



AGENDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF PORT ORANGE

Meeting Date: Wednesday, February 12, 2020
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.:** 19-1740
Respondent: Ashley M. Lampe
Address of Violation: 3464 Country Walk Drive, Port Orange, FL 32129
Code Officer: Dennis Boehmer
First Notified: 12/17/2019

Compliance: Yes

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

4. **CEB Case No.:** 20-002
Respondent: Justin Kirby
Address of Violation: 6026 Wesley Park Drive, Port Orange, FL 32128
Code Officer: Amanda Bonin
First Notified: 1/2/2020

Compliance: No

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

City of Port Orange Code of Ordinances, Chapter 56 Solid Waste, Article II Collection and Disposal Service, Section 56-34 - Location of Containers.

Chapter 70 (Traffic), Article II (Stopping, Standing, and Parking), Section 70-49 (Restrictions on

abandoned or disabled vehicles), (c) Restrictions, (1) (a), (b) of the City of Port Orange Code of Ordinances.

5. **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: 3/27/2019

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.

6. **CEB Case No.:** 19-1416

Respondent: Theodore Michelini

Address of Violation: 1248 Thomas Drive, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 9/24/2019

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) (b).

7. **CEB Case No.:** 19-1723

Respondent: Port Orange Petro LLC

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

Code Officer: Amanda Bonin

First Notified: 12/10/2019

Compliance: No

Cited for violation(s) - 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.

8. **CEB Case No.:** 20-0013

Respondent: Arenas Homes, LLC (Property Owner)

Alberto Arenas (Registered Agent)

Address of Violation: 5921 Brandon Lane, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 1/7/2020

Compliance: No

Cited for violation(s) - 2018 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances, Chapter 3 (General Requirements), Section 302 (Exterior Property Areas), 302.5 (Rodent Harborage): Structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes that will not be injurious to human health. After Pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent re infestation. **Section 309 (Pest elimination), 309.1 (Infestation) as adopted by the City of Port Orange Code of Ordinances:** Structures shall be kept free from insect and rodent infestation. Structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

City of Port Orange Land Development Code, Chapter 56 (Solid Waste), Article III (Construction and Demolition Debris Collection Franchises), Section 56-30 (Collection and Removal), (a) Franchising authorized: All refuse accumulated in the City shall be collected, conveyed and disposed of by the city government or pursuant to agreement with the city government. No person shall collect or convey over the streets or alleys of the city or dispose of any refuse accumulated in the city without a written contract or permit approved by the city council.

9. **CEB Case No.:** 19-1770

Respondent: Mildred E. Davison Life Estate

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

Code Officer: Scott Allman

First Notified: 12/3/2019

Compliance: No

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

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: 304.13 Window, skylight and door frames.

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: 304.15 Doors.

10. **CEB Case No.:** 20-0090
Respondent: Port Orange Retail I, LLC
William Battillo, RA
Address of Violation: Big Lots Port Orange, 3818 Nova Rd., Port Orange, FL 32127
Code Officer: Scott Allman
First Notified: 1/19/2020

Compliance: No

Cited for violation(s) - City of Port Orange Land Development Code, Chapter 15, Sec 3 (b) Prohibited signs. It shall be unlawful to erect, cause to be erected, maintained or cause to be maintained any sign described as follows (18) - Off-site advertising.

City of Port Orange Land Development Code, Chapter 15, Sec 3 (b) Prohibited signs. It shall be unlawful to erect, cause to be erected, maintained or cause to be maintained any sign described as follows (24) - Signs on public property.

C. ORDER IMPOSING FINE/LIEN

11. **CEB Case No.:** 19-1618
Respondent: John H. Clark & Barbara J. Clark
Address of Violation: 301 Lafayette Street, Port Orange, FL 32129
Code Officer: Dena Joseph
First Notified: 11/11/2019

Compliance: Yes

Cited for violation(s) - Chapter 70 (Traffic), Article II (Stopping standing and parking), Section 70-47 (Parking of Commercial Vehicles on Residential Premises) of the City of Port Orange Code of Ordinances: (a) (b) (1) (2) (3) (c) (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.

