



AGENDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF PORT ORANGE

Meeting Date: Wednesday, November 13, 2019
Type of Meeting: Regular

Time: 9:00 AM
Location: Council Chambers
City Hall, 1000 City Center Circle

A. CALL TO ORDER

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

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 19-840
Respondent: Paul A. & Walter C. Zaborny
Address of Violation: 1118 Viking Drive, Port Orange, FL 32129
Code Officer: Amanda Bonin
First Notified: 6/6/2019

Compliance: Yes

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

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

4. **CEB Case No.:** 18-1500
Respondent: Industrial Corporation Inc.
c/o Leonard Zedeck
Address of Violation: 3812 (aka) 3826 Clyde Morris Blvd., Port Orange, FL 32129
Code Officer: Amanda Bonin
First Notified: 9/13/2018

Compliance: Yes

Cited for violation(s) - City of Port Orange Land Development Code, Chapter 14 Buildings and Building Regulations, Article VII Commercial Property Maintenance Standards, Section 14-314. - Landscaping and buffers - Maintenance criteria (a) (1) (2) (3) & (5).

Section 14-315. - Same - Replacement criteria (a) (b) & (c).

Section 14-317. - Parking, sidewalk and driveway areas (a) (1) (2) & (3).

City of Port Orange Land Development Code, Chapter 11 Utilities, Section 7 Solid Waste Collection Service; (b) (3) (3) Enclosure.

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.

6. **CEB Case No.:** 18-452

Respondent: Charlie Molineaux Jr.

Address of Violation: 722 Dove Avenue, Port Orange, FL 32127

Code Officer: Amanda Bonin

First Notified: 4/2/2018

Compliance: No

Cited for violation(s) - **Sixth Edition (2017) Florida Building Code, Section 105 (Permits), 105.1 (Permits Required), as adopted by Chapter 14, Article II, of the City of Port Orange Code of Ordinances: Failure to obtain a building Permit:** Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any required impact-resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permits.

7. **CEB Case No.:** 18-1686

Respondent: Anthony M. Malena

Address of Violation: 1394 Surrey Park Drive, Port Orange, FL 32128

Code Officer: Amanda Bonin

First Notified: 10/2/2018

Compliance: No

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

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

City of Port Orange Land Development Code, Chapter 16 (Miscellaneous Regulations), Section 3 (Fences and Walls),. Modified (a), (b) General Provisions, (4) Design and Maintenance & (d) Missing boards, pickets, or posts shall be replaced in a timely manner with material of the same type and quality.

Chapter 3, Section 304 Exterior Structure of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances, 304.6 Exterior Walls.

8. **CEB Case No.:** 19-943

Respondent: Port Orange Petro LLC
c/o Nilesh Shah

Address of Violation: 6223 S Williamson Blvd., Port Orange, FL 32128

Code Officer: Amanda Bonin

First Notified: 6/14/2019

Compliance: No

Cited for violation(s) - City of Port Orange Land Development Code, Chapter 14 Buildings and Building Regulations, Article VII Commercial Property Maintenance Standards, Section 14-314. - Landscaping and buffers - Maintenance criteria. (a) Approved landscape plan **(1) trees (2) Shrubs (3) Lawns (5) other planting areas (d) (1) (2) (3) (4) (5) (6) & (7)**
Section 14-315. - Same - Replacement Criteria **(a) landscape planting (b) buffer planting (c) natural areas**
Section 14-317. - Parking, sidewalk and driveway areas. **(a) Maintenance criteria (1) (2) & (3)**
(b) City of Port Orange Land Development Code, Chapter 11 Utilities, Section 7 Solid Waste Collection Service; **(b) (3) (3) Enclosure.**

9. **CEB Case No.:** 19-1240

Respondent: Edward T. Garvin, Roy H. Garvin, & Phyllis T. Garvin

Address of Violation: 1389 N. Dexter Drive, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 8/13/2019

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

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

Chapter 70 (Traffic), Article II (Stopping, standing, and parking), Section 70-36 (Stopping, standing or parking prohibited in specified places) 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.

10. **CEB Case No.:** 19-1376

Respondent: Maegan R. Rohrbach

Address of Violation: 610 Newton Road, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 9/16/2019

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

11. **CEB Case No.:** 19-686

Respondent: Lisa K. Schimp

Address of Violation: 488 Wiltshire Blvd., Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 5/8/2019

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

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.

12. **CEB Case No.:** 19-1399

Respondent: Tammy D. Gray

Address of Violation: 4650 Spruce Creek Rd., Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 9/23/2019

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

13. **CEB Case No.:** 19-0511

Respondent: Mildred E. Davidson Life Estate

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

Code Officer: Scott Allman

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

14. **CEB Case No.:** 19-1086

Respondent: Mark E. Davidson

Address of Violation: 310 Grant Street, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 7/23/2019

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.

15. **CEB Case No.:** 19-1087

Respondent: Mark E. & Cecelia K. Davidson

Address of Violation: 312 Grant Street, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 7/23/2019

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.

16. **CEB Case No.:** 16-2024

Respondent: Milan Khanna

Address of Violation: 3813 Birch Mountain Road, Port Orange, FL 32129

Code Officer: Dena Joseph

First Notified: 12/28/2016

Compliance: No

Cited for violation(s) - **2018 Florida Building Code, 6th Edition, Section 105 (Permits), Section 105.1 (Required) as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Failure to Obtain Building Permit:** Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any required impact-resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

17. **CEB Case No.:** 17-0332

Respondent: Milan Khanna

Address of Violation: 3813 Birch Mountain Road, Port Orange, FL 32129

Code Officer: Dena Joseph

First Notified: 3/13/2017

Compliance: No

Cited for violation(s) - **2018 Florida Building Code, 6th Edition, Section 105 (Permits), Section 105.1 (Required) as adopted per Chapter 14, Article II of the City of**

Port Orange Code of Ordinances: Failure to Obtain Building Permit: Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any required impact-resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

C. ORDER IMPOSING FINE/LIEN

18. **CEB Case No.:** 19-0280

Respondent: Loretto U. Bobo

Address of Violation: 608 Roselle Street, Port Orange, FL 32127

Code Officer: Dennis Boehmer

First Notified: 2/22/2019

Compliance: Yes

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

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.

2018 International Property Maintenance Code, Chapter 3, Section 304 Exterior Structure, as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: 304.1 General and 304.6 Exterior Walls.

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

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

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

Chapter 6 (Mechanical and Electrical Requirements), Section 604 (Electrical Facilities), 604.3 (Electrical system hazards) of the 2018 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

19. **CEB Case No.:** 19-1157

Respondent: Audrey M. Howard

Address of Violation: 1128 Bayview Lane, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 8/5/2019

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

20. **CEB Case No.:** 19-1356

Respondent: Kenneth D. & Ruth P. Veradi

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

Code Officer: Dena Joseph

First Notified: 9/12/2019

Compliance: Yes

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

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

21. **CEB Case No.:** 18-1487

Respondent: Lonnie L. Freeman

Address of Violation: 5804 Riverside Drive, Port Orange FL 32127

Code Officer: Dena Joseph

First Notified: 9/11/2018

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), (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.

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

City of Port Orange Land Development Code, Chapter 16 (Miscellaneous Regulations), Section 1 (Accessory Uses and Structures), (e) Outside Storage, (1) Residential uses, (c)

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.

22. CEB Case No.: 19-1076

Respondent: Across the Pond Developments LLC, Property Owner
c/o Mark Venables, Registered Agent

Address of Violation: 5680 Riverside Drive, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 7/19/2019

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

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 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.

23. CEB Case No.: 19-1172

Respondent: Peter J. Renko

Address of Violation: 150 Howes Street, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 9/12/2019

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

24. 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.

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
OCTOBER 23, 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
Dennis Boehmer, Code Compliance Inspector
Scott Allman, Code Compliance Inspector
Dena Joseph, Code Compliance Inspector
Debbie Pearson, Code Enforcement Manager
Shelby Field, Assistant City Clerk

Attorney Overview of Special Magistrate Code Enforcement Process

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

Consideration of Minutes

Special Magistrate Fuller approved the October 9, 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.:** 19-1179
Respondent: Robert Rogers Estate
Address of Violation: 31 Elda Lane, Port Orange, FL 32127
Code Officer: Scott Allman
First Notified: 8/7/2019

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

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.

4. **CEB Case No.:** 19-1346

Respondent: Arthur P. Champley

Address of Violation: 560 Newton Road, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 9/10/2019

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.

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

Mr. Allman testified as to the condition of the property, as well as the notice provided to the property owner. Photos were submitted into evidence and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected by September 30, 2019 by mowing the entire property, trimming, edging and blowing all debris back onto the property.

Mr. Allman recommended the property owners be found in violation of the above referenced codes with the violations to be corrected on or before November 8, 2019 by mowing the entire property, trimming, edging and blowing all debris back onto the property. 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. Allman requested any future violations under this ordinance be considered repeat. The cost sheet in the amount of \$43.60 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 November 8, 2019 to mow the entire property, trim, edge and blow all debris back onto the property or a daily fine in the amount of \$100.00 per day shall be imposed. Costs in the amount of \$43.60 were awarded to the City.

5. **CEB Case No.:** 19-1353

Respondent: Jacqueline M. Sale

Address of Violation: 825 Upland Drive, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 9/12/2019

Compliance: Yes

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

6. **CEB Case No.:** 18-943

Respondent: Adrian & Julianna Kolarovski

Address of Violation: 1131 Greenbriar Avenue, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 8/5/2019

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

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

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.

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

7. **CEB Case No.:** 19-0983

Respondent: Julie A. Richardson

Address of Violation: 5272 Isabelle Avenue, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 7/1/2019

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

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

8. **CEB Case No.:** 17-1871

Respondent: June Freniere

Address of Violation: 5204 Taylor Avenue, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 12/11/2017

Compliance: Yes

Cited for violation(s) - 2018 Florida Building Code, 6th Edition, Section 105 (Permits), 105.1 (Permits Required), as adopted by Chapter 8, Article 1, of the City of Port Orange Land Development Code.

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

9. **CEB Case No.:** 19-1293

Respondent: Valerie Potter

Address of Violation: 176 Iron Gate Circle, Port Orange, FL 32127

Code Officer: Dennis Boehmer

First Notified: 8/22/2019

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.

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 immediately by mowing and trimming the property of all high weeds and grass and blowing all yard debris back onto the property.

Mr. Boehmer recommended the property owners be found in violation of the above referenced codes with the violations to be corrected immediately by mowing and trimming the property of all high weeds and grass and blowing all yard debris back onto the property. In the event the property is not brought into compliance immediately, and/or not maintained in a state of

compliance, the City shall have the option to abate the violation. 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 \$43.60 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 is to immediately mow and trim the property of all high weeds and grass and blow all yard debris back onto the property or the City shall have the option to abate the violation. Costs in the amount of \$43.60 were awarded to the City.

10. **CEB Case No.:** 19-1241

Respondent: Thomas S. Wintink est

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

Code Officer: Amanda Bonin

First Notified: 8/13/2019

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

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

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 immediately, as it is a repeat violation, by mowing and trimming all high weeds and grass and removing all outside storage.

Re-inspection was conducted on October 16, 2019 and the property is now in compliance; however, Ms. Bonin recommended the property owners be found in violation of the above referenced codes as the property was not in compliance with the Notice of Hearing. Ms. Bonin requested any future violations under this ordinance be considered repeat. The cost sheet in the amount of \$43.60 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 \$43.60 were awarded to the City.

C. ORDER IMPOSING FINE/LIEN

11. **CEB Case No.:** 19-847
Respondent: OR-EL 18 LLC
Business Filings Incorporated
Address of Violation: 3741 Clyde Morris Blvd., Port Orange, FL 32129
Code Officer: Amanda Bonin
First Notified: 6/5/2019

Compliance: No

Cited for violation(s) - Chapter 14, Article VII, Commercial Property Maintenance Standards of the City of Port Orange Code of Ordinances Section 14-314. - Landscaping and buffers - Maintenance criteria. (a) Approved landscape plans (1) Trees (2) Shrubs (3) Lawns (d) (2) (5) (7) Required maintenance and anticipated growth and coverage.

Chapter 14, Article VII, Commercial Property Maintenance Standards of the City of Port Orange Code of Ordinances Section 14-315. - Same - Replacement criteria. (a) Landscape plantings (b) Buffer plantings (1) (2) (3).

Chapter 14, Article VII, Commercial Property Maintenance Standards of the City of Port Orange Code of Ordinances Section 14-318. -Other property improvements; maintenance criteria. (d) Trash, litter and debris.

Ms. Bonin requested an Order Setting Fine/Lien as the property was not in compliance by June 5, 2019 (the date of violation) as ordered in the previous hearing on September 11, 2019 by the Special Magistrate. She requested a daily fine in the amount of \$500.00 as ordered in the Finding of Fact, Conclusion of Law & Order to begin on June 5, 2019 and running until the property is brought into compliance. A cost sheet for mailing and recording costs in the amount of \$116.80 was tendered and submitted into evidence without objection.

Special Magistrate Fuller found the property in non-compliance and awarded \$500.00 in daily fines beginning June 5, 2019 and running until the property is brought into compliance and mailing and recording costs to date of \$116.80.

12. **CEB Case No.:** 19-1108
Respondent: Herbert Schubert Jr.
Address of Violation: 408 Nancy Street, Port Orange, FL 32127
Code Officer: Dennis Boehmer
First Notified: 7/26/2019

Compliance: No

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

Chapter 42, (Nuisances), Article II, (Garbage, Junk and Undergrowth), Section 42-26,

(Cleanliness of Property Generally-duty of owner), (f) Garbage, waste, trash, etc. prohibited of the City of Port Orange Code of Ordinances.

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

Chapter 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.

Mr. Boehmer requested an Order Setting Fine/Lien as the property was not in compliance by September 21, 2019 as ordered in the previous hearing on September 11, 2019 by the Special Magistrate. He requested a one-time fine in the amount of \$1,000.00 as ordered in the Finding of Fact, Conclusion of Law & Order to begin on September 21, 2019. A cost sheet for mailing and recording costs in the amount of \$89.60 was tendered and submitted into evidence without objection.

