6308-02-00-0710
LEGAL DESCRIPTION: LOT 71 TWINGATES MOBILE ESTATES BY 33 PG 48 PER OR 4227 PGS 0016-0017 PER OR 7067 PG 0268 PER OR 7130 PG 0969 PER OR 7693 PG 0693
Volusia County Public Records
Volusia County, FL

An original inspection of the premises on December 17, 2018, and then again on May 14, 2019, indicates that certain violation(s) of the City of Port Orange Code exists.

Property owner is hereby notified of the violations noted below and given 15 days to correct.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by **June 12, 2109.**

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. **(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 42-26, (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 inspections of this property found there is garbage, waste, trash and debris littering most of the property. To correct the violations, clean up and remove all garbage, waste, trash and debris from entire property.
3. **Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.13 (Window, skylight and door frames) of the 2018 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances:** Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

- An inspection of this property found a broken side window. To correct this violation, repair or replace window.

4. **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.

   - An inspection of this property found several items stored outside and covering the inside of the screen porch in violation of city code. To correct the violations, all items must be stored in an enclosed building.

5. **Chapter 5 (Plumbing Facilities and Fixture Requirements), Section 505 (Water System), [P] 505.1 (General), of the 2018 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of the Port Orange Code of Ordinances:** Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. Kitchen sinks, lavatories, laundry facilities, bathtubs, and showers shall be supplied with hot or tempered and cold running water in accordance with the International Plumbing Code.

   - An inspection of this property found there is no water at this location. There is a utility lien. To correct this violation, the utility lien is required to be paid and all activation fees, etc., paid in full.

6. **Chapter 16 (Miscellaneous Regulations), Section 1 (Accessory Uses & Structures), (4) Size Limitations, (d), of the City of Port Orange Land Development Code:** No accessory residential structure shall be used as a guest house, apartment, or other residential quarters, unless otherwise permitted by this code.

   - The initial inspection resulted in several complaints of squatters residing in the shed structure in the back. This is not allowed by code and must not be used as a guest house, apartment, or other residential quarters. To correct this violation, all squatters need to be removed from the shed.

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 July 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 **July 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 **August 14, 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 28TH day of MAY, 2019.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: _____
Dennis Boehmer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Wells Fargo Bank, National Assoc TR, 5720 Premier Park Dr., West Palm Beach, FL 33407 , RE: 71 Golden Gate Circle, Port Orange, FL 32129, was

☐ Hand-delivered Recipient of hand delivered documents: _____

☒ Posted at the property

Time: approx. 1105 HOURS

this 28TH day of MAY, 2019.

_____
Dennis Boehmer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Wells Fargo Bank, National Assoc TR, 5720 Premier Park Dr., West Palm Beach, FL 33407, RE: 71 Golden Gate Circle, Port Orange, FL 32129, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 28 day of May, 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

Time: approx. 10:30 Am

this 31st day of January, 2019.

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. 19-815

Name	Activity	Activity_Date	Status	Cost
Rainbow Development Group LLC	Cost to mail Notice of Violation/Notice of Hearing	6/5/2019	Certified mail not returned	$7.30
Clerk of Courts	Fee to record Finding of Fact, Conclusion of Law & Order	7/10/2019		$27.00
Rainbow Development Group LLC	Cost to mail Finding of Fact, Conclusion of Law & Order	7/10/2019		$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. 19-815

To:
Rainbow Development Group LLC
c/o Ammar Hemaidan
1690 Dunlawton Avenue Suite 110
Port Orange, FL 32127

Re: 4015 S Williamson Boulevard
Port Orange, FL 32129
Parcel ID: 6201-00-00-0050
LEGAL DESCRIPTION: 1 16 32 S 700 FT N OF MADELINE AVE OF W 500 FT E OF WILLIAMSON BLVD PER OR 6343 PG 10 PER OR 6743 PG 4980
Volusia County Public Records
Volusia County, FL

An inspection of the premises on June 4, 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 June 14, 2019.