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.

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

12. **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.

13. **CEB Case No.:** 19-1348
 Respondent: Basil Jaisingh
 Address of Violation: 5160 Ridgewood Ave, Port Orange, FL 32129
 Code Officer: Dena Joseph
 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), (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.

14. **CEB Case No.:** 19-1660
 Respondent: Stacey L. Algieri

Address of Violation: 5245 Sydney Street, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 11/22/2019

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.

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.

15. **CEB Case No.:** 19-1621

Respondent: Catherine M. Thomas

Address of Violation: 717 Marshall Circle, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 11/8/2019

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.

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
JANUARY 22, 2020

THE SPECIAL MAGISTRATE HEARING of the City of Port Orange was called to order by Special Magistrate Fuller at 9:02 a.m.

PRESENT: David Fuller, Special Magistrate

ALSO PRESENT: Scott Allman, Code Compliance Inspector
Amanda Bonin, 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 January 8, 2020 meeting minutes as presented.

Oaths

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

Ms. Bonin asked to hear the agenda out of order as there were members of the public present. Special Magistrate Fuller accepted.

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 19-1315

Respondent: Joseph M. Sr. & Jami Somereve

Address of Violation: 851 Chickadee Drive, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 9/5/2019

Compliance: Yes

Cited for violation(s) - City of Port Orange Land Development Code, Chapter 9 (Environmental Protection), Article II (Tree Preservation), Section 10 (Permit requirements for tree removal), (a) it is hereby unlawful for any person to cut down, move, remove or destroy through damaging or to authorize the same, of any tree or natural vegetation

referenced in this article without obtaining a tree removal permit in accordance with the provisions of this article.

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

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

Respondent: Port Orange Petro LLC

c/o Niles 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.**

Ms. Bonin 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 November 1, 2019 by pressure washing and painting the building, columns at the gas pumps, the dumpster enclosure and retaining wall, repairing the broken picket to the dumpster enclosure, replacing/installing all dead, dying, and missing plants, trees, and shrubs as required on the landscape plan, re-sealing and re-striping the parking lot (excluding the concrete section(s)), ensuring all parking lot lighting is in proper working order, repairing the irrigation and ensuring 100 percent coverage of all vegetation, pruning all low hanging/protruding trees as to not interfere with vehicular traffic, weeding and mulching all landscape beds and hedgerows, and removing all trash and debris from site.

This case was last heard on November 13, 2019, and found in violation but given until January 22, 2020, to get the landscaping and parking lot corrections completed. As of January 13, 2020, the landscaping was installed, the well was repaired, the irrigation is properly working, and the landscape beds and hedgerows were mulched. The remaining item is to reseal and restripe the parking lot, and paint the building, retaining wall, and columns. Most recent inspection on January 21, 2020, the retaining wall has been painted, and the parking lot was being re-sealed and re-striped. The property manager stated since they have changed gas companies to Mobil, they may have to change the color of the building to white. They would like to wait on painting until they receive an answer on the required color.

Bharat Thaker, Property Manager, was sworn in and spoke to the work that has been done on the property so far and the only remaining violation of painting the property.

Ms. Bonin recommended the property owners be found in violation of the above referenced codes with the violations to be corrected on or before February 1, 2020 by painting the building and columns. 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 \$250.00 per day shall be assessed for each day the property is in violation beyond the compliance date. Accused should be further ordered to contact the Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the order. Ms. Bonin requested any future violations under this ordinance be considered repeat. The cost sheet in the amount of \$58.20 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Special Magistrate Fuller granted the recommendation with some amendments. The property owner has until February 23, 2020 to paint the building and columns or a one-time fine in the amount of \$250.00 shall be imposed. Costs in the amount of \$58.20 were awarded to the City.