Special Magistrate Fuller found the property in non-compliance and awarded \$1,000.00 in fines and mailing and recording costs to date of \$89.60. A lien is imposed on the property in the amount of \$1,089.60.

13. **CEB Case No.:** 19-1108
 Respondent: Herbert Schubert Jr.
 Address of Violation: 408 Nancy Circle, Port Orange, FL 32127
 Code Officer: Dennis Boehmer
 First Notified: 7/26/2019

Compliance: No

Cited for violation(s) - City of Port Orange Land Development Code, Chapter 16 (Miscellaneous Regulations), Section 1 (Accessory Uses and Structures), (e) Outside Storage (1) Residential Uses (a).

Mr. Boehmer requested an Order Setting Fine/Lien as the property was not in compliance by September 21, 2019 as ordered in the previous hearing on September 11, 2019 by the Special Magistrate. He requested a one-time fine in the amount of \$1,000.00 as ordered in the Finding of Fact, Conclusion of Law & Order to begin on September 21, 2019. A cost sheet for mailing and recording costs in the amount of \$89.60 was tendered and submitted into evidence without objection.

Special Magistrate Fuller found the property in non-compliance and awarded \$1,000.00 in fines and mailing and recording costs to date of \$89.60. A lien is imposed on the property in the amount of \$1,089.60.

14. **CEB Case No.:** 19-1129
 Respondent: Jessica Lynn Lincicome
 Address of Violation: 9 Raintree Drive, Port Orange, FL 32127
 Code Officer: Scott Allman

First Notified: 7/31/2019

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.

Mr. Allman asked the magistrate if an amended Finding of Fact was needed for language clarification to make it clear the daily fine would be starting at the time of the notice. Special Magistrate Fuller responded he did not believe it was necessary as it seemed clear in the Finding of Fact. Mr. Allman moved forward to set the Fine/Lien.

Mr. Allman requested an Order Setting Fine/Lien as the property was not in compliance by July 31, 2019 (the time of the violation) as ordered in the previous hearing on September 11, 2019 by the Special Magistrate. He requested a daily fine in the amount of \$100.00 as ordered in the Finding of Fact, Conclusion of Law & Order to begin on July 31, 2019, the date of violation, and running through and including September 18, 2019 for a total of 50 days. The City retained vendor Yellowstone Landscape who abated the violations at the cost of \$247.68. A cost sheet for mailing and recording costs in the amount of \$94.90 was tendered and submitted into evidence without objection.

Special Magistrate Fuller found the property in non-compliance and awarded \$5,247.68 in daily fines and abatement costs and mailing and recording costs to date of \$94.90. A lien is imposed on the property in the amount of \$5,342.58.

15. **CEB Case No.:** 19-1130

Respondent: Jessica Lynn Lincicome

Address of Violation: 9 Raintree Drive, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 7/31/2019

Compliance: No

Cited for violation(s) - City of Port Orange Land Development Code, Chapter 16 (Miscellaneous Regulations), Section 3 (Fences and Walls), (b) General Provisions, (4) Design and Maintenance, (b) All fences shall be maintained in their original upright condition & (d) Missing boards, pickets, or posts shall be replaced in a timely manner with material of the same type and quality.

Mr. Allman requested an Order Setting Fine/Lien as the property was not in compliance by October 11, 2019 as ordered in the previous hearing on September 11, 2019 by the Special Magistrate. He requested a daily fine in the amount of \$100.00 as ordered in the Finding of Fact, Conclusion of Law & Order to begin on October 12, 2019 and running until the property is brought into compliance. A cost sheet for mailing and recording costs in the amount of \$94.90 was tendered and submitted into evidence without objection.

Special Magistrate Fuller found the property in non-compliance and awarded \$100.00 in daily fines to begin October 12, 2019 and running until the property is brought into compliance and mailing and recording costs to date of \$94.90.

16. **CEB Case No.:** 19-0750
 Respondent: Samuel C. Sebergandio Jr.
 Address of Violation: 5453 Pineland Ave., Port Orange, FL 32127
 Code Officer: Dena Joseph
 First Notified: 5/22/2019

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

2018 International Property Maintenance Code Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.13 (Window, Skylight, and Door Frames) as adopted per Chapter 14, Article II 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.

17. **CEB Case No.:** 19-1046
 Respondent: James E. Redmond
 Address of Violation: 5400 Turton Lane, Port Orange, FL 32127
 Code Officer: Dena Joseph
 First Notified: 7/16/2019

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

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

18. **CEB Case No.:** 19-0915
 Respondent: Matthew Brandt

Address of Violation: 5478 Rogers Avenue, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 6/21/2019

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) and (h) abutting property owner maintenance of parkages 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.

Ms. Joseph requested an Order Setting Fine/Lien as the property was not in compliance immediately as ordered in the previous hearing on September 11, 2019 by the Special Magistrate. She requested a daily fine in the amount of \$50.00 as ordered in the Finding of Fact, Conclusion of Law & Order to begin on August 6, 2019 and running through and including August 12, 2019 for a total of 7 days. A cost sheet for mailing and recording costs in the amount of \$94.90 was tendered and submitted into evidence without objection.

Special Magistrate Fuller found the property in non-compliance and awarded \$50.00 in daily fines beginning on August 6, 2019 and running through and including August 12, 2019 and mailing and recording costs to date of \$94.90. A lien is imposed on the property in the amount of \$444.90.

D. ADJOURNMENT – 10:00am

Special Magistrate Fuller



NOTICE OF VIOLATION AND NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 19-840

To: Paul A. & Walter C. Zaborny
1118 Viking Drive
Port Orange, FL 32129

Re: 1118 Viking Drive
Port Orange, FL 32129

Parcel ID: 6306-02-00-0100

LEGAL DESCRIPTION: LOT 10 VIKING SUB PHASE I MB 35 PG 115 PER OR 2994 PG 0820

Volusia County Public Records

Volusia County, FL

An inspection of the premises on June 6, 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 5 days to correct. A re-inspection was completed on August 23, 2019, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by **October 8, 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 package 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. "Package" 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 package, but the placement of refuse for collection in a manner and in containers specified by other provisions of this Code is not prohibited.

- The initial inspection of this property found high weeds and grass. To correct the violation, the entire property needs to be mowed, trimmed, and all debris blown back onto the property.

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

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

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

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate November 13, 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 **November 13, 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 **January 8, 2020, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

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

DATED this 27th day of September, 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: Paul A. & Walter C. Zaborny, 1118 Viking Drive, Port Orange, FL, 32129, RE: 1118 Viking Drive, Port Orange, FL, 32129, was

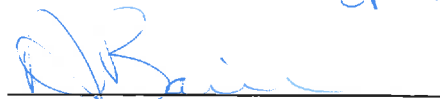
☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

this 27th day of September, 2019.

Time: approx. 3:00pm


Amanda Bonin

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to: Paul A. & Walter C. Zaborny, 1118 Viking Drive, Port Orange, FL, 32129, RE: 1118 Viking Drive, Port Orange, FL, 32129, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 30 day of September, 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.



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 18-1500

To: Industrial Corporation Inc
8870 W Oakland Park Blvd #101
Sunrise, FL 33351

• c/o Leonard Zedeck
8870 W. Oakland Park Blvd 101
Sunrise, FL 33351

Re: 3812 (aka 3826) Clyde Morris Blvd.

Port Orange, FL 32129

Parcel ID: 6306-15-00-0010

LEGAL DESCRIPTION: LOT 1 THE GROVES PCD PHASE I MB 45 PG 143 PER OR

Volusia County Public Records

Volusia County, FL

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

Property owner was notified of the violations noted below and given 45 days to correct. A re-inspection was done on November 7, 2019, a 30-day extension was provided to complete the outstanding violations. A re-inspection was done on December 19, 2018, resulting in non-compliance. The most recent inspection was completed on June 10, 2019, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) **must be corrected by August 9, 2019.**

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

1. **City of Port Orange Land Development Code, Chapter 14 Buildings and Building Regulations, Article VII Commercial Property Maintenance Standards, Section 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.

(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.

Section 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.

Section 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.

- The initial inspection of this property found the irrigation to be in non-working order, dead and missing plant material and trees, trees that need to be pruned as to not interfere with pedestrian or vehicular traffic, faded parking lot striping, one of the railroad ties in the back of the building is broken and rebar is protruding out, and trash on site. To correct the violation, all plantings, to include plants, shrubs, and trees, are required to be installed as per the attached landscape plan, the parking lot needs to be re-sealed and re-striped, the irrigation needs to be repaired and needs to cover all landscaped areas, all low hanging trees need to be pruned as to not interfere with vehicular traffic, all landscape beds and hedgerows must be weeded and mulched, the broken railroad needs to be replaced, gates on the dumpster enclosure on the South end of the property need to be replaced, and all trash and debris removed.

City of Port Orange Land Development Code, Chapter 11 Utilities, Section 7 Solid Waste Collection Service; (b) (3) Enclosure. Each dumpster location shall be surrounded by an enclosure as depicted in the Standard [Utility] Details. Enclosures should remain open on the service side, except in high visibility locations where gates may be approved. The enclosure shall be constructed using colors, materials, and architectural treatments consistent with the structure it serves. Alternative materials and colors may be approved in those situations where the enclosure is physically or visually separated from the primary structure, or where the primary building materials do not lend themselves to the enclosure application.

- The initial inspection found the dumpster enclosure gates on the South end of the property to be missing. To comply, the missing gates must be replaced on the existing dumpster at the South end of 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 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 **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 **August 14, 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 **September 24, 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 24th day of June, 2019.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Amanda Bonin
Amanda Bonin, Code Enforcement Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Industrial Corporation Inc. 8870 W Oakland Park Blvd #101 Sunrise, FL 33351, RE: 3812 Clyde Morris Blvd. Port Orange, FL 32129, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

this 24th day of June, 2019.

Time: approx. 3:12 pm

Amanda Bonin
Amanda Bonin, Code Enforcement Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Leonard Zedeck 8870 W. Oakland Park Blvd 101 Sunrise, FL 33351, RE: 3812 Clyde Morris Blvd. Port Orange, FL 32129, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 25 day of June, 2019.

William K. Keneuch
Secretary, Special Magistrate

RIGHT TO APPEAL

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

ACCOMMODATIONS

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

Case Cost Sheet Log

Case No. 18-1569

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

Total: 41.75



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 18-1569

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) *Maintenance criteria*.

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

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

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

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

(b) *Construction standards:*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate April 10, 2019, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

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

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

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **April 10, 2019**, enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on **May 22, 2019, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

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

DATED this 31st day of January, 2019.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Amanda Bonin
Amanda Bonin

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Lowe's Home Centers, LLC (Property Owner), C/O Corporation Service Company (Registered Agent), 1201 Hays Street, Tallahassee, FL 32301-2525, RE: 1751 Dunlawton Ave., Port Orange, FL, 32129, was

☐ Hand-delivered

Recipient of hand delivered documents: Robert Hendrickson

☐ Posted at the property

this 31st day of January, 2019.

Time: approx. 10:50 Am

Amanda Bonin
Amanda Bonin

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Lowe's Home Centers, LLC (Property Owner), C/O Corporation Service Company (Registered Agent), 1201 Hays Street, Tallahassee, FL 32301-2525, RE: 1751 Dunlawton Ave., Port Orange, FL, 32129, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 31 day of January, 2019.

Shelly Field
Secretary, Special Magistrate

RIGHT TO APPEAL

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

ACCOMMODATIONS

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

Case Cost Sheet Log

Case No. 18-452

Name	Activity	Activity_Date	Status	Cost
Clerk of Courts	Fee to record Finding of Fact, Conclusion of Law & Order	3/13/2019		\$27.00
Charlie Molineaux Jr.	Cost to mail Finding of Fact, Conclusion of Law & Order	3/13/2019		\$7.14

Total: 34.14



NOTICE OF VIOLATION AND NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 18-452

To: Charlie Molineaux Jr

Re: 722 Dove Avenue

Port Orange, FL 32127

Parcel ID: 6305-05-05-0210

LEGAL DESCRIPTION: LOT 21 LAURELWOOD MOBILE EST UNIT 5 MB 35 PG 15 PER OR 2313 PG 132 PER OR 6675
PG 3463 PER OR 7016 PG 2219

Volusia County Public Records

Volusia County, FL

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

Property owner was notified of the violations noted below and given 30 days to correct. A re-inspection was done on June 5, 2018, and a most recent inspection on January 25, 2019, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by March 4, 2019.

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

1. **2017 Florida Building Code, 6th Edition, Section 105 (Permits), Section 105.1 (Required) as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Failure to Obtain a Building Permit:**
Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any required impact-resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.
 - The initial inspection of this property found an enclosed carport without a permit. To correct the violation, a building permit needs to be applied for, for the enclosed carport, or the enclosure shall be removed.

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 March 13, 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 \$ 100.00 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 **March 13, 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 **April 24, 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 25th 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 Charlie Molineaux Jr. 722 Dove Avenue Port Orange, FL 32129, RE: 722 Dove Avenue Port Orange, FL 32129, was

☒ Hand-delivered

Recipient of hand delivered documents: Kevin Bond

☐ Posted at the property

Time: approx. 11:20 A.m.

this 25th 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 Charlie Molineaux Jr. 722 Dove Avenue Port Orange, FL 32129, RE: 722 Dove Avenue Port Orange, FL 32129, was

☒ Posted at City Hall

☐ Sent via certified and regular

this 25 day of January, 2019.