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

City of Port Orange Code of Ordinances Chapter 42 Article 2 Section 42-26. - Cleanliness of property generally—Duty of owner (c) Maintenance of commercial and industrial zoned lots. The owner of every improved lot, piece and parcel of land located within a commercial or industrial zone within the city shall keep each such lot, piece or parcel of land free and clear of all fallen trees and limbs and undergrowth exceeding 12 inches in height. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than 12 inches within such natural areas. Owners of unimproved vacant parcels in such zones shall similarly maintain such portion of their property as lies within ten feet of any improved property, any sidewalk, roadway or bicycle path and **(f)** Garbage, waste, trash, etc., prohibited. The owner of every lot, piece and parcel of land located within the city shall keep each such lot, piece and parcel of land free and clear of garbage, waste, trash, debris, and junk. **(h)** Abutting property owner maintenance of parkages. It shall be the duty of every owner of real property within the city to at all times cause to be cut and moved the grass and weeds, and to cause to be cut and trimmed the flowers, vines, shrubbery, and trees not exceeding six feet in height, in a manner that protects and promotes the public health, safety and welfare and presents an aesthetically pleasing appearance in those areas of the parkage most nearly abutting their properties. Parkages abutting improved residential or commercial lots shall be maintained as provided in subsection (d) of this section for improved residential lots. Parkages abutting unimproved residential lots shall be maintained as provided in subsection (e) of this section for the maintained portion of unimproved residential lots. "Parkage" is that space between the private property lot or survey line of the property owner and the paved or graded portion of the public street adjacent 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.

Original inspection found the property to be overgrown and trash and debris on site. To comply, the entire property, including the right of way, needs to be mowed, edged, and ALL high weeds and grass trimmed. All trash and debris need to be cleaned up and removed from the property.

Chapter 3, Section 301 General of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances
301.3 Vacant Structures and land. Vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

Original inspection found the building discolored and in need of pressure washing. To comply, the entire building needs to be pressure washed as to not cause blighting problem.

Chapter 3, Section 304 Exterior Structure of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances
304.13 Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

Original inspection found broken windows and doors. To comply, all broken windows and doors on the building need to be boarded at this time.

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

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

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

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

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate July 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 **July 10, 2019 at 9:00 a.m.** enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on **August 14, 2019, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

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

DATED this 4th day of June, 2019.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: _____
Amanda Bonin

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Ammar Hemaiden 1690 Dunlawton Avenue Ste 110, Port Orange, FL 32129, RE: 4015 S Williamson Boulevard Port Orange, FL 32129, was

☒ Hand-delivered
☐ Posted at the property

Time: 3:47 pm

Recipient of hand delivered documents: Theresa Phillips office manag

this 4th day of June, 2019.

_____
Amanda Bonin

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Ammar Hemaiden 1690 Dunlawton Avenue Ste 110, Port Orange, FL 32129, RE: 4015 S Williamson Boulevard Port Orange, FL 32129, was

☒ Posted at City Hall
☒ Sent via certified and regular

this 4 day of June, 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. 19-634

Name	Activity	Activity_Date	Status	Cost
T & D Rental Invest Group LCC	Cost to mail Notice of Violation/Notice of Hearing	6/7/2019	Certified mail returned signed "Carol McAleenan"	$7.30
Clerk of Courts	Fee to record Finding of Fact, Conclusion of Law & Order	7/10/2019		$27.00
T & D Rental Invest Group LCC	Cost to mail Finding of Fact, Conclusion of Law & Order	7/10/2019		$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. 19-634

To: T & D Rental Invest Group LCC
c/o LABOSCO, SHEILA L, Registered Agent
540 N. DIXIE FREEWAY
NEW SMYRNA BEACH, FL 32168

Re: 1268 Windsor Drive
Port Orange, FL 32127
Parcel ID: 6316-01-06-0200
LEGAL DESCRIPTION: LOT 20 BLK 6 HALIFAX MOBILE ESTS UNREC PLAT 147 PER OR 5024 PG 0718 PER OR6422 PG 2088 PER OR 6635 PG 4433
Volusia County Public Records
Volusia County, FL

An inspection of the premises on April 30, 2019, indicates that certain violation(s) of the City of Port Orange Code exists.