5. 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.

Ms. Bonin 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 October 28, 2019 by mowing and trimming all high weeds and grass, repairing replacing or removing the fence, repairing the

damaged siding, and cleaning and painting the home. All violations have since been corrected except repairing the siding and painting the home.

This case was last heard on November 13, 2019 and was found in violation, but the case was continued to January 22, 2020, to allow for the property owner to obtain estimates to repair the siding and paint the house. The property owner stated he would contact some friends to help and get done what he can under the circumstances previously heard. As of January 17, 2020, the house has not been painted and the siding has not been repaired.

Anthony Malena, property owner, was sworn in by Special Magistrate Fuller and testified that he received an estimate on painting the house but has not received a quote for the repairs on the siding on the home yet. He is working on figuring out the financials to work on the repairs.

Ms. Bonin recommended the property owners be found in violation of 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 with the violations to be corrected on or before February 1, 2020 by repairing the siding and cleaning and painting the house. 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. 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 with some amendments. The property owner has until February 23, 2020 to repair the siding and paint the house or a one-time fine in the amount of \$200.00 shall be imposed. Costs in the amount of \$43.60 were awarded to the City.

6. CEB Case No.: 19-1572

Respondent: Lalumfland Port Orange LLC

Address of Violation: 5784 Taylor Branch Road, Port Orange, FL 32127

Code Officer: Amanda Bonin

First Notified: 6/4/2019

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 plans (2) Shrubs (d) (2) (3) (5) (7)

Section 14-315. - Same - Replacement Criteria (a) Landscape plantings.

Section 14-317. - Parking, sidewalks and driveway areas (a) Maintenance criteria (1) (2) (3)

2015 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: 304.6 Exterior walls.

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

7. **CEB Case No.:** 19-1750

Respondent: Bank of New York Mellon Trust
Company NA TR
In Care of Bank of America

Address of Violation: 3809 Cherry Grove Court, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 12/10/2019

Compliance: No

Cited for violation(s) - 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: 304.13 Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.
304.15 Doors. 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.

2018 International Property Maintenance Code, Chapter 7, Section 702 Means of Egress, as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: 702.3 Locked Doors. Shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge, or effort, except where the door hardware conforms to that permitted by the International Building Code.

Ms. Bonin 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 January 2, 2020 by re-installing or replacing the garage door.

Daniel Halpern, Representative for the property owner, informed the Special Magistrate that they have a projected time to fix the garage door by the end of January 2020.

Ms. Bonin recommended the property owners be found in violation of the above referenced codes with the violations to be corrected on or before January 31, 2020 by re-installing or replacing the garage door. 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 \$150.00 per day shall be assessed for each day the property is in violation beyond the compliance date. Accused should be further ordered to contact the Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the order. Ms. 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 and deemed the property a health and safety violation. The property owner has until January 31, 2020 to re-install or replace the garage door or a daily fine in the amount of \$150.00 per day shall be imposed. Costs in the amount of \$43.60 were awarded to the City.

C. ORDER IMPOSING FINE/LIEN

8. CEB Case No.: 19-249

Respondent: Susan C Prisaznick

Address of Violation: 3736 Sunrise Oaks Drive, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 2/18/2019

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 3, Section 303 Swimming Pools, Spas, and Hot Tubs of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances; 303.1 Swimming Pools and 303.2 Enclosures.

City of Port Orange Land Development Code, Chapter 10 Clearing, Grading, and Stormwater Management, Article 1 Clearing and Grading, Section 1 Purpose and Intent.

City of Port Orange Land Development Code, Chapter 10 Clearing, Grading, and Stormwater Management, Article 1 Clearing and Grading, Section 2 Permits Required for change of Grade.

Ms. Bonin requested a continuation of the case to the April 22, 2020 hearing. Special Magistrate Fuller granted the continuation request.

9. CEB Case No.: 19-0873

Respondent: Alexandra C. Neubauer

Address of Violation: 932 Sabalwood Ct., Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 6/17/2019

Compliance: Yes

Cited for violation(s) - 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.