Shelley 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. 18-1686

Name	Activity	Activity_Date	Status	Cost
Anthony M. Malena	Cost to mail Notice of Violation/Notice of Hearing	9/30/2019	Certified mail returned unclaimed	\$7.30
Clerk of Courts	Fee to record Finding of Fact, Conclusion of Law & Order	11/13/2019		\$29.00
Anthony M. Malena	Cost to mail Finding of Fact, Conclusion of Law & Order	11/13/2019		\$7.30

Total: 43.60



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 18-1686

To: Anthony M. Malena
1394 Surrey Park Drive
Port Orange, FL 32128

Re: 1394 Surrey Park Drive
Port Orange, FL 32128
Parcel ID: 6319-09-00-0120

LEGAL DESCRIPTION: LOT 12 WINDSOR HILL PHASE I MB 43 PGS 186-187 INC PER OR 4695 PG 4226 PER OR 5373 PG 2327

Volusia County Public Records
Volusia County, FL

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

Property owner was notified of the violations noted below and given 21 days to correct. Re-inspections were done on October 19, 2018 and March 27, 2019, both resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by **October 28, 2019**.

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

1. City of Port Orange Code of Ordinances Chapter 42 Article 2 Section 42-26. - Cleanliness of property generally—Duty of owner.

(d) Maintenance of improved residential lots. The owner of an improved lot in a residential zone with lot sizes of one acre or less shall keep such lot free and clear of all fallen trees and limbs. All weeds, grass and undergrowth shall be cut to a height not exceeding ten inches. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than ten inches within such natural areas.

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

2. City of Port Orange Land Development Code Chapter 16 Miscellaneous Regulations Section 3: - Fences and walls. Modified (a), (b) (4)

(a) In general. All fences and walls shall be constructed in compliance with applicable building codes and in accordance with the following dimensional and use regulations.

(b) General provisions.

(4) Design and maintenance.

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

3. **Chapter 3, Section 304 Exterior Structure of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances, 304.6 Exterior walls.** Exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

- The original inspection found the siding on the home deteriorating, additionally the grass/weeds in the back yard are high, and the paint on the home is chipping. To correct the violation; all high weeds and grass must be mowed, trimmed, and edged, and all debris blown back onto the property, the siding needs to be repaired, and the home properly cleaned and painted.

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

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

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

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate November 13, 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 \$ 7.50 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

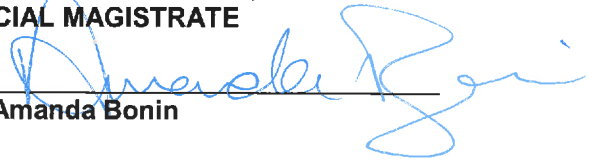
NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **November 13, 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 **January 8, 2020, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

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

DATED this 27th day of September, 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 Anthony M. Malena, 1394 Surrey Park Drive, Port Orange, FL, 32128, RE: 1394 Surrey Park Drive, Port Orange, FL, 32128, was

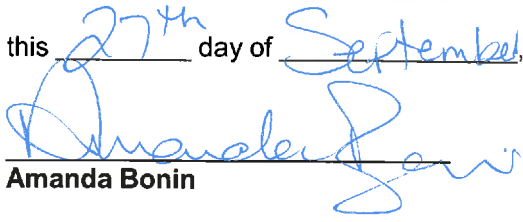
☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

Time: approx. 2:25pm

this 27th day of September, 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 Anthony M. Malena, 1394 Surrey Park Drive, Port Orange, FL, 32128, RE: 1394 Surrey Park Drive, Port Orange, FL, 32128, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 30 day of September, 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. 19-943

Name	Activity	Activity_Date	Status	Cost
Port Orange Petro LLC	Cost to mail Notice of Violation/Notice of Hearing	10/1/2019	Certified mail returned signed, illegible	\$7.30
Nilesh Shah	Cost to mail Notice of Violation/Notice of Hearing	10/1/2019	Certified mail returned signed, illegible	\$7.30
Clerk of Courts	Fee to record Finding of Fact, Conclusion of Law & Order	11/13/2019		\$29.00
Port Orange Petro LLC	Cost to mail Finding of Fact, Conclusion of Law & Order	11/13/2019		\$7.30
Nilesh Shah	Cost to mail Finding of Fact, Conclusion of Law & Order	11/13/2019		\$7.30

Total: 58.20



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 19-943

To: Port Orange Petro LLC
4220 King Street
Cocoa, FL 32926

c/o
Nilesh Shah
4802 Solitary Drive
Rockledge, FL 32955

Re: 6223 S Williamson Blvd
Port Orange, FL 32128
Parcel ID: 633200000011

LEGAL DESCRIPTION: 32 16 33 IRREG PARCEL BEING N 247.18 FT ON WILLIAMSON BLVD OF W 124.97 FT ON N/L & MEAS 405.34 FT ON S/L IN NW 1/4 OF NW 1/4 OF NW 1/4 INC PER OR 5127 PG 2266 PER OR 5406 PGS 4270-4271 PER OR 5711 PG 106 PER OR 6258 PG 2645 PER OR 6319 PG 0006

Volusia County Public Records
Volusia County, FL

An inspection of the premises on June 14, 2019, indicates that certain violation(s) of the City of Port Orange Code exists.

Property owner was notified on June 25, 2019, of the violations noted below and given 30 days to correct. A re-inspection was done on August 8, 2019, resulting in non-compliance. The most recent inspection was completed on September 30, 2019, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) **must be corrected by November 1, 2019.**

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

1. **City of Port Orange Land Development Code, Chapter 14 Buildings and Building Regulations, Article VII Commercial Property Maintenance Standards, Section 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.

(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.

Section 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.

Section 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.
- (b) City of Port Orange Land Development Code, Chapter 11 Utilities, Section 7 Solid Waste Collection Service;**
- (b) (3) (3) Enclosure.** Each dumpster location shall be surrounded by an enclosure as depicted in the Standard [Utility] Details. Enclosures should remain open on the service side, except in high visibility locations where gates may be approved. The enclosure shall be constructed using colors, materials, and architectural treatments consistent with the structure it serves. Alternative materials and colors may be approved in those situations where the enclosure is physically or visually separated from the primary structure, or where the primary building materials do not lend themselves to the enclosure application.
- The initial inspection of this property found the building, columns at the gas pumps, the dumpster enclosure and retaining wall in need of pressure washing and painting, the fence picket on the dumpster enclosure is in need of repair, dead and missing plant material and trees, trees that need to be pruned as to not interfere with pedestrian or vehicular traffic, faded parking lot striping, and trash on site.

- To correct the violation, the building, columns at the gas pumps, the dumpster enclosure and retaining wall needs to be pressure washed and painted, the fence picket on the dumpster enclosure needs to be repaired, all plantings, to include plants, shrubs, and trees, are required to be installed as per the attached landscape plan, the parking lot needs to be re-sealed and re-stripped, the irrigation needs to be repaired and needs to cover all landscaped areas, ensure all parking lot lighting is in proper working order, all low hanging or protruding trees need to be pruned as to not interfere with vehicular traffic, all landscape beds and hedgerows must be weeded and mulched, and all trash and debris removed.

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

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

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

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate November 13, 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 \$ 14.00 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **November 13, 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 **January 8, 2020, 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 13th day of October, 2019.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Amanda Bonin
Amanda Bonin, Code Enforcement Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Port Orange Petro LLC 4220 King Street Cocoa, FL 32926 c/o Nilesh Shah 4802 Solitary Drive Rockledge, FL 32955, RE: 6223 S Williamson Blvd. Port Orange, FL 32128, was

☒ Hand-delivered

Recipient of hand delivered documents:

Panne Thaker

☐ Posted at the property

this 13th day of October, 2019.

Time: approx. 11:18 A.m.

Amanda Bonin
Amanda Bonin, Code Enforcement Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Port Orange Petro LLC 4220 King Street Cocoa, FL 32926 c/o Nilesh Shah 4802 Solitary Drive Rockledge, FL 32955, RE: 6223 S Williamson Blvd. Port Orange, FL 32128, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 1 day of October, 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. 19-1240

Name	Activity	Activity_Date	Status	Cost
Edward T. Garvin	Cost to mail Notice of Violation/Notice of Hearing	10/1/2019	Certified mail returned signed, illegible	\$7.30
Roy H Garvin	Cost to mail Notice of Violation/Notice of Hearing	10/1/2019	Certified mail returned unclaimed	\$7.30
Phyllis T Garvin	Cost to mail Notice of Violation/Notice of Hearing	10/1/2019	Certified mail returned unclaimed	\$7.30
Clerk of Courts	Fee to record Finding of Fact, Conclusion of Law & Order	11/13/2019		\$29.00
Edward T. Garvin	Cost to mail Finding of Fact, Conclusion of Law & Order	11/13/2019		\$7.30
Roy H Garvin	Cost to mail Finding of Fact, Conclusion of Law & Order	11/13/2019		\$7.30
Phyllis T Garvin	Cost to mail Finding of Fact, Conclusion of Law & Order	11/13/2019		\$7.30

Total: 72.80



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 19-1240

To: Edward T Garvin
Roy H & Phyllis T Garvin
1389 N. Dexter Drive
Port Orange, FL 32129

Re: 1389 N. Dexter Drive
Port Orange, FL 32129
Parcel ID: 6307-07-00-0190

LEGAL DESCRIPTION: LOT 19 HIDDEN LAKE SUB PHASE I MB 37 PGS 121-122 INC PER OR 2534 PG 0558
Volusia County Public Records
Volusia County, FL

An inspection of the premises on August 13, 2019, indicates that certain violation(s) of the City of Port Orange Code exists.

Notification of the violations noted below was provided and given five days to correct. Re-inspection completed on September 17, 2019 resulted in non-compliance. The property owner was contacted with no return call.

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

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

1. **Chapter 42, (Nuisances), Article II (Garbage, junk, and undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), (d) (Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances:** The owner of an improved lot in a residential zone with lot sizes of one acre or less shall keep such lot free and clear of all fallen trees and limbs. All weeds, grass and undergrowth shall be cut to a height not exceeding ten inches. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than ten inches within such natural areas. **(h)** Abutting property owner maintenance of parkages. It shall be the duty of every owner of real property within the city to at all times cause to be cut and mowed the grass and weeds, and to cause to be cut and trimmed the flowers, vines, shrubbery, and trees not exceeding six feet in height, in a manner that protects and promotes the public health, safety and welfare and presents an aesthetically pleasing appearance in those areas of the parkage most nearly abutting their properties. Parkages abutting improved residential or commercial lots shall be maintained as provided in subsection **(d)** of this section for improved residential lots.
 - The initial inspection of this property found high weeds and grass and undergrowth growing completely over a vehicle in the driveway. To correct the violation, the entire property must be mowed and maintained to include the rights of way, weed eating, and blowing of yard debris. Grass clippings are to be blown back onto the property off the street and sidewalk. All undergrowth onsite needs to be cut back and removed to expose the driveway and provide parking in the driveway and access to it.
2. **Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-32 (Storage of vehicles, furniture, etc.), of the City of Port Orange Code of Ordinances:** No owner of property within the city shall permit the storage of vehicles or parts of vehicles, furniture, appliances or other personal property upon the premises, except in an enclosed building.
 - The initial inspection of this property found items being stored outside in the front yard and on the front porch. To correct the violation, all items being stored outside must be removed from the property.

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

(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 control 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.

4. City of Port Orange Code of Ordinances Chapter 70, Article 2, Section 70-49. - Restrictions on disabled or abandoned vehicles. (3) (1) (a) (b) & (2)

(3) The visual presence on residentially-zoned and agriculturally-zoned private property of wrecked, discarded, dismantled, partly dismantled, inoperative, disabled, abandoned, or severely rusted vehicles, or vehicles which, if covered, are covered with material other than a standard vehicle cover, tends to depreciate the value of neighboring residentially-zoned and agriculturally-zoned private property, thereby injuring the general welfare of the people of the city.

(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.

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

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

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

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate November 13, 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 \$ 21.90 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **November 13, 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 **January 8, 2020, 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 13th day of October, 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 Edward T Garvin, Roy H & Phyllis T Garvin, 1389 N. Dexter Drive, Port Orange, FL 32129, RE: 1389 N. Dexter Drive, Port Orange, FL, 32129, was

☐ Hand-delivered

Recipient of hand delivered documents: Gary Geist (tenant)

☒ Posted at the property

this 13th day of October, 2019.

Time: approx. 11:40 AM

Amanda Bonin
Amanda Bonin

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Edward T Garvin, Roy H & Phyllis T Garvin, 1389 N. Dexter Drive, Port Orange, FL 32129, RE: 1389 N. Dexter Drive, Port Orange, FL, 32129, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 1 day of October, 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. 19-1376

Name	Activity	Activity_Date	Status	Cost
Maegan R. Rohrbach	Cost to mail Notice of Violation/Notice of Hearing	9/25/2019	Certified mail returned unclaimed	\$7.30
Clerk of Courts	Fee to record Finding of Fact, Conclusion of Law & Order	11/13/2019		\$29.00
Maegan R. Rohrbach	Cost to mail Finding of Fact, Conclusion of Law & Order	11/13/2019		\$7.30

Total: 43.60



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 19-1376

To: Maegan R. Rohrbach
610 Newton Rd.
Port Orange, FL 32127

Re: 610 Newton Rd.
Port Orange, FL 32127
Parcel ID: 6328-12-00-0060

LEGAL DESCRIPTION: LOT 6 WINDSOR COLONY REPLAT MB 43 PG 24 PER OR 4449 PG 0215 PER OR 7504 PG 4845
Volusia County Public Records
Volusia County, FL

An inspection of the premises on September 16, 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 5 days to correct. A re-inspection was done on September 23, 2019, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by **October 18, 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. Parkages abutting unimproved residential lots shall be maintained as provided in subsection **(e)** of this section for the maintained portion of unimproved residential lots. "Parkage" is that space between the private property lot or survey line of the property owner and the paved or graded portion of the public street adjacent thereto and includes that area between a sidewalk and street. Every property owner shall also have the duty of removing any refuse or other debris existing within the adjacent parkage, but the placement of refuse for collection in a manner and in containers specified by other provisions of this Code is not prohibited.

- The initial inspection of this property found high weeds and grass. To correct the violation, the entire property needs to be mowed and trimmed, and all debris blown back onto the property.