Tenant was notified of the violations noted below and given seven days to correct. A re-inspection was done on May 31, 2019, resulting in non-compliance.

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

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

1. **Chapter 42, (Nuisances), Article II (Garbage, junk, and undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), (d) (Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances:** The owner of an improved lot in a residential zone with lot sizes of one acre or less shall keep such lot free and clear of all fallen trees and limbs. All weeds, grass and undergrowth shall be cut to a height not exceeding ten inches. **(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 70 (Traffic), Article II (Stopping standing and parking), Section 70-36 (Stopping, standing or parking prohibited in specified places), (a) (1) (k) (1), (2) & (3) of the City of Port Orange Code of Ordinances: (a)** Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic device, no person shall: **(1)** Stop, stand or park a motor vehicle or trailer: **(k)** On any other portion of the front yard of a residential lot, except on approved driveways. As used in this section, driveways shall be constructed of the following materials: **(1)** Concrete or paved materials; **(2)** Nonpaved materials, excluding grass and dirt, provided that loose materials such as gravel, bark or cypress mulch are effectively contained within a border of concrete, railroad ties, or other rigid materials; or **(3)** Concrete paver strips, paver blocks, or other semi-pervious materials.

- The initial inspection of this property found vehicles parked in the front yard. To correct this violation, remove vehicles from front yard and properly park according to the above referenced ordinance.

3. **Chapter 70 (Traffic), Article II (Stopping standing and parking), Section 70-49 (Restrictions on abandoned or disabled vehicles), (c) Restrictions, (1) (a), (b) and (2) of the City of Port Orange Code of Ordinances: (1)** No disabled or abandoned vehicle shall remain on residentially-zoned or agriculturally-zoned private property unless such vehicle is: **(a)** Within a completely enclosed garage; or **(b)** parked in a carport, parking space or city-approved parking area and covered solely with a standard vehicle cover in good repair, so long as any portion of the vehicle which is not covered is not in a state of disrepair. **(2)** No disabled or abandoned vehicle parked on residentially-zoned or agriculturally-zoned private property shall be covered by material other than a standard vehicle cover in good repair unless such vehicle is parked inside a completely enclosed garage.

    - The initial inspection of this property found an inoperable vehicle on cinder blocks. To correct this violation, properly store inoperable vehicle as stated in the above referenced ordinance.

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 various items stored outside. To correct the violation, all outside stored items, including but not limited to, tires, refrigerator, tool box, car seat, trash cans, bins, cages and mattresses must be properly stored inside an enclosed building or removed from property.

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

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

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

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate July 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 **July 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 **August 14, 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 7 day of June, 2019.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: _____
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: T & D Rental Invest Group LCC, c/o LABOSCO, SHEILA L, Registered Agent, 540 N. DIXIE FREEWAY, NEW SMYRNA BEACH, FL 32168, RE: 1268 Windsor Drive, Port Orange, FL 32127, was

☐ Hand-delivered Recipient of hand delivered documents: _____

☒ Posted at the property

this 7 day of June, 2019.

Time: approx. 10:42 a.m.