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

10. **CEB Case No.:** 19-1592
 Respondent: Linda B. Caswell, Trustee
 Address of Violation: 13 Lawrence Court, Port Orange, FL 32127
 Code Officer: Scott Allman
 First Notified: 11/5/2019

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.

Scott Allman, Code Compliance Inspector, was sworn in by Special Magistrate Fuller requested an Order Setting Fine/Lien as the property was not in compliance immediately as ordered in the previous hearing on December 11, 2019 by the Special Magistrate. He requested a one-time fine in the amount of \$100.00 as ordered in the Finding of Fact, Conclusion of Law & Order. A cost sheet for mailing and recording costs in the amount of \$96.90 was tendered and submitted into evidence without objection.

Special Magistrate Fuller found the property in non-compliance at the time of the Notice of Violation and awarded \$100.00 in fines and mailing and recording costs to date of \$96.90. A lien is imposed on the property in the amount of \$196.90.

11. **CEB Case No.:** 19-0908
 Respondent: Michael J. Parker & Carolyn R. Champine
 Address of Violation: 6129 Half Moon Drive, Port Orange, FL 32127
 Code Officer: Scott Allman
 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) 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, Section 304 (Exterior Structure) 304.1 (General) as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: 304.6 Exterior Walls.

Mr. Allman requested an Order Setting Fine/Lien as the property was not in compliance January 13, 2020 as ordered in the previous hearing on December 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 January 14, 2020 and running until the property is brought into compliance. The City retained vendor Mark Solomon Properties who abated the high weeds and grass violation at the cost of \$100.00. At this time the violation of the rotten siding is still in noncompliance. A cost sheet for mailing and recording costs in the amount of \$118.80 was tendered and submitted into evidence without objection.

Special Magistrate Fuller found the property in partial non-compliance and awarded \$100.00 in daily fines beginning on January 14, 2020 and running until the property is brought into compliance, \$100.00 in abatement costs and mailing and recording costs to date of \$118.80.

12. **CEB Case No.:** 19-1524

Respondent: Estate of Samuel C. Sebergandio Jr.

Address of Violation: 5453 Pineland Ave., Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 10/17/2019

Compliance: No

Cited for violation(s) - Chapter 42, (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of property generally - duty of owner), (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 an Order Setting Fine/Lien as the property was not in compliance December 18, 2019 as ordered in the previous hearing on December 11, 2019 by the Special Magistrate. She requested a one-time fine in the amount of \$1,000.00 as ordered in the Finding of Fact, Conclusion of Law & Order. A cost sheet for mailing and recording costs in the amount of \$96.90 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 \$96.90. A lien is imposed on the property in the amount of \$1,096.90.

13. **CEB Case No.:** 19-1355

Respondent: Scott T. & Rhonda Maiorano

Address of Violation: 404 Orange Avenue, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 9/11/2019

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 a Building Permit.

Ms. Joseph requested an Order Setting Fine/Lien as the property was not in compliance December 22, 2019 as ordered in the previous hearing on December 11, 2019 by the Special Magistrate. She requested a daily fine in the amount of \$150.00 as ordered in the Finding of Fact, Conclusion of Law & Order to begin on December 23, 2019 and running until the property is brought into compliance. A cost sheet for mailing and recording costs in the amount of \$118.80 was tendered and submitted into evidence without objection.

Special Magistrate Fuller found the property in non-compliance and awarded \$150.00 in daily fines beginning on December 23, 2019 and running until the property is brought into compliance and mailing and recording costs to date of \$118.80.