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

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

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

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate November 13, 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 **November 13, 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 **January 8, 2020, 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 25 day of September, 2019.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: J. Scott Allman
J. Scott Allman

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Maegan R. Rohrbach, 610 Newton Rd., Port Orange, FL, 32127, RE: 610 Newton Rd., Port Orange, FL, 32127, was
☐ Hand-delivered
☒ Posted at the property Recipient of hand delivered documents: _____

Time: approx. 10:30 Am.

this 25 day of September, 2019.

J. Scott Allman
J. Scott Allman

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Maegan R. Rohrbach, 610 Newton Rd., Port Orange, FL, 32127, RE: 610 Newton Rd., Port Orange, FL, 32127, was
☒ Posted at City Hall
☒ Sent via certified and regular

this 25 day of September, 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. 19-686

Name	Activity	Activity_Date	Status	Cost
Lisa K. Schimp	Cost to mail Notice of Violation/Notice of Hearing	10/1/2019	Certified mail returned unclaimed	\$7.30
Clerk of Courts	Fee to record Finding of Fact, Conclusion of Law & Order	11/13/2019		\$29.00
Lisa K. Schimp	Cost to mail Finding of Fact, Conclusion of Law & Order	11/13/2019		\$7.30

Total: 43.60



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 19-686

To: Lisa K. Schimp
488 Wiltshire Blvd.
Port Orange, FL 32127

Re: 488 Wiltshire Blvd.
Port Orange, FL 32127
Parcel ID: 6322-03-00-0110

LEGAL DESCRIPTION: LOT 11 LEISURE VILLAS SUB UNIT 1 MB 34 PG 53 PER OR 4526 PG 3306 PER MC 6579 PG 2884

Volusia County Public Records
Volusia County, FL

An inspection of the premises on May 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 14 days to correct. A re-inspection was done on September 25, 2019, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by **October 31, 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. Parkages abutting unimproved residential lots shall be maintained as provided in subsection **(e)** of this section for the maintained portion of unimproved residential lots. "Parkage" is that space between the private property lot or survey line of the property owner and the paved or graded portion of the public street adjacent thereto and includes that area between a sidewalk and street. Every property owner shall also have the duty of removing any refuse or other debris existing within the adjacent parkage, but the placement of refuse for collection in a manner and in containers specified by other provisions of this Code is not prohibited.
 - The initial inspection of this property found high weeds and grass, and vines growing on the outside of the home. To correct the violation, the entire property needs to be mowed and trimmed, and all debris blown back onto the property. Vines must be removed from the outside of the home.

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

- The initial inspection of this property found various pieces of garbage, trash, and debris in the back yard along the fence. To correct the violation, clean up and remove all garbage, trash, and debris from the property.

3. **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 in front of the home and on the back porch, including fence panels. To correct the violation, all outside stored items on the porch and in the front of the home must be properly stored inside an enclosed building or removed from the property.

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

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

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

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate November 13, 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 **November 13, 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 **January 8, 2020, 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 1 day of October, 2019.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: J. Scott Allman
J. Scott Allman

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Lisa K. Schimp, 488 Wiltshire Blvd., Port Orange, FL, 32127, RE: 488 Wiltshire Blvd., Port Orange, FL, 32127, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

this 1 day of October, 2019.

Time: approx. 11:40 AM

J. Scott Allman
J. Scott Allman

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Lisa K. Schimp, 488 Wiltshire Blvd., Port Orange, FL, 32127, RE: 488 Wiltshire Blvd., Port Orange, FL, 32127, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 1 day of October, 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. 19-1399

Name	Activity	Activity_Date	Status	Cost
Tammy D. Gray	Cost to mail Notice of Violation/Notice of Hearing	10/7/2019	Certified mail returned signed "R. Samuels"	\$7.30
Clerk of Courts	Fee to record Finding of Fact, Conclusion of Law & Order	11/13/2019		\$29.00
Tammy D. Gray	Cost to mail Finding of Fact, Conclusion of Law & Order	11/13/2019		\$7.30

Total: 43.60



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 19-1399

To: Tammy D. Gray
293 Deeley Street
Daytona Beach, FL 32114

Re: 4650 Spruce Creek Rd.
Port Orange, FL 32127
Parcel ID: 6310-13-03-0081

LEGAL DESCRIPTION: N 147 FT OF S 240 FT OF LOT 8 UNIT 3 ALLANDALE GARDENS MB 9 PG 194 PER OR 4866 PG 913

Volusia County Public Records
Volusia County, FL

An inspection of the premises on September 23, 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 5 days to correct. A re-inspection was done on September 25, 2019, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by **October 25, 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 package 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 package, but the placement of refuse for collection in a manner and in containers specified by other provisions of this Code is not prohibited.

- The initial inspection of this property found high weeds and grass. To correct the violation, the entire property needs to be mowed and trimmed, and all debris blown back onto the property.

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

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

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

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate November 13, 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 **November 13, 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 **January 8, 2020, 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 4 day of October, 2019.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: J. Scott Allman
J. Scott Allman

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Tammy D. Gray, 293 Deeley Street, Daytona Beach, FL, 32114, RE: 4650 Spruce Creek Rd., Port Orange, FL, 32127, was
☐ Hand-delivered Recipient of hand delivered documents: _____
☒ Posted at the property

Time: approx. 2:50 pm

this 4 day of October, 2019.

J. Scott Allman
J. Scott Allman

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Tammy D. Gray, 293 Deeley Street, Daytona Beach, FL, 32114, RE: 4650 Spruce Creek Rd., Port Orange, FL, 32127, was
☒ Posted at City Hall
☒ Sent via certified and regular

this 7 day of October, 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. 19-0511

Name	Activity	Activity_Date	Status	Cost
Mildred E. Davidson Life Estate	Cost to mail Notice of Violation/Notice of Hearing	10/10/2019	Certified mail returned "vacant"	\$7.30
Clerk of Courts	Fee to record Finding of Fact, Conclusion of Law & Order	11/13/2019		\$29.00
Mildred E. Davidson Life Estate	Cost to mail Finding of Fact, Conclusion of Law & Order	11/13/2019		\$7.30

Total: 43.60



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 19-0511

To: Mildred E. Davidson Life Estate
5828 Spruce Creek Woods Drive
Port Orange, FL 32127

Re: 5828 Spruce Creek Woods Drive
Port Orange, FL 32127
Parcel ID: 6320-06-00-0150

LEGAL DESCRIPTION: LOT 15 SPRUCE CREEK WOODS MB 38 PGS 9 & 10 PER OR 4171 PGS 1021-1022
Volusia County Public Records
Volusia County, FL

An inspection of the premises on April 3, 2019, indicates that certain violation(s) of the City of Port Orange Code exists.

A re-inspection was done on September 24, 2019, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by **November 4, 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 package 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. "Package" 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 package, but the placement of refuse for collection in a manner and in containers specified by other provisions of this Code is not prohibited.

- The initial inspection of this property found high weeds and grass. To correct the violation, the entire property needs to be mowed and trimmed, and all debris blown back onto the property.

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

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

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

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate November 13, 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 **November 13, 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 **January 8, 2020, 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 26 day of September, 2019.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: J. Scott Allman
J. Scott Allman

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Mildred E. Davidson Life Estate, 5828 Spruce Creek Woods Drive, Port Orange, FL, 32127, RE: 5828 Spruce Creek Woods Drive, Port Orange, FL, 32127, was

☐ Hand-delivered

☒ Posted at the property

Recipient of hand delivered documents: _____

this 10 day of October, 2019.

Time: approx. 12:50 pm

J. Scott Allman
J. Scott Allman

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Mildred E. Davidson Life Estate, 5828 Spruce Creek Woods Drive, Port Orange, FL, 32127, RE: 5828 Spruce Creek Woods Drive, Port Orange, FL, 32127, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 10 day of October, 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. 19-1086

Name	Activity	Activity_Date	Status	Cost
Mark E. Davison	Cost to mail Notice of Violation/Notice of Hearing	9/10/2019	Certified mail returned unclaimed	\$7.30
Mark E. Davison	Cost to mail Notice of Violation/Notice of Hearing	10/9/2019	Certified mail returned unclaimed	\$7.30
Clerk of Courts	Fee to record Finding of Fact, Conclusion of Law & Order	10/9/2019		\$29.00
Mark E. Davison	Cost to mail Finding of Fact, Conclusion of Law & Order	10/9/2019		\$7.30

Total: 50.90



**NOTICE OF REPEAT VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 19-1086

To: Mark E Davidson
310 Grant Street
Port Orange, FL 32127

Re: 310 Grant Street
Port Orange, FL 32127
Parcel ID: 6341-04-01-0190

LEGAL DESCRIPTION: N 180 FT OF W 50 FT OF E 739 FT W OF HWY OF LOT 1B EXC ST ELIZABETH BUNCH GRANT
PORT ORANGE PER OR 4516 PG 4970 PER OR 6461 PG 0524 PER OR 6832 PG 4993

Volusia County Public Records
Volusia County, FL

An inspection of the premises on July 23, 2019, indicates that certain repeat violation(s) of the City of Port Orange Code exists.

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.
 - 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.

You have previously (within the past five years) been found by the Special Magistrate to have violated the above referenced code section(s) on September 13, 2017 under Case No. 17-0895.

A fine up to \$5000 per day per violation for a repeat violation may be assessed by the Special Magistrate.

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

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate October 9, 2019 at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **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.

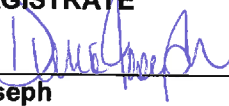
NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **October 9, 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 **November 13, 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) 506-5645**.

DATED this 6th day of September, 2019.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: 
Dena Joseph

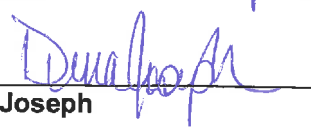
☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Mark E Davidson, 310 Grant Street, Port Orange, FL 32127, RE: 310 Grant Street, Port Orange, FL 32127, was

- ☐ Hand-delivered
☒ Posted at the property

Recipient of hand delivered documents: _____

Time: 3:15 PM

this 6th day of September, 2019.


Dena Joseph

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Mark E Davidson, 310 Grant Street, Port Orange, FL 32127, RE: 310 Grant Street, Port Orange, FL 32127, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 10 day of September, 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 REPEAT VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 19-1086

To: Mark E Davison
310 Grant Street
Port Orange, FL 32127

Re: 310 Grant Street
Port Orange, FL 32127
Parcel ID: 6341-04-01-0190

LEGAL DESCRIPTION: N 180 FT OF W 50 FT OF E 739 FT W OF HWY OF LOT 1B EXC ST ELIZABETH BUNCH GRANT
PORT ORANGE PER OR 4516 PG 4970 PER OR 6461 PG 0524 PER OR 6832 PG 4993
Volusia County Public Records
Volusia County, FL

An inspection of the premises on July 23, 2019, indicates that certain repeat violation(s) of the City of Port Orange Code exists.

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.
 - 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.

You have previously (within the past five years) been found by the Special Magistrate to have violated the above referenced code section(s) on September 13, 2017 under Case No. 17-0895.

A fine up to \$5000 per day per violation for a repeat violation may be assessed by the Special Magistrate.

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

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate November 13, 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 **November 13, 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 **January 8, 2020, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

For further information regarding this matter, you may contact the undersigned Code Compliance Inspector at (386) 506-5645.

DATED this 8th day of October, 2019.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: 
Dena Joseph

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Mark E Davison, 310 Grant Street, Port Orange, FL 32127, RE: 310 Grant Street, Port Orange, FL 32127, was

☐ Hand-delivered

☒ Posted at the property

Recipient of hand delivered documents: _____

Time: 10:00 AM

this 8th day of October, 2019.


Dena Joseph

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Mark E Davison, 310 Grant Street, Port Orange, FL 32127, RE: 310 Grant Street, Port Orange, FL 32127, was
☒ Posted at City Hall
☒ Sent via certified and regular

this 9 day of October, 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. 19-1087

Name	Activity	Activity_Date	Status	Cost
Mark E. Davison	Cost to mail Notice of Violation/Notice of Hearing	9/10/2019	Certified mail returned unclaimed	\$7.30
Cecelia K. Davison	Cost to mail Notice of Violation/Notice of Hearing	9/10/2019	Certified mail returned unclaimed	\$7.30
Mark E. Davison	Cost to mail Notice of Violation/Notice of Hearing - UPDATED	10/9/2019	Certified mail returned unclaimed	\$7.30
Cecelia K. Davison	Cost to mail Notice of Violation/Notice of Hearing - UPDATED	10/9/2019	Certified mail returned unclaimed	\$7.30
Clerk of Courts	Fee to record Finding of Fact, Conclusion of Law & Order	10/9/2019		\$29.00
Mark E. Davison	Cost to mail Finding of Fact, Conclusion of Law & Order	10/9/2019		\$7.30
Cecelia K. Davison	Cost to mail Finding of Fact, Conclusion of Law & Order	10/9/2019		\$7.30

Total: 72.80



**NOTICE OF REPEAT VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 19-1087

To: Mark E. & Cecelia K. Davidson
312 Grant Street
Port Orange, FL 32127

Re: 310 Grant Street
Port Orange, FL 32127
Parcel ID: 6341-04-01-0190

LEGAL DESCRIPTION: N 180 FT OF W 50 FT OF E 739 FT W OF HWY OF LOT 1B EXC ST ELIZABETH BUNCH GRANT
PORT ORANGE PER OR 4516 PG 4970 PER OR 6461 PG 0524 PER OR 6832 PG 4993

Volusia County Public Records
Volusia County, FL

An inspection of the premises on July 23, 2019, indicates that certain repeat violation(s) of the City of Port Orange Code exists.

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. 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.

You have previously (within the past five years) been found by the Special Magistrate to have violated the above referenced code section(s) on September 13, 2017 under Case No. 17-0364.

A fine up to \$5000 per day per violation for a repeat violation may be assessed by the Special Magistrate.

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

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate October 9, 2019 at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **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 **October 9, 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 **November 13, 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) 506-5645**.