_____
J. Scott Allman

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to T & D Rental Invest Group LCC, c/o LABOSCO, SHEILA L, Registered Agent, 540 N. DIXIE FREEWAY, NEW SMYRNA BEACH, FL 32168, RE: 1268 Windsor Drive, Port Orange, FL 32127, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 7 day of June, 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. 19-643

Name	Activity	Activity_Date	Status	Cost
Mark S. Parker	Cost to mail Notice of Violation/Notice of Hearing	6/7/2019	Certified mail returned unclaimed	$7.30
Clerk of Courts	Fee to record Finding of Fact, Conclusion of Law & Order	7/10/2019		$27.00
Mark S. Parker	Cost to mail Finding of Fact, Conclusion of Law & Order	7/10/2019		$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. 19-643

To: Mark S. Parker
1272 Windsor Dr.
Port Orange, FL 32127

Re: 1272 Windsor Dr
Port Orange, FL 32127
Parcel ID: 6316-01-06-0210
LEGAL DESCRIPTION: LOT 21 BLK 6 HALIFAX MOBIL ESTS UNREC PLAT 147 PER OR 4353 PG 1022
Volusia County Public Records
Volusia County, FL

An inspection of the premises on April 30, 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 **June 24, 2019.**

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

1. **Chapter 42, (Nuisances), Article II (Garbage, junk, and undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), (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 various pieces of garbage, trash, and debris. To correct the violation, clean up and remove all garbage, trash, and debris from the property. Scrapping is prohibited in the City of Port Orange. Remove all scrap and refrain from that practice.
2. **City of Port Orange Land Development Code, Chapter 16, Section 1(b)Principal use and/or principal structure required.** Accessory uses and structures shall:

    (1) Be customarily incidental to the principal use established on the same lot.
    - The initial inspection of this property found several items stored outside. Since there is no principal structure (use) on this property, all items must be properly stored inside an enclosed building or removed from property. Items include trailer and covered, inoperable vehicle stored on the lot.

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 July 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 **July 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 **August 14, 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 7 day of June, 2019.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: C. 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 : Mark S. Parker, 1272 Windsor Dr., Port Orange, FL 32127, RE: 1272 Windsor Dr., Port Orange, was

☐ Hand-delivered
☑ Posted at the property

Recipient of hand delivered documents: _____

this 7 day of June, 2019.

Time: approx. 10:42 a.m.

C. 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 Mark S. Parker, 1272 Windsor Dr., Port Orange, FL 32127, RE: 1272 Windsor Dr., Port Orange, was

☒ Posted at City Hall
☒ Sent via certified and regular

this 7 day of June, 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. 19-520

To: Lori A. & Francis L. Bernstein
3602 Cardinal Blvd.
Daytona Beach Shores, FL 32118

Re: 240 Fleming Ave.
Port Orange, FL 32127
Parcel ID: 6310-20-04-0110
LEGAL DESCRIPTION: LOTS 10 & 11 EXC W 100 FT BLK 4 FLEMINGS PORT ORANGE MB 12 PG 121 PER OR 4877 PG 0109 PER OR 5585 PG 1248 PER OR 6959 PG 2519 PER OR 7005 PG 3189
Volusia County Public Records
Volusia County, FL

An inspection of the premises on April 8, 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 fourteen days to correct. A re-inspection was done on May 22, 2019, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by **June 16, 2019.**

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

1. **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 various items stored outside including, but not limited to, tools, boat, etc. To correct the violation, all outside stored items must be properly stored inside an enclosed building.

2. **Chapter 16, Section 1(b)*Principal use and/or principal structure required.*** Accessory uses and structures shall:

    (1) Be customarily incidental to the principal used established on the same lot.

    - The initial inspection of this property found several items stored outside. Since there is no principal structure (use) on this property, all items must be properly stored inside an enclosed building or removed from property.

3. **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 a wire fence that had been installed without a permit. To correct the violation, apply for and obtain a building permit for the fence or completely remove the fence.

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 July 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 $ 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 **July 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 **August 14, 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-[redacted].