14. **CEB Case No.:** 19-1210
 Respondent: John J. Fondacaro
 Address of Violation: 5718 Riverside Drive, Port Orange, FL 32127
 Code Officer: Dena Joseph
 First Notified: 8/15/2019

Compliance: No

Cited for violation(s) - Chapter 42, (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of property generally - duty of owner), (d) (Maintenance of improved residential lots) 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 an Order Setting Fine/Lien as the property was not in compliance December 22, 2019 as ordered in the previous hearing on December 11, 2019 by the Special Magistrate. She requested a daily fine in the amount of \$100.00 as ordered in the Finding of Fact, Conclusion of Law & Order to begin on December 23, 2019 and running until the property is brought into compliance. A cost sheet for mailing and recording costs in the amount of \$96.90 was tendered and submitted into evidence without objection.

Special Magistrate Fuller found the property in non-compliance and awarded \$100.00 in daily fines beginning on December 23, 2019 and running until the property is brought into compliance and mailing and recording costs to date of \$96.90.

D. ADJOURNMENT – 9:55am

Special Magistrate Fuller



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 19-1740

To: Ashley M. Lampe
3464 Country Walk Drive
Port Orange, FL 32129

Re: 3464 Country Walk Drive
Port Orange, FL 32129
Parcel ID: 6337-20-00-0330

LEGAL DESCRIPTION: LOT 33 & ADDITIONAL R/W VAC IN E 10 FT W OF LOT 33 COUNTRY WALK PHASE I MB 40 PG 73 PER OR 4515 PG 0229 PER OR 6735 PG 2671 PER OR 7029 PG 4590 PER OR 7601 PGS 0261-0262
Volusia County Public Records
Volusia County, FL

An inspection of the premises on December 17, 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 3 days to correct. A re-inspection was completed on December 23, 2019, resulting in non-compliance. A second re-inspection was completed on January 2, 2020, also resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by **January 7, 2020**.

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

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 sheets of plywood stored outside, on the side of the home. To correct the violation, all outside stored items 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 February 12, 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 **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.

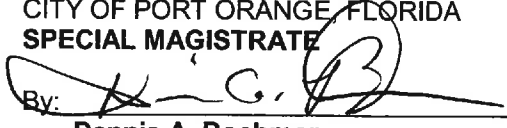
NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **February 12, 2020**, 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 **March 25, 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) 506-5644**.

DATED this 2ND day of JANUARY, 2020.

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 Ashley M. Lampe, 3464 Country Walk Drive, Port Orange, FL, 32129, RE: 3464 Country Walk Drive, Port Orange, FL, 32129, was

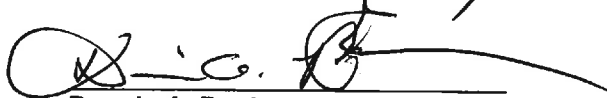
☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

Time: approx. 1408 Hours

this 2ND day of JANUARY, 2020.


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 Ashley M. Lampe, 3464 Country Walk Drive, Port Orange, FL, 32129, RE: 3464 Country Walk Drive, Port Orange, FL, 32129, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 6 day of January, 2020.

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. 20-002

Name	Activity	Activity_Date	Status	Cost
Justin Kirby	Cost to mail Notice of Violation/Notice of Hearing	1/13/2020	Certified mail not yet returned	\$7.30
Clerk of Courts	Fee to record Finding of Fact, Conclusion of Law & Order	2/12/2020		\$29.00
Justin Kirby	Cost to mail Finding of Fact, Conclusion of Law & Order	2/12/2020		\$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. 20-002

To: Justin Kirby
6026 Wesley Park Drive
Port Orange, FL 32128

Re: 6026 Wesley Park Drive
Port Orange, FL 32128
Parcel ID: 6329-05-00-0150

LEGAL DESCRIPTION: LOT 15 PINNACLE PHASE I MB 51 PGS 40-44 INC PER OR 5383 PGS 0366-0367 INC PER OR 5803 PG 0293
Volusia County Public Records
Volusia County, FL

An inspection of the premises on January 2, 2020, indicates that certain violation(s) of the City of Port Orange Code exists.

Property owner was notified of the violations noted below and given two days to correct. A re-inspection was done on January 6, 2020, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by January 17, 2020.