DATED this 6th day of September, 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 Mark E. & Cecelia Davidson, 310 Grant Street, Port Orange, FL 32127, RE: 310 Grant Street, Port Orange, FL 32127, was
☐ Hand- delivered
☒ Posted at the property
Recipient of hand delivered documents: _____

Time: 3:15 PM

this 6th day of September, 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 Mark E. & Cecelia K. Davidson, 310 Grant Street, Port Orange, FL 32127, RE: 310 Grant Street, Port Orange, FL 32127, was

☒ Posted at City Hall
☒ Sent via certified and regular

this 10 day of September, 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 REPEAT VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

To: Mark E. & Cecelia K. Davison
310 Grant Street
Port Orange, FL 32127

CASE NO. 19-1087

Re: 312 Grant Street
Port Orange, FL 32127
Parcel ID: 6341-04-01-0170

LEGAL DESCRIPTION NN 180 FT OF W 75 FT OF E 689 FT W OF HWY OF LOT 1B ELIZABETH BUNCH GRANT PORT
ORANGE PER OR 4558 PG 1281 PER OR 6461 PG 0524

Volusia County Public Records
Volusia County, FL

An inspection of the premises on July 23, 2019, indicates that certain repeat violation(s) of the City of Port Orange Code exists.

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. 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.

You have previously (within the past five years) been found by the Special Magistrate to have violated the above referenced code section(s) on September 13, 2017 under Case No. 17-0364.

A fine up to \$5000 per day per violation for a repeat violation may be assessed by the Special Magistrate.

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

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate November 13, 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 **November 13, 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 **January 8, 2020, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

For further information regarding this matter, you may contact the undersigned Code Compliance Inspector at (386) 506-5645.

DATED this 8th day of October, 2019.

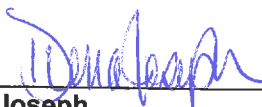
CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: 
Dena Joseph

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Mark E. & Cecelia Davison, 310 Grant Street, Port Orange, FL 32127, RE: 312 Grant Street, Port Orange, FL 32127, was
☐ Hand- delivered
☒ Posted at the property Recipient of hand delivered documents: _____

Time: 9:48 AM

this 8th day of October, 2019.


Dena Joseph

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Mark E. & Cecelia K. Davison, 310 Grant Street, Port Orange, FL 32127, RE: 312 Grant Street, Port Orange, FL 32127, was

☒ Posted at City Hall
☒ Sent via certified and regular

this 9 day of October, 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. 16-2024

Name	Activity	Activity_Date	Status	Cost
Milan Khanna	hand delivery of Notice of Violation/Notice of Hearing	10/7/2019		\$0.00
Clerk of Courts	Fee to record Finding of Fact, Conclusion of Law & Order	11/13/2019		\$29.00
Milan Khanna	Cost to mail Finding of Fact, Conclusion of Law & Order	11/13/2019		\$7.30

Total: 36.30



NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 16-2024

To: Milan Khanna
139 Creek Forest Ln.
Ormond Beach, FL 32174

Re: 3813 Birch Mountain Road
Port Orange, FL 32129

Parcel ID: 6306-17-00-0760

LEGAL DESCRIPTION: LOT 76 SUNRISE OAKS PUD PHASE III MB 48 PG 102 PER OR 5269 PG 4459 PER OR 6764 PG 1855

Volusia County Public Records
Volusia County, FL

An inspection of the premises on December 28, 2016, indicates that certain violation(s) of the City of Port Orange Code exists.

Property owner was notified of the violations noted below and given 10 days to correct. A re-inspection was done on March 3, 2018, resulting in non-compliance. This correspondence will serve as official notification that the below stated violation(s) must be corrected by ~~October 7, 2019~~.

October 20, 2019 DMJ

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

1. **2018 Florida Building Code, 6th Edition, Section 105 (Permits), Section 105.1 (Required) as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Failure to Obtain a Building Permit:**

Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any required impact-resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

- A valid building permit must be obtained through the City of Port Orange Building Department for the installation of windows, pouring of concrete floor, and electric that was installed in the patio area that was enclosed at this location. In order for the case to be in compliance, all applicable fees must be paid and all follow-up and final inspections performed and passed by the Building Department.

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

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

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

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate November 13, 2019, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

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

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

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **November 13, 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 January 8, 2020, 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 October, 2019.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Dena Joseph
Dena Joseph, Code Enforcement Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Milan Khanna, 139 Creek Forest Ln., Ormond Beach, FL, 32174, RE: 3813 Birch Mountain Road, Port Orange, FL, 32129, was

☒ Hand-delivered
☐ Posted at the property

Recipient of hand delivered documents: Smidha Hindu - Cousin

Time: approx. 3:25 PM

this 7th day of October, 2019.

Dena Joseph
Dena Joseph, Code Enforcement Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Milan Khanna, 139 Creek Forest Ln., Ormond Beach, FL, 32174, RE: 3813 Birch Mountain Road, Port Orange, FL, 32129, was

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

this 9 day of October, 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. 17-0332

Name	Activity	Activity_Date	Status	Cost
Milan Khanna	Hand delivery of Notice of Violation/Notice of Hearing	10/7/2019		\$0.00
Clerk of Courts	Fee to record Finding of Fact, Conclusion of Law & Order	11/13/2019		\$29.00
Milan Khanna	Cost to mail Finding of Fact, Conclusion of Law & Order	11/13/2019		\$7.30

Total: 36.30



NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 17-0332

To: Milan Khanna
139 Creek Forest Ln.
Ormond Beach, FL 32174

Re: 3813 Birch Mountain Road
Port Orange, FL 32129
Parcel ID: 6306-17-00-0760

LEGAL DESCRIPTION: LOT 76 SUNRISE OAKS PUD PHASE III MB 48 PG 102 PER OR 5269 PG 4459 PER OR 6764 PG 1855

Volusia County Public Records
Volusia County, FL

An inspection of the premises on March 13, 2017, indicates that certain violation(s) of the City of Port Orange Code exists.

Property owner was notified of the violations noted below and given 30 days to correct. A re-inspection was done on April 3, 2018, resulting in non-compliance. This correspondence will serve as official notification that the below stated violation(s) must be corrected by **October 7, 2019**.

October 20, 2019 (18th)

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

- 1. 2018 Florida Building Code, 6th Edition, Section 105 (Permits), Section 105.1 (Required) as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Failure to Obtain a Building Permit:**
Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any required impact-resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

A valid building permit must be obtained through the City of Port Orange Building Department for the addition of a concrete walkway, the bridge that was built over the swale in the back of the property, and for the installation of electric along the walkway and on the exterior of the home for the lights that were added. In order for the case to be in compliance, all applicable fees must be paid and all follow-up and final inspections performed and passed by the Building Department.

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

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

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

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate November 13, 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 \$ 100.00 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **November 13, 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 January 8, 2020, 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 14th day of October, 2019.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: [Signature]
Dena Joseph, Code Enforcement Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Milan Khanna, 139 Creek Forest Ln., Ormond Beach, FL, 32174, RE: 3813 Birch Mountain Road, Port Orange, FL, 32129, was

☒ Hand-delivered
☐ Posted at the property

Recipient of hand delivered documents: Smidha Lindo - Cousin

Time: approx. 3:25 pm

this 14th day of October, 2019.

[Signature]
Dena Joseph, Code Enforcement Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Milan Khanna, 139 Creek Forest Ln., Ormond Beach, FL, 32174, RE: 3813 Birch Mountain Road, Port Orange, FL, 32129, was

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

this 9 day of October, 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. 19-0280

To: Loretto U. Bobo
608 Roselle Street
Port Orange, FL 32127

Re: 608 Roselle Street
Port Orange, FL 32127
Parcel ID: 6304-07-00-0860

LEGAL DESCRIPTION: LOTS 86 TO 88 INC EXC ST & LOTS 89 TO 91 INC & LOTS 74 & 75 POWERS SUB PORT ORANGE
PER OR 1771 PG 1295

Volusia County Public Records
Volusia County, FL

I Dennis A. Boehmer, have been designated by Al Tischler, Building Official for Case 19-0280, to determine the condition of this structure.

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

An inspection of the premises on February 22, 2019, indicates that certain violation(s) of the City of Port Orange Code exists.

Code Enforcement was notified by Port Orange Police Department Officer Jarred Alevisatos on August 8, 2019, that the home was unsecured and there was possible drug activity occurring from the home. A final re-inspection by Code Enforcement was completed on August 9, 2019, resulting in non-compliance.

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

- 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. Parkages abutting unimproved residential lots shall be maintained as provided in subsection **(e)** of this section for the maintained portion of unimproved residential lots. "Parkage" is that space between the private property lot or survey line of the property owner and the paved or graded portion of the public street adjacent thereto and includes that area between a sidewalk and street. Every property owner shall also have the duty of removing any refuse or other debris existing within the adjacent parkage, but the placement of refuse for collection in a manner and in containers specified by other provisions of this Code is not prohibited.

- The initial inspection of this property found high weeds and grass. To correct the violation, the entire property must be mowed and maintained to include 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 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.
 3. **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 plastic containers). To correct the violation, all outside stored items must be properly stored inside an enclosed building or removed from the property.
 4. **Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.1 (General) of the 2018 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances:** The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare. **304.6 (Exterior Walls) of the 2018 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances:** Exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.
 - The initial inspection of this property found rotted and exposed siding along with peeling paint. To correct the violation, repair or replace all rotted or deteriorated siding and properly weather-proof with paint, etc.
 5. **304.7 (Roofs and Drainage), of the 2018 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances:** The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.
 - The initial inspection of this property found holes in the roof, fascia, and soffit with significant rot. To correct the violation, replace all rotten wood and roofing.
 6. **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 and missing windows. To correct the violation, repair or replace all broken windows, doors and frames.
 7. **304.15 (Doors) of the 2018 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances:** Exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.
 - The initial inspection of this property found the building unsecured. To correct the violation, check and maintain exterior doors and their locking mechanisms and secure building.

8. **Chapter 6 (Mechanical and Electrical Requirements), Section 604 (Electrical Facilities), 604.3 (Electrical system hazards) of the 2018 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances:** Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration of damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

- The initial inspection of this property found that the power has been disconnected. To correct the violation, before the power can be reconnected, all electrical will need maintenance including the outside panel box.

Any repairs or replacement will require a building permit submitted by a licensed contractor with architectural drawings for any building deviation. A demolition permit will be required if repair is not desired. Please note again that the compliance date for both is September 16, 2019.

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

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

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

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate September 25, 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

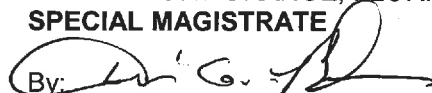
In the event the **Special Magistrate**, during the hearing on **September 25, 2019**, enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on **November 13, 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) 506-5643**.

DATED this 8TH day of AUGUST, 2019.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: 
Dennis A. Boehmer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Loretto U. Bobo, 608 Roselle Street, Port Orange, FL, 32127, RE: 608 Roselle Street, Port Orange, FL, 32127, was

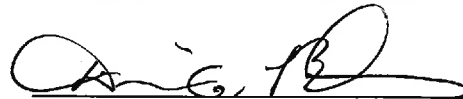
☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

this 8TH day of AUGUST, 2019.

Time: approx. 1100 HOURS

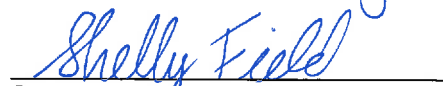

Dennis A. Boehmer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Loretto U. Bobo, 608 Roselle Street, Port Orange, FL, 32127, RE: 608 Roselle Street, Port Orange, FL, 32127, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 12 day of August, 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.

**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 19-0280**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

LORETTO U. BOBO
608 ROSELLE STREET
PORT ORANGE, FL 32127
PARCEL ID : 6304-07-00-0860

Respondent.

/

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

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on October 9, 2019, after due notice to the Respondent(s), and the Special Magistrate having heard testimony under oath, received evidence and heard argument from Staff thereupon issues its Findings of Fact, Conclusions of Law, and Order, as follows:

FINDINGS OF FACT:

A. Respondents, LORETTO U. BOBO, whose mailing address is 608 ROSELLE STREET, PORT ORANGE, FL 32127, is the owner of the property located at 608 ROSELLE STREET, PORT ORANGE, FL 32127, and more particularly described as:

LOTS 86 TO 88 INC EXC ST & LOTS 89 TO 91 INC & LOTS 74 & 75 POWERS SUB PORT ORANGE
PER OR 1771 PG 1295

B. The violation was to be corrected by mowing the property of all high weeds and grass to include the rights of way, weed-eating and blowing all yard debris back onto the property, cleaning and removing all garbage, trash and debris from property, all outside stored items (to include plastic containers) must be properly stored inside an enclosed building or removed from the property, repairing or replacing all rotted or deteriorated siding and properly weather proofing with paint, etc., replacing all rotten wood on the fascia, soffit and roof where there was significant rot, and repairing or replacing all broken windows, doors and door frames. Check and maintain that all exterior doors and their locking mechanisms are working and will secure building. Where the power has been disconnected at the box, the loose and exposed wires need to be addressed for safety issues prior to re-energizing power back the home and a certified electrician needs to inspect the outside panel box. This condition was first observed at the real property described above on February 22, 2019; re-inspection was conducted on October 4, 2019. Respondent received notice via posting at City Hall and certified and regular mail on August 8, 2019, as

well as posted on the property on August 12, 2019 that the aforesaid conditions constituted a violation of Chapter 42, (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of property generally - duty of owner), (d) (Maintenance of improved residential lots) and (h) abutting property owner maintenance of parkages 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. 2018 International Property Maintenance Code, Chapter 3, Section 304 Exterior Structure, as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: 304.1 General and 304.6 Exterior Walls. 2018 International Property Maintenance Code, Chapter 3, Section 304 Exterior Structure, as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: 304.7 Roofs and drainage. 2018 International Property Maintenance Code Chapter 3 (General Requirements), Section 304.13 (Window, skylight and door frames) as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances. 2018 International Property Maintenance Code Chapter 3 (General Requirements), Section 304.15 (Doors) as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances. Chapter 6 (Mechanical and Electrical Requirements), Section 604 (Electrical Facilities), 604.3 (Electrical system hazards) of the 2018 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances. and was to be corrected by September 16, 2019.