DATED this 7th day of June, 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 Lori A, & Francis L. Bernstein, 3602 Cardinal Blvd., Daytona Beach Shores, FL 32118, RE: 240 Fleming Avenue, Port Orange, FL 32127, was

☐ Hand-delivered Recipient of hand delivered documents: _____

☒ Posted at the property

Time: approx. 1:10 pm

this 7th day of June, 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 Lori A. & Francis L. Bernstein, 3602 Cardinal Blvd., Daytona Beach Shores, FL 32118, RE: 240 Fleming Avenue, Port Orange, FL 32127, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 10 day of June, 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. 19-471

To: Vini Stojanovski
9 Lakeside Pl. N.
Flagler Beach, FL 32136

Re: 729 Barlow Circle
Port Orange, FL 32127
Parcel ID: 6315-04-11-0230
LEGAL DESCRIPTION: LOT 23 BLK 11 COMMONWEALTH MOBILE ESTS 1ST ADD MB 29 PG 47 PER OR 4164 PGS 4984-4949 PER OR 7022 PG 4064 PER 7022 PG 4073
Volusia County Public Records
Volusia County, FL

An inspection of the premises on March 21, 2109, indicates that certain violation(s) of the City of Port Orange Code exists.

Property owner was notified of the violations noted below and given five days to correct. A re-inspection was done on May 24, 2019, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by **June 13, 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. **(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 various items stored outside including but not limited to a refrigerator and concrete blocks. To correct the violation, all outside stored items must be properly stored inside an enclosed building.
3. **Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.13 (Window, skylight and door frames) of the 2018 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances:** Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

- The initial inspection of this property found broken windows in the principal structure. To correct the violation, all broken windows shall be repaired or replaced. If replacing the windows, a permit is required.

4. **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 various pieces of garbage, trash, and debris. To correct the violation, clean up and remove all garbage, trash, and debris from the property.

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

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

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

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate July 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 $ 116.30 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 **July 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 **August 14, 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 30th day of May, 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 Vini Stojanovski, 9 Lakeside Pl. N., Flagler Beach, FL 32136, RE: 729 Barlow Circle, Port Orange, FL 32127, was

☐ Hand-delivered Recipient of hand delivered documents: _____

☒ Posted at the property

Time: approx. 3:05 PM

this 30th day of May, 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 Vini Stojanovski, 9 Lakeside Pl. N., Flagler Beach, FL 32136, RE: 729 Barlow Circle, Port Orange, FL 32127, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 31 day of May, 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. 19-0304

Name	Activity	Activity_Date	Status	Cost
Freda L. Grubbs TR	Cost to mail Notice of Violation/Notice of Hearing	6/10/2019	Certified mail not returned	$7.30
Clerk of Courts	Fee to record Finding of Fact, Conclusion of Law & Order	7/10/2019		$27.00
Freda L. Grubbs TR	Cost to mail Finding of Fact, Conclusion of Law & Order	7/10/2019		$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. 19-0304

To: Freda L Grubbs TR
639 Powers Ave
Port Orange, FL 32129

Re: 639 Powers Ave
Port Orange, FL 32129
Parcel ID: 6304-07-00-1670
LEGAL DESCRIPTION: LOTS 151 TO 167 INCL & THAT PORTION OF LOTS 148 149 150 & THAT PORTION OF PALM ST W OF PROLONGATION OF E LINE OF LOT 167 TO N LINE OF LOT 150 EXC THAT PART OF LOT 156 E OF SAID PROLONGATION OF E LINE OF LOT 167 POWERS SUB PORT ORANGE PER OR 3143 PG 0385 PER OR 5743 PG 1494
Volusia County Public Records
Volusia County, FL

An inspection of the premises on February 14, 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 30 days to correct. A re-inspection was done on June 5, 2019, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by **July 7, 2019.**

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

1. **City of Port Orange Code of Ordinances, Chapter 42, (Nuisances), Article II (Garbage, junk, and undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), (c) Maintenance of commercial and industrial zoned lots.** The owner of every improved lot, piece and parcel of land located within a commercial or industrial zone within the city shall keep each such lot, piece or parcel of land free and clear of all fallen trees and limbs and undergrowth exceeding 12 inches in height. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than 12 inches within such natural areas. Owners of unimproved vacant parcels in such zones shall similarly maintain such portion of their property as lies within ten feet of any improved property, any sidewalk, roadway or bicycle path.
    - The initial inspection of this property found high weeds and grass on most of the property. To correct this violation, mow and cut down all high weeds and overgrowth.