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 42-32. - Storage of vehicles, furniture, etc.** No owner of property within the city shall permit the storage of vehicles or parts of vehicles, furniture, appliances or other personal property upon the premises, except in an enclosed building.
2. **City of Port Orange Code of Ordinances Chapter 56 Solid Waste, Article II Collection and Disposal Service, Section 56-34. - Location of containers.** Garbage, recycling and yard waste containers when not in use shall be kept away from the front of any building or premises. No garbage, recycling or yard waste container shall be kept or maintained upon or adjacent to any street, sidewalk, parkway or front yard and no such container shall be placed within five feet of any property line. No garbage can, recycling container or yard waste container shall be deposited upon any adjoining lot or premises, whether vacant or improved, occupied or unoccupied, or in any street, alley or park in the city. Yard waste not required to be in yard waste containers, and garbage, recycling and yard waste containers filled for pickup, shall be neatly placed near, but not upon, the roadway on days of garbage, recycling and yard waste pickup so as to be convenient and accessible for collection.
3. **City of Port Orange Code of Ordinances Chapter 70 Traffic, Article II Stopping, Standing, and Parking, Section 70-49 Restrictions on disabled or abandoned vehicles. (c) Restrictions. (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.
 - The initial inspection of this property found outside storage by the front door, an uncovered vehicle without a current tag, and trash and debris out for pick up, up to three days prior to scheduled pick up. To correct the violation, all outside storage by the front door must be removed, all vehicles must have and maintain a current registered tag or be covered with an approved car cover, and the trash and debris may only be

placed out for pick up the night before your scheduled pick up. Yard debris pick up is Wednesday and trash pick up is Tuesday and Friday according to Waste Pro's schedule.

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 February 12, 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 **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 **February 12, 2020**, 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 **March 25, 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 January, 2020.

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 Justin Kirby 6026 Wesley Park Drive Port Orange, FL 32128, RE: 6026 Wesley Park Drive Port Orange, FL 32128, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

Time: approx. 10:53 A.M.

this 13th day of January, 2020

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 Justin Kirby 6026 Wesley Park Drive Port Orange, FL 32128, RE: 6026 Wesley Park Drive Port Orange, FL 32128, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 13 day of January, 2020

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
Charlie Molineaux Jr.	Hand delivery of Notice of Violation/Notice of Hearing	4/4/2019		\$0.00
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. 19-1416

Name	Activity	Activity_Date	Status	Cost
Theodore Michelini	Hand delivery of Notice of Violation/Notice of Hearing	12/24/2019		\$0.00
Clerk of Courts	Fee to record Finding of Fact, Conclusion of Law & Order	2/12/2020		\$29.00
Theodore Michelini	Cost to mail Finding of Fact, Conclusion of Law & Order	2/12/2020		\$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. 19-1416

To: Theodore Michelini
5924 Kendrew Drive
Port Orange, FL 32127

Re: 1248 Thomas Drive
Port Orange, FL 32129
Parcel ID: 630705000410

LEGAL DESCRIPTION: LOT 41 WILLOW RUN UNIT 4 MB 37 PGS 116-117 INC PER OR 2474 PG 0917 PER OR 5628 PG 0091 PER OR 7243 PG 3461 PER OR 7249 PG 0513 PER OR 7279 PGS 4110-4111
Volusia County Public Records
Volusia County, FL

An inspection of the premises on September 24, 2019, indicates that certain violation(s) of the City of Port Orange Code exists.

Notification was left on the front door of the house indicating the violation noted below and given 24-hours to correct. A re-inspection was done, resulting in non-compliance.