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

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

CONCLUSION OF LAW:

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

ORDER:

A. Respondent(s) shall correct the aforesaid violation by mowing the property of all high weeds and grass, removing all overgrowth of vines from the home, weed-eating and blowing all yard debris back onto the property, removing all outside stored items either to an enclosed building or from the property, removing the old dilapidated fencing to the road for pick-up, completing all roof repairs and add screening to the soffits where it is missing and overall maintain the property on or before October 31, 2019. ("Compliance Date"). In the event that the property is not brought into compliance on or before the Compliance Date, and/or not maintained in a state of compliance, a fine in the amount of \$100.00 per day shall be imposed for each day the violation continues past the compliance date. If paragraph D. above is checked and the Respondent(s) has/have not abated the condition by the Compliance Date, then notice of the violation will be given to the City Council. The City Council may repair the condition and charge the Respondent(s) with the reasonable costs of the repairs. Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the Special Magistrate may impose additional fines to cover all costs incurred by the city in enforcing its codes and all costs or repairs pursuant to sub section (a)." The cost to date is \$43.60 as indicated on the cost sheet submitted into evidence. The Respondent(s) will be responsible for any additional costs incurred with follow-up inspections and other costs associated with

this case until its conclusion. Any future violations under this ordinance shall be considered repeat violations.

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

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

DONE AND ORDERED this 9th day of October, 2019.

Attest: Shelly Fiiled
Secretary, Code Enforcement Special Magistrate

By: [Signature]
Code Enforcement Special Magistrate

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

[Signature]
Code Compliance Inspector

I HEREBY CERTIFY that a true and correct copy of the foregoing Findings of Fact, Conclusion of Law, and Order have been furnished to Respondent(s), Loretto U. Bobo, 608 Roselle Street, Port Orange, FL 32127 by Certified and Regular Mail this 9 day of October, 2019.

CITY OF PORT ORANGE, FLORIDA
I HEREBY CERTIFY the foregoing is a true copy
of the original filed in this office.
This document has/has not been redacted pursuant to Florida Law.
This 9 day of October, 2019.
By: Shelly Fiiled

Shelly Fiiled
Secretary, Code Enforcement Special Magistrate





**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 19-1157

To: Audrey M. Howard
Audrey Howard Revocable Living Trust
255 Pine Oak Lane
New Smyrna Beach, FL 32168

Re: 1128 Bayview Lane
Port Orange, FL 32127
Parcel ID: 6315-06-01-0320

LEGAL DESCRIPTION: 15 16 33 E 60 FT OF W 758 FT OF N 128 FT OF S 628 FT OF LOTS 7 8 & 9 ASSRS SUB MB 3 PG 82 AKA LOT 32 BLK 1 BAYVIEW HOMESITES UNREC SUB NO 209 PER OR 2136 PG 185 PER OR 6297 PG 0394 PER OR 6880 PG 2619

Volusia County Public Records
Volusia County, FL

An inspection of the premises on August 5, 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 5 days to correct. A re-inspection was completed on August 26, 2019, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by **September 20, 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. Parkages abutting unimproved residential lots shall be maintained as provided in subsection (e) of this section for the maintained portion of unimproved residential lots. "Parkage" is that space between the private property lot or survey line of the property owner and the paved or graded portion of the public street adjacent thereto and includes that area between a sidewalk and street. Every property owner shall also have the duty of removing any refuse or other debris existing within the adjacent parkage, but the placement of refuse for collection in a manner and in containers specified by other provisions of this Code is not prohibited.

- The initial inspection of this property found high weeds and grass. To correct the violation, the entire property needs to be mowed, trimmed, edged, and all debris blown back onto 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 October 9, 2019, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **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 **October 9, 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 **November 13, 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 6 day of September, 2019.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: J. Scott Allman
J. Scott Allman

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Audrey M. Howard, 255 Pine Oak Lane, New Smyrna Beach, FL, 32168, RE: 1128 Bayview Lane, Port Orange, FL, 32127, was

☐ Hand-delivered

☒ Posted at the property

2:50pm.

Recipient of hand delivered documents: _____

this 6 day of September, 2019.

J. Scott Allman
J. Scott Allman

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Audrey M. Howard, 255 Pine Oak Lane, New Smyrna Beach, FL, 32168, RE: 1128 Bayview Lane, Port Orange, FL, 32127, was

☒ Posted at City Hall

☒ Sent via certified and regular

Recipient of hand delivered documents: _____

this 9 day of September, 2019.

Shelly Fiele
Secretary, Special Magistrate

RIGHT TO APPEAL

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

ACCOMMODATIONS

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

**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 19-1157**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

AUDREY M. HOWARD
1128 BAYVIEW LANE
PORT ORANGE, FL 32127
PARCEL ID : 6315-06-01-0320

Respondent.

_____ /

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

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on October 9, 2019, after due notice to the Respondent(s), and the Special Magistrate having heard testimony under oath, received evidence and heard argument from Staff thereupon issues its Findings of Fact, Conclusions of Law, and Order, as follows:

FINDINGS OF FACT:

A. Respondents, AUDREY M. HOWARD, whose mailing address is 255 PINE OAK LANE, NEW SMYRNA BEACH, FL 32168, is the owner of the property located at 1128 BAYVIEW LANE, PORT ORANGE, FL 32127, and more particularly described as:

15 16 33 E 60 FT OF W 758 FT OF N 128 FT OF S 628 FT OF LOTS 7 8 & 9 ASSRS SUB MB 3 PG 82
AKA LOT 32 BLK 1 BAYVIEW HOMESITES UNREC SUB NO 209 PER OR 2136 PG 185 PER OR 6297
PG 0394 PER OR 6880 PG 2619

B. The violation was to be corrected by mowing the entire property, trimming all high weeds and grass and blowing debris back onto the property. This condition was first observed at the real property described above on August 5, 2019; re-inspection was conducted on September 23, 2019. Respondent received notice via posting at City Hall and certified and regular mail on September 9, 2019, as well as posted on the property on September 6, 2019 that the aforesaid conditions constituted a violation of Chapter 42, (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of property generally - duty of owner), (d) (Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances. Chapter 42, (Nuisances), Article II (Garbage, junk and undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), (h) Abutting property owner maintenance of parkages and was to be corrected by September 20, 2019.

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

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

CONCLUSION OF LAW:

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

ORDER:

A. Respondent(s) has corrected the aforesaid violation by mowing the entire property, trimming all high weeds and grass and blowing debris back onto the property; however, said compliance did not occur on or before September 20, 2019, which was the Compliance Date listed in the Notice of Violation/Notice of Hearings. Therefore, the property is found to be in non-compliance with the Notice. Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the Special Magistrate may impose additional fines to cover all costs incurred by the city in enforcing its codes and all costs or repairs pursuant to sub section (a)." The Respondent(s) will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion. Any future violations under this ordinance shall be considered repeat violations.

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

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

DONE AND ORDERED this 9th day of October, 2019.

Attest: 
Secretary, Code Enforcement Special Magistrate

By: 
Code Enforcement Special Magistrate

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

T. S. D. Oman
Code Compliance Inspector

I **HEREBY CERTIFY** that a true and correct copy of the foregoing Findings of Fact, Conclusion of Law, and Order have been furnished to Respondent(s), Audrey M. Howard, 255 Pine Oak Lane, New Smyrna Beach, FL 32168 by Certified and Regular Mail this 9 day of October, 2019.

Shelly Field
Secretary, Code Enforcement Special Magistrate

CITY OF PORT ORANGE, FLORIDA
I HEREBY CERTIFY the foregoing is a true copy
of the original filed in this office.
This document has/had not been redacted pursuant to Florida Law.
This 9 day of October, 2019.
By: Shelly Field





**NOTICE OF REPEAT VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 19-1356

To: Kenneth D. & 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 September 12, 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: bins, crates, ladders, tools, rugs, 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 September 25, 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 \$ 10 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **September 25, 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 **November 13, 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 13th day of September, 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. & Ruth P. Veradi, 5411 Landis Avenue, Port Orange, FL, 32127, RE: 5411 Landis Avenue, Port Orange, FL, 32127, was

☒ Hand-delivered
☐ Posted at the property

Recipient of hand delivered documents: Kenneth Veradi-owner

Time: approx. 10:30 AM

this 13th day of September, 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. & 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 16 day of September, 2019.

Shelly Field
Secretary, Special Magistrate

RIGHT TO APPEAL

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

ACCOMMODATIONS

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

**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 19-1356**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

KENNETH D. & RUTH P. VERADI
5411 LANDIS AVENUE
PORT ORANGE, FL 32127
PARCEL ID : 6310-07-25-0150

Respondent.

_____ /

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

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on September 25, 2019, after due notice to the Respondent(s), and the Special Magistrate having heard testimony under oath, received evidence and heard argument from Staff thereupon issues its Findings of Fact, Conclusions of Law, and Order, as follows:

FINDINGS OF FACT:

A. Respondents, KENNETH D. & RUTH P. VERADI, whose mailing address is 5411 LANDIS AVENUE, PORT ORANGE, FL 32127, is the owner of the property located at 5411 LANDIS AVENUE, PORT ORANGE, FL 32127, and more particularly described as:

LOTS 15 & 16 BLK 25 ALLANDALE MB 4 PG 146 PER OR 5300 PG 4519

B. The violation was to be corrected by removing all trash and debris from the property and storing all outside materials/items in an enclosed building. This condition was first observed at the real property described above on September 12, 2019; re-inspection was conducted on September 25, 2019. Respondent received notice via posting at City Hall on September 16, 2019, as well as posted on the property and hand delivered on September 13, 2019 that the aforesaid conditions constituted a violation of Chapter 42, (Nuisances), Article II, (Garbage, Junk and Undergrowth), Section 42-26, (Cleanliness of Property Generally-duty of owner), (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 and was to be corrected immediately as it is a repeat violation.

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

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

CONCLUSION OF LAW:

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

ORDER:

A. Respondent has corrected the aforesaid violation by removing all trash and debris and properly storing all outside items; however, said compliance did not occur on or before September 12, 2019, which was the Compliance Date listed in the Notice of Violation/Notice of Hearings. Therefore, the property is found to be in non-compliance with the Notice. A daily fine of \$100.00 per day will be assessed from September 12, 2019 through and to include September 23, 2019, for a total of 11 days due to continuous and repeat non-compliance. Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the Special Magistrate may impose additional fines to cover all costs incurred by the city in enforcing its codes and all costs or repairs pursuant to sub section (a)." The cost to date is \$43.60 as indicated on the cost sheet submitted into evidence. The Respondent(s) will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion. Any future violations under this ordinance shall be considered repeat violations.

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

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

DONE AND ORDERED this 25th day of September, 2019.

Attest:



Secretary, Code Enforcement Special Magistrate

By:



Code Enforcement Special Magistrate

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

David Joseph
Code Compliance Inspector

I HEREBY CERTIFY that a true and correct copy of the foregoing Findings of Fact, Conclusion of Law, and Order have been furnished to Respondent(s), Kenneth D. & Ruth P. Veradi, 5411 Landis Avenue, Port Orange, FL 32127 by Certified and Regular Mail this 25 day of September, 2019.

Shelly Field
Secretary, Code Enforcement Special Magistrate

CITY OF PORT ORANGE, FLORIDA
I HEREBY CERTIFY the foregoing is a true copy
of the original filed in this office.
This document has/has not been redacted pursuant to Florida Law.
This 25 day of September, 2019.
By: Shelly Field



Case Cost Sheet Log

Case No. 18-1487

Name	Activity	Activity_Date	Status	Cost
Clerk of Courts	Fee to record Finding of Fact, Conclusion of Law & Order	12/12/2018		\$27.00
Lonnie L. Freeman	Cost to mail Finding of Fact, Conclusion of Law & Order	12/12/2018	Certified mail returned unclaimed	\$7.14
Clerk of Courts	Fee to record Order Imposing Fine/Lien	7/24/2019		\$44.00
Lonnie L. Freeman	Cost to mail Order Imposing Fine/Lien	7/24/2019		\$7.14

Total: 85.28



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 18-1487

To: Lonnie L. Freeman
5804 Riverside Drive
Port Orange, FL 32127

Re: 5804 Riverside Drive
Port Orange, FL 32127
Parcel ID: 6314-03-06-0230

LEGAL DESCRIPTION: LOT 23 BLK 6 HARBOR OAKS UNIT 1 MB 10 PG 145 PER OR 4024 PG 1019
Volusia County Public Records
Volusia County, FL

An inspection of the premises on September 11, 2018, indicates that certain violation(s) of the City of Port Orange Code exists.

Property owner was notified of the violations noted below and given ten days to correct. A re-inspection was done on October 12, 2018, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by **November 16, 2018**.

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

1. **Chapter 42, (Nuisances), Article II, (Garbage, Junk and Undergrowth), Section 42-26, (Cleanliness of Property Generally Duty of Owner), (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 an array of trash and debris on site. To correct the violation, all trash and debris must be removed from the property.
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 a large amount of outside stored items on site. To correct the violation, all outside storage must be stored inside an enclosed building.