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 various items stored outside. To correct the violation, all outside stored items must be properly stored inside an enclosed building.
3. **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 various pieces of garbage, trash, and debris. To correct the violation, clean up and remove all garbage, trash, and debris from the property.

4. **Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.13 (Window, skylight and door frames) of the 2018 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances:** Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.
    - The initial inspection of this property found broken windows on commercial building. To correct this violation, replace/repair windows or completely board up.

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 July 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 **July 10, 2109,** enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on **August 14, 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 7th day of June, 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 Freda L Grubbs TR, 639 Powers Ave, Port Orange, FL 32129, RE: 639 Powers Ave., Port Orange, FL 32129, was

☐ Hand-delivered Recipient of hand delivered documents: _____

☒ Posted at the property

Time: approx. 10:55 AM

this 7th day of June, 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 Freda L Grubbs TR, 639 Powers Ave, Port Orange, FL 32129, RE: 639 Powers Ave., Port Orange, FL 32129, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 10 day of June, 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. 19-697

Name	Activity	Activity_Date	Status	Cost
Toni Rinehart Est.	Cost to mail Notice of Violation/Notice of Hearing	5/31/2019	Certified mail returned signed "Aaron Cole 6-8-19"	$7.30
Clerk of Courts	Fee to record Finding of Fact, Conclusion of Law & Order	7/10/2019		$27.00
Toni Rinehart Est.	Cost to mail Finding of Fact, Conclusion of Law & Order	7/10/2019		$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. 19-697

To: Toni Rinehart Est.
215 Fox Place
Port Orange, FL 32127

Re: 215 Fox Place
Port Orange, FL 32127
Parcel ID: 6303-14-11-0010
LEGAL DESCRIPTION: LOTS 1 & 2 BLK K VIRGINIA HEIGHTS PORT ORANGE PER OR 5235 PG 0800 PER OR 7481 PG 2698
Volusia County Public Records
Volusia County, FL

An inspection of the premises on May 10, 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 ten days to correct. A re-inspection was done on May 21, 2019, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by **June 13, 2019.**

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

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. **(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. Additionally, all fallen trees and limbs shall be removed from the property.

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

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

The burden shall rest upon the Respondent to request a re-inspection by the Code 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 July 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 $ 72.30 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 **July 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 **August 14, 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 30th day of May, 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 Toni Rinehart Est., 215 Fox Place, Port Orange, FL 32127, RE: 215 Fox Place, Port Orange, FL 32127, was

☐ Hand-delivered Recipient of hand delivered documents: _____

☒ Posted at the property

Time: approx. 11:45 AM

this 30th day of May, 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 Toni Rinehart Est., 215 Fox Place, Port Orange, FL 32127, RE: 215 Fox Place, Port Orange, FL 32127, was

☒ **Posted at City Hall**

☒ Sent via certified and regular

this 31 day of May, 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. 19-0896

Name	Activity	Activity_Date	Status	Cost
Clerk of Courts	Fee to record Finding of Fact, Conclusion of Law & Order	7/10/2019		$27.00
Kenneth D. & Ruth P. Veradi	Cost to mail Finding of Fact, Conclusion of Law & Order	7/10/2019		$14.60

Total: 41.60

NOTICE OF REPEAT VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 19-0896

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 June 17, 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), (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.

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 various items stored outside (including but not limited to: TV, window screens, a ladder, bathtub, lattice, toolbox, furniture, tires, vacuum, etc.). To correct the violation, all outside stored items must be properly stored inside an enclosed building or removed from the property.

You have previously (within the past five years) been found by the Special Magistrate to have violated the above referenced code section(s) on May 22, 2019 under Case No. 19-0176.

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 VIOLATION(S) ALLEGED

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

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

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **July 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 **August 14, 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 21st day of June, 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

Time: approx. 3:23 PM

this 21st day of June, 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 26 day of June, 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

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