3. **Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.7 (Roofs and Drainage) of the 2018 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: 304.7 Roofs and drainage.** The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.
- The initial inspection of this property found a roof which was damaged by the hurricanes last year and covered in tarps. To correct the violation, you must obtain the appropriate permits through a certified roofing contractor to repair the roof structure or install a new roof on the home.
4. **Chapter 16 (Miscellaneous Regulations), Section 1 (Accessory Uses and Structures), (e) Outside storage, (1) Residential uses, (c) of the City of Port Orange Land Development Code:** Unless otherwise stated, temporary storage containers (e.g. PODS) shall be restricted to the driveway for a period not to exceed 72 hours in any continuous 30-day period. However, if said container is placed as permitted and is related to an improvement that has been issued a building permit, said container will be permitted for the duration of the building permit and shall be removed prior to the City's issuance of a Certificate of Occupancy or Completion.
- The initial inspection of this property found a POD storage container on site which has been there for many months. To correct the violation, the POD must be removed from the property or can be kept on site if a permit is obtained for some type of improvement being conducted on site (i.e. roof).
5. **Chapter 42, (Nuisances), Article II (Garbage, junk, and undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), (d) (Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances:** The owner of an improved lot in a residential zone with lot sizes of one acre or less shall keep such lot free and clear of all fallen trees and limbs. All weeds, grass and undergrowth shall be cut to a height not exceeding ten inches. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than ten inches within such natural areas. **(h)** Abutting property owner maintenance of parkages. It shall be the duty of every owner of real property within the city to at all times cause to be cut and mowed the grass and weeds, and to cause to be cut and trimmed the flowers, vines, shrubbery, and trees not exceeding six feet in height, in a manner that protects and promotes the public health, safety and welfare and presents an aesthetically pleasing appearance in those areas of the package most nearly abutting their properties. Packages abutting improved residential or commercial lots shall be maintained as provided in subsection (d) of this section for improved residential lots. Packages abutting unimproved residential lots shall be maintained as provided in subsection **(e)** of this section for the maintained portion of unimproved residential lots. "Package" 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 package, but the placement of refuse for collection in a manner and in containers specified by other provisions of this Code is not prohibited.
- The initial inspection of this property found high weeds and grass. To correct the violation, the entire property must be mowed and maintained to include edging, weed eating, and blowing of yard debris. Grass clippings are to be blown back onto the property off the street and sidewalk.

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

If the violation is corrected and then recurs, or if the violation is not corrected by the specified time for correction by the Code 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 December 12, 2018, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

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

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

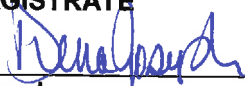
NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **December 12, 2018**, enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on **January 23, 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 11th day of October, 2018.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: 
Dena Joseph

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Lonnie L. Freeman, 5804 Riverside Drive, Port Orange, FL, 32127, RE: 5804 Riverside Drive, Port Orange, FL, 32127, was

- ☒ Hand-delivered
☐ Posted at the property

Recipient of hand delivered documents: Lonnie Freeman-owner

Time: approx. 11:45 AM

this 11th day of October, 2018.


Dena Joseph

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Lonnie L. Freeman, 5804 Riverside Drive, Port Orange, FL, 32127, RE: 5804 Riverside Drive, Port Orange, FL, 32127, was

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

this 18 day of October, 2018.



Secretary, Special Magistrate

RIGHT TO APPEAL

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

ACCOMMODATIONS

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

**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 18-1487**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

LONNIE L. FREEMAN
5804 RIVERSIDE DRIVE
PORT ORANGE, FL 32127
PARCEL ID : 6314-03-06-0230

Respondent.

_____ /

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

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on December 12, 2018, after due notice to the Respondent(s), and the Special Magistrate having heard testimony under oath, received evidence and heard argument from Staff thereupon issues its Findings of Fact, Conclusions of Law, and Order, as follows:

FINDINGS OF FACT:

A. Respondents, LONNIE L. FREEMAN, whose mailing address is 5804 RIVERSIDE DRIVE, PORT ORANGE, FL 32127, is the owner of the property located at 5804 RIVERSIDE DRIVE, PORT ORANGE, FL 32127, and more particularly described as:

LOT 23 BLK 6 HARBOR OAKS UNIT 1 MB 10 PG 145 PER OR 4024 PG 1019

B. The violation was to be corrected by removing all trash and debris from the property, properly storing all outside storage inside an enclosed building, obtaining a permit to repair the roof structure or installing a new roof on the home, removing the POD from the property or obtaining a permit for some type of improvement to be conducted on site, and mowing the entire property to include edging, weed eating, and blowing of yard debris off the street and onto the property. This condition was first observed at the real property described above on September 11, 2018; re-inspections made on October 22 and 26, 2018 as well as November 17, 2018 confirmed certain conditions as being the same. Respondent received notice via posting at City Hall on October 18, 2018, as well as hand delivered on October 16, 2018, that the aforesaid conditions constituted a violation of 2018 International Property Maintenance Code, Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.7 Roofs and Drainage as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances and was to be corrected by November 16, 2018.

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

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

CONCLUSION OF LAW:

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

ORDER:

A. Respondent(s) shall correct the aforesaid violation by obtaining all necessary permits to repair the roof or re-install a new roof on the structure on or before March 12, 2019. ("Compliance Date"). In the event that the property is not brought into compliance on or before the Compliance Date, and/or not maintained in a state of compliance, a daily fine of \$20.00 per day will be assessed for each day the property is in violation beyond the Compliance Date. If paragraph D. above is checked and the Respondent(s) has/have not abated the condition by the Compliance Date, then notice of the violation will be given to the City Council. The City Council may repair the condition and charge the Respondent(s) with the reasonable costs of the repairs. Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the Special Magistrate may impose additional fines to cover all costs incurred by the city in enforcing its codes and all costs or repairs pursuant to sub section (a)." The cost to date is \$34.14 as indicated on the cost sheet submitted into evidence. The Respondent(s) will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion. Any future violations under this ordinance shall be considered repeat violations.

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

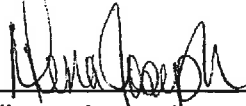
C. A certified copy of this Order may be recorded in the public records of Volusia County, Florida, and shall thereafter constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property. The findings in this Order shall be binding upon Respondent(s)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

DONE AND ORDERED this 12th day of December 2018.

Attest: Shelly Field
Secretary, Code Enforcement Special Magistrate

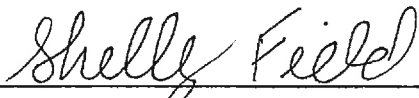
By: [Signature]
Code Enforcement Special Magistrate

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

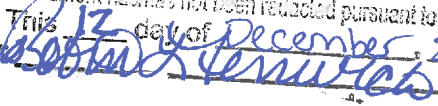


Code Compliance Inspector

I HEREBY CERTIFY that a true and correct copy of the foregoing Findings of Fact, Conclusion of Law, and Order have been furnished to Respondent(s), Lonnie L. Freeman, 5804 Riverside Drive, Port Orange, FL 32127 by Certified and Regular Mail this 12 day of December, 2018.



Secretary, Code Enforcement Special Magistrate

CITY OF PORT ORANGE, FLORIDA
I HEREBY CERTIFY the foregoing is a true copy
of the original filed in this office.
This document has not been redacted pursuant to Florida Law.
This 12 day of December, 2018.
By 

/s/ Robin L. Fenwick



Case Cost Sheet Log

Case No. 19-1076

Name	Activity	Activity_Date	Status	Cost
Across the Pond Developments LLC, Property Owner	Cost to mail Notice of Violation/Notice of Hearing	8/20/2019	Certified mail received signed "J. Petteway"	\$7.30
Clerk of Courts	Fee to record Finding of Fact, Conclusion of Law & Order	9/25/2019		\$29.00
Across the Pond Developments LLC, Property Owner	Cost to mail Finding of Fact, Conclusion of Law & Order	9/25/2019	Certified mail returned signed, illegible	\$7.30
Clerk of Courts	Fee to record Order Imposing Fine/Lien	11/13/2019		\$46.00
Across the Pond Developments LLC, Property Owner	Cost to mail Order Imposing Fine/Lien	11/13/2019		\$7.30

Total: 96.90



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 19-1076

To: Across the Pond Developments, LLC, Property Owner
C/O Mark Venables, Registered Agent
609 South Ridgewood Ave.
Daytona Beach, FL 32114

Re: 5680 Riverside Drive
Port Orange, FL 32127
Parcel ID: 6314-01-12-0040

LEGAL DESCRIPTION: 14 16 33 E 103.5 FT ON N/L OF N 113.89 FT MEAS ON & W OF RIVERSIDE DR PER OR 510 PG
17 BLK 12 HARBOR POINT PER OR 4532 PG 3792 PER OR 7534 PG
Volusia County Public Records
Volusia County, FL

An inspection of the premises on July 19, 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 10 days to correct. A re-inspection was done on August 15, 2019, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by August 26, 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. Parkages abutting unimproved residential lots shall be maintained as provided in subsection **(e)** of this section for the maintained portion of unimproved residential lots. "Parkage" is that space between the private property lot or survey line of the property owner and the paved or graded portion of the public street adjacent thereto and includes that area between a sidewalk and street. Every property owner shall also have the duty of removing any refuse or other debris existing within the adjacent parkage, but the placement of refuse for collection in a manner and in containers specified by other provisions of this Code is not prohibited.
 - The initial inspection of this property found high weeds and grass, with weeds growing through the concrete slab. 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, you must remove weeds growing through the pavement via weed eating or treating with a chemical that will kill the weeds

2. **Chapter 42, (Nuisances), Article II (Garbage, junk, and undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), (f) Garbage, waste, trash, etc., prohibited, of the City of Port Orange Code of Ordinances:** The owner of every lot, piece and parcel of land located within the city shall keep each such lot, piece and parcel of land free and clear of garbage, waste, trash, debris and junk.
 - The initial inspection of this property found various pieces of garbage, trash, and debris. To correct the violation, clean up and remove all garbage, trash, and debris from the property.
3. **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 (included but not limited to a lawnmower, pallets, generator, surfboard, etc.) stored outside. To correct the violation, all outside stored items must be properly stored inside an enclosed building or removed 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 windows covered with plywood. To correct the violation, the plywood must be removed from the windows. If windows are broken or inoperable, they must be repaired or replaced.

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 September 25, 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 **September 25, 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 **November 13, 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 16th day of August, 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 Across the Pond Developments, LLC, Property Owner, C/O Mark Venables, Registered Agent, 609 South Ridgewood Ave., Daytona Beach, FL, 32114, RE: 5680 Riverside Drive, Port Orange, FL, 32127, was

☐ Hand-delivered

☒ Posted at the property

Recipient of hand delivered documents: _____

this 16th day of August, 2019.

Time: approx. 12:50 PM

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 Across the Pond Developments, LLC, Property Owner, C/O Mark Venables, Registered Agent, 609 South Ridgewood Ave., Daytona Beach, FL, 32114, RE: 5680 Riverside Drive, Port Orange, FL, 32127, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 20 day of August, 2019.

Shelly Field
Secretary, Special Magistrate

RIGHT TO APPEAL

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

ACCOMMODATIONS

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

**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 19-1076**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

ACROSS THE POND DEVELOPMENTS, LLC
5680 RIVERSIDE DRIVE
PORT ORANGE, FL 32127
PARCEL ID : 6314-01-12-0040

Respondent.

/

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

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on September 25, 2019, after due notice to the Respondent(s), and the Special Magistrate having heard testimony under oath, received evidence and heard argument from Staff thereupon issues its Findings of Fact, Conclusions of Law, and Order, as follows:

FINDINGS OF FACT:

A. Respondents, ACROSS THE POND DEVELOPMENTS, LLC, whose mailing address is 609 SOUTH RIDGEWOOD AVE, DAYTONA BEACH, FL 32114, is the owner of the property located at 5680 RIVERSIDE DRIVE, PORT ORANGE, FL 32127, and more particularly described as:

14 16 33 E 103.5 FT ON N/L OF N 113.89 FT MEAS ON & W OF RIVERSIDE DR PER OR 510 PG 17
BLK 12 HARBOR POINT PER OR 4532 PG 3792 PER OR 7534 PG

B. The violation was to be corrected by mowing the entire property to include the right of way, weed eating, edging, and blowing of grass clippings back onto the property, cleaning up and removing all garbage, trash, and debris from the property, removing all outside storage around the home and placing in an enclosed building, and removing the plywood from the front window and replacing the window if broken. This condition was first observed at the real property described above on July 19, 2019; re-inspection was conducted on September 23, 2019. Respondent received notice via posting at City Hall and certified and regular mail on August 20, 2019, as well as posted on the property on August 16, 2019 that the aforesaid conditions constituted a violation of Chapter 42, (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of property generally - duty of owner), (d) (Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances. Chapter 42, (Nuisances), Article II (Garbage, junk and undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), (h) Abutting property owner maintenance of parkages. Chapter 42, (Nuisances), Article II, (Garbage, Junk and

Undergrowth), Section 42-26, (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 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 and was to be corrected by August 26, 2019.

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

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

CONCLUSION OF LAW:

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

ORDER:

A. Respondent(s) shall correct the aforesaid violation by mowing the entire property to include weed eating, edging, and blowing grass clippings back onto the property, removing all trash and debris, and storing all outside items in an enclosed building on or before October 6, 2019. ("Compliance Date"). In the event that the property is not brought into compliance on or before the Compliance Date, and/or not maintained in a state of compliance, a fine in the amount of \$100.00 per day shall be imposed for each day the violation continues past the compliance date. If paragraph D. above is checked and the Respondent(s) has/have not abated the condition by the Compliance Date, then notice of the violation will be given to the City Council. The City Council may repair the condition and charge the Respondent(s) with the reasonable costs of the repairs. Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the Special Magistrate may impose additional fines to cover all costs incurred by the city in enforcing its codes and all costs or repairs pursuant to sub section (a)." The cost to date is \$43.60 as indicated on the cost sheet submitted into evidence. The Respondent(s) will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion. Any future violations under this ordinance shall be considered repeat violations.

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

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

DONE AND ORDERED this 25th day of September, 2019.

Attest: Shelly Field
Secretary, Code Enforcement Special Magistrate

By: [Signature]
Code Enforcement Special Magistrate

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

[Signature]
Code Compliance Inspector

I HEREBY CERTIFY that a true and correct copy of the foregoing Findings of Fact, Conclusion of Law, and Order have been furnished to Respondent(s), Across the Pond Developments, LLC, 609 South Ridgewood Ave, Daytona Beach, FL 32114 by Certified and Regular Mail this 25 day of September, 2019.

Shelly Field
Secretary, Code Enforcement Special Magistrate

CITY OF PORT ORANGE, FLORIDA
I HEREBY CERTIFY the foregoing is a true copy
of the original filed in this office.
This document has/has not been redacted pursuant to Florida Law.
This 25 day of September, 2019.
By: Shelly Field



Case Cost Sheet Log

Case No. 19-1172

Name	Activity	Activity_Date	Status	Cost
Peter J. Renko	Hand delivery of Notice of Violation/Notice of Hearing	9/13/2019		\$0.00
Clerk of Courts	Fee to record Finding of Fact, Conclusion of Law & Order	9/25/2019		\$29.00
Peter J. Renko	Cost to mail Finding of Fact, Conclusion of Law & Order	9/25/2019	Certified mail returned signed, illegible	\$7.30
Clerk of Courts	Fee to record Order Imposing Fine/Lien	11/13/2019		\$46.00
Peter J. Renko	Cost to mail Order Imposing Fine/Lien	11/13/2019		\$7.30

Total: 89.60



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

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 19-1172

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

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

An inspection of the premises on August 7, 2019, indicates that certain repeat violation(s) of the City of Port Orange Code exist. This correspondence will serve as official notification that the below stated violation(s) must be corrected immediately.

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

1. **Chapter 42, (Nuisances), Article II (Garbage, junk, and undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), (d) (Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances:** The owner of an improved lot in a residential zone with lot sizes of one acre or less shall keep such lot free and clear of all fallen trees and limbs. All weeds, grass and undergrowth shall be cut to a height not exceeding ten inches.
 - The initial inspection of this property found high weeds and grass. To correct the violation, the entire property needs to be mowed, trimmed, edged, and all debris blown back onto the property.
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: tools, buckets, ladders, household items, 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 November 14, 2018 under Case No. 18-0351

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

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

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

NOTICE OF HEARING AS TO REPEAT VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Code Enforcement Special Magistrate on September 25, 2019 at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged in the notice of repeat violation above, and shall issue a Final Order affording the proper relief which may include a per diem fine of up to \$5,000 for each day the repeat violation continues, beginning with the date the repeat violation is found to have occurred by the code inspector. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

A certified copy of the order imposing a fine may be recorded in the public records of the county and once recorded, it SHALL CONSTITUTE A LIEN against the property upon which the violation(s) was found to exist and upon any other real or personal property owned by the violator. If said lien remains unpaid for more than ninety days, the City may seek to foreclose on said lien.

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

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **September 25, 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 November 13, 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 13th day of September, 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 Repeat Violation and Notice of Hearing to: Peter J. Renko, 150 Howes Street, Port Orange, FL, 32127, RE: 150 Howes Street, Port Orange, FL, 32127, was:

☒ Hand- delivered
☐ Posted at the property

Recipient of hand delivered documents: Peter Renko -owner

Time: 10:05 AM

this 13th day of September, 2019.

Dena Joseph
Dena Joseph

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

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

this 16 day of September, 2019.

Shelly Field
Secretary, Special Magistrate

RIGHT TO APPEAL

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

ACCOMMODATIONS

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

**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 19-1172**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

PETER J. RENKO
150 HOWES STREET
PORT ORANGE, FL 32127
PARCEL ID : 6310-07-44-0120

Respondent.

_____ /

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

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on September 25, 2019, after due notice to the Respondent(s), and the Special Magistrate having heard testimony under oath, received evidence and heard argument from Staff thereupon issues its Findings of Fact, Conclusions of Law, and Order, as follows:

FINDINGS OF FACT:

A. Respondents, PETER J. RENKO, whose mailing address is 150 HOWES STREET, PORT ORANGE, FL 32127, is the owner of the property located at 150 HOWES STREET, PORT ORANGE, FL 32127, and more particularly described as:

LOTS 12 13 & 14 BLK 44 ALLANDALE PER OR 3705 PG 4975

B. The violation was to be corrected by mowing the entire property to include weed eating, edging, and blowing grass clippings back onto the property and by storing all outside items in an enclosed building. This condition was first observed at the real property described above on August 7, 2019; re-inspection was conducted on September 24, 2019. Respondent received notice via posting at City Hall on September 16, 2019, as well as posted on the property and hand delivered on September 13, 2019 that the aforesaid conditions constituted a violation of Chapter 42, (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of property generally - duty of owner), (d) (Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances. Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-32 Storage of vehicles, furniture, etc. of the City of Port Orange Code of Ordinances and was to be corrected immediately as it is a repeat violation.

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

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

CONCLUSION OF LAW:

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

ORDER:

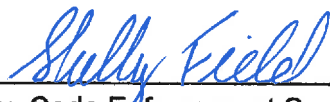
A. Respondent(s) shall correct the aforesaid violation by mowing the entire property to include weed eating, edging, and blowing grass clippings back onto the property and by storing all outside items in an enclosed building on or before October 2, 2019. ("Compliance Date"). In the event that the property is not brought into compliance on or before the Compliance Date, and/or not maintained in a state of compliance, a one-time fine in the amount of \$500.00 shall be imposed. If paragraph D. above is checked and the Respondent(s) has/have not abated the condition by the Compliance Date, then notice of the violation will be given to the City Council. The City Council may repair the condition and charge the Respondent(s) with the reasonable costs of the repairs. Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the Special Magistrate may impose additional fines to cover all costs incurred by the city in enforcing its codes and all costs or repairs pursuant to sub section (a)." The cost to date is \$36.30 as indicated on the cost sheet submitted into evidence. The Respondent(s) will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion. Any future violations under this ordinance shall be considered repeat violations.

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

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

DONE AND ORDERED this 25th day of September, 2019.

Attest:



Secretary, Code Enforcement Special Magistrate

By:



Code Enforcement Special Magistrate

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

Deena Joseph
Code Compliance Inspector

I HEREBY CERTIFY that a true and correct copy of the foregoing Findings of Fact, Conclusion of Law, and Order have been furnished to Respondent(s), Peter J. Renko, 150 Howes Street, Port Orange, FL 32127 by Certified and Regular Mail this 25 day of September, 2019.

Shelly Field
Secretary, Code Enforcement Special Magistrate

CITY OF PORT ORANGE, FLORIDA
I HEREBY CERTIFY the foregoing is a true copy
of the original filed in this office.
This document has/has not been redacted pursuant to Florida Law.
This 25 day of September 2019.
By: Shelly Field



Case Cost Sheet Log

Case No. 19-732

Name	Activity	Activity_Date	Status	Cost
Edwina V. Schaffer	Cost to mail Notice of Violation/Notice of Hearing	5/24/2019	Certified mail not returned	\$7.30
First National Bank of America	Cost to mail Notice of Violation/Notice of Hearing	5/24/2019	Certified mail received signed, illegible dated "5-29-19"	\$7.30
Clerk of Courts	Fee to record Finding of Fact, Conclusion of Law & Order	6/26/2019		\$27.00
Edwina V. Schaffer	Cost to mail Finding of Fact, Conclusion of Law & Order	6/26/2019		\$7.30
First National Bank of America	Cost to mail Finding of Fact, Conclusion of Law & Order	6/26/2019	Certified mail returned signed, illegible dated "7-1-19"	\$7.30
Clerk of Courts	Fee to record Order Imposing Fine/Lien	8/14/2019		\$44.00
Edwina V. Schaffer	Cost to mail Order Imposing Fine/Lien	8/14/2019		\$7.30
First National Bank of America	Cost to mail Order Imposing Fine/Lien	8/14/2019		\$7.30

Total: 114.80



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 19-732

To: Edwina V. Schaffer (deceased)
5348 Landis Ave.
Port Orange, FL 32127

TO: First National Bank of America (FNBA)
P. O. Box 980
East Lansing, MI 48826-0980

Re: 5348 Landis Ave.
Port Orange, FL 32127
Parcel ID: 6310-07-21-0050

LEGAL DESCRIPTION: LOTS 5 & 6 BLK 21 ALLANDALE MB 4 PG 146 PER OR 4150 PG 0888 PER OR 5832 PG 1036
PER D/C 5995 PG 4713 PER OR 5995 PGS 4718-4719 PER OR 6010 PGS 4351-4352
Volusia County Public Records
Volusia County, FL

An inspection of the premises on May 16, 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 20, 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), (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 initial inspection of this property found garbage, trash and debris. To correct this violation, remove any and all garbage, trash and debris from property.

3. **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, a couch, clothing, shoes, weights, plastic bottles, extension cord, etc., must be properly stored inside an enclosed building.
4. **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 an addition to the rear of the mobile home that was not permitted with a building permit. To correct this violation, a building permit is required and inspections performed for compliance -or- the addition may be removed.
5. **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.**
- The initial inspection of this property found a very large, dead pine tree in the front yard of the property. By virtue of it's overall height and condition, this pine tree has been determined to be a nuisance tree according to City of Port Orange code as follows:
Nuisance tree, means a tree that poses a hazard or threat to public health, safety or welfare by threatening the public rights-of-way, public property, occupied public easements or the provision of public utilities.
42-104: It is determined by the city council that any nuisance declared by this article that is found upon any lot, lots or adjacent lots, shall be abated by the property owner in the following manner:

If the nuisance consists of a nuisance tree or nuisance trees, the property owner shall abate the nuisance in its entirety by complete removal of the tree or trees and appropriate disposal of debris within the public property or public easement.
6. **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 that have been boarded up. To correct this violation, remove the boards and replace the windows. A building permit will be required.

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 June 26, 2019, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **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 **June 26, 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 24th 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 Edwina V. Schaffer (deceased), 5348 Landis Ave., Port Orange, FL 32127, First National Bank of America (FNBA), P. O. Box 980, East Lansing, MI 48826-0980, RE: 5348 Landis Ave., Port Orange, FL 32127, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

Time: approx. 2:45 pm

this 24th 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 Edwina V. Schaffer (deceased), 5348 Landis Ave., Port Orange, FL 32127, First National Bank of America (FNBA), P. O. Box 980, East Lansing, MI 48826-0980, RE: 5348 Landis Ave., Port Orange, FL 32127, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 24 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.

**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 19-732**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

EDWINA V. SCHAFFER
5348 LANDIS AVE
PORT ORANGE, FL 32127
PARCEL ID : 6310-07-21-0050

Respondent.

_____ /

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

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on June 26, 2019, after due notice to the Respondent(s), and the Special Magistrate having heard testimony under oath, received evidence and heard argument from Staff thereupon issues its Findings of Fact, Conclusions of Law, and Order, as follows:

FINDINGS OF FACT:

A. Respondents, EDWINA V. SCHAFFER, whose mailing address is 5348 LANDIS AVE, PORT ORANGE, FL 32127, is the owner of the property located at 5348 LANDIS AVE, PORT ORANGE, FL 32127, and more particularly described as:

LOTS 5 & 6 BLK 21 ALLANDALE MB 4 PG 146 PER OR 4150 PG 0888 PER OR 5832 PG 1036 PER
D/C 5995 PG 4713 PER OR 5995 PGS 4718-4719 PER OR 6010 PGS 4351-4352

B. The violation was to be corrected 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. This condition was first observed at the real property described above on May 16, 2019; re-inspection was conducted on June 25, 2019. Respondent received notice via posting at City Hall and certified and regular mail on May 24, 2019, as well as posted on the property May 24, 2019 that the aforesaid conditions constituted a violation of Chapter 42,

(Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of property generally - duty of owner), (d) (Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances. Chapter 42, (Nuisances), Article II, (Garbage, Junk and Undergrowth), Section 42-26, (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 and was to be corrected by June 20, 2019.

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

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

CONCLUSION OF LAW:

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

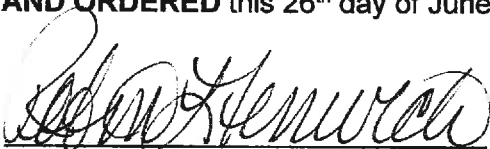
ORDER:

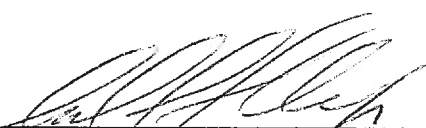
A. Respondent(s) shall correct the aforesaid violation by mowing and maintaining the property (to include the area between the sidewalk and roadway), weed eating, edging, and blowing all grass clippings in the roadway back onto the property, the large nuisance Pine tree was to be removed from the property 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. on or before July 8, 2019. ("Compliance Date"). In the event that the property is not brought into compliance on or before the Compliance Date, and/or not maintained in a state of compliance, a fine in the amount of \$50.00 per day shall be imposed for each day the violation continues past the compliance date. If paragraph D. above is checked and the Respondent(s) has/have not abated the condition by the Compliance Date, then notice of the violation will be given to the City Council. The City Council may repair the condition and charge the Respondent(s) with the reasonable costs of the repairs. Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the Special Magistrate may impose additional fines to cover all costs incurred by the city in enforcing its codes and all costs or repairs pursuant to sub section (a)." The cost to date is \$56.20 as indicated on the cost sheet submitted into evidence. The Respondent(s) will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion. Any future violations under this ordinance shall be considered repeat violations.

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

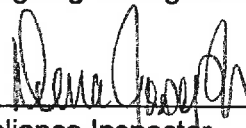
C. A certified copy of this Order may be recorded in the public records of Volusia County, Florida, and shall thereafter constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property. The findings in this Order shall be binding upon Respondent(s)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

DONE AND ORDERED this 26th day of June, 2019.

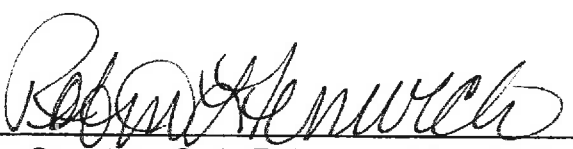
Attest: 
Secretary, Code Enforcement Special Magistrate

By: 
Code Enforcement Special Magistrate

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


Code Compliance Inspector

I HEREBY CERTIFY that a true and correct copy of the foregoing Findings of Fact, Conclusion of Law, and Order have been furnished to Respondent(s), Edwina V. Schaffer, 5348 Landis Ave, Port Orange, FL 32127 by Certified and Regular Mail this 27 day of June, 2019.


Secretary, Code Enforcement Special Magistrate

CITY OF PORT ORANGE, FLORIDA
I HEREBY CERTIFY the foregoing is a true copy
of the original filed in this office.
This document has/has not been redacted pursuant to Florida Law.
This 27 day of June, 2019.
By: 