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

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

1. **City of Port Orange Land Development Code Chapter 16 Miscellaneous Regulations, Section 1 Accessory Use and Structures- (e) Outside storage.** Outside storage of new and used equipment and materials shall be regulated as follows. **(1)** Residential uses, **(b)** Materials and equipment such as appliances, unlicensed or inoperable motor vehicles, motor vehicle parts, and equipment and materials used as part of a business conducted off-site shall not be stored outside. This prohibition shall not apply to licensed and operable motor vehicles, boats, recreational vehicles and other such vehicles which are merely being parked on-site. However, such vehicles shall be subject to other provisions of this code, such as those relating to driveways, which may regulate or restrict their location on site.

- The initial inspection of this property found an unregistered/inoperable vehicle onsite. To correct the violation, all inoperable/unlicensed vehicles must have a current tag with an up to date registration sticker or they may be parked in the garage or in the driveway and covered with an approved car cover.

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

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

The burden shall rest upon the Respondent to request a re-inspection by the Code 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 February 12, 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 **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 **February 12, 2020**, 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 **March 25, 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 20th day of December, 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 Theodore Michelini 5924 Kendrew Drive Port Orange, FL 32127, RE: 1248 Thomas Drive Port Orange, Florida 32129, was

☒ Hand-delivered

Recipient of hand delivered documents: _____

☐ Posted at the property

Time: approx. 1115 HOURS

this 24th day of December, 2019.

Amanda Bonin

FOR AMANDA BONIN

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Theodore Michelini 5924 Kendrew Drive Port Orange, FL 32127, RE: 1248 Thomas Drive Port Orange, Florida 32129, was
☒ Posted at City Hall
☐ Sent via certified and regular

this 6 day of January, 2020
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. 19-1723

Name	Activity	Activity_Date	Status	Cost
Port Orange Petro LLC	Hand delivery of Notice of Violation/Notice of Hearing	12/12/2019		\$0.00
Clerk of Courts	Fee to record Finding of Fact, Conclusion of Law & Order	2/12/2020		\$29.00
Port Orange Petro LLC	Cost to mail Notice of Violation/Notice of Hearing	2/12/2020		\$7.30
Nilesh Shah	Cost to mail Notice of Violation/Notice of Hearing	2/12/2020		\$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. 19-1723

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 December 10, 2019, indicates that certain violation(s) of the City of Port Orange Code exists.

Property owner was notified on December 10, 2019, of the violation noted below.

This correspondence will serve as official notification that the below stated violation(s) **must be corrected by January 30, 2020.**

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

1. **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 initial inspection of this property found the building, to be covered with plywood where a car had driven through the building.
 - To correct the violation, the building must be repaired with the appropriate permits through the City Hall Building Department.

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

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

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

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate February 12, 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 **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 \$ 125 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 **February 12, 2020**, 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 **March 25, 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 12th day of December, 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 Niles Shah 4802 Solitary Drive Rockledge, FL 32955, RE: 6223 S Williamson Blvd. Port Orange, FL 32128, was

☒ Hand-delivered

Recipient of hand delivered documents:

Bharat (Bob) Thaker

☐ Posted at the property

this 12th day of December, 2019.

Time: approx. 3:13 p.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 Niles 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 13 day of December, 2019.

Shelly Fiedel

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. 20-0013

Name	Activity	Activity_Date	Status	Cost
Arenas Homes, LLC attn:Alberto Arenas	Cost to mail Notice of Violation/Notice of Hearing	1/10/2020	Certified mail returned signed "Gabby Cerrada 1-11-20"	\$7.30
Clerk of Courts	Fee to record Finding of Fact, Conclusion of Law & Order	2/12/2020		\$29.00
Arenas Homes, LLC attn:Alberto Arenas	Cost to mail Finding of Fact, Conclusion of Law & Order	2/12/2020		\$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. 20-0013

To: Arenas Homes, LLC (Property Owner)
Alberto Arenas (Registered Agent)
13630 Dornoch Drive
Orlando, FL 32828

Re: 5921 Brandon Lane

Port Orange, FL 32127

Parcel ID: 6321-15-00-0880

LEGAL DESCRIPTION: LOT 88 LONE OAK UNIT II MB 41 PG 196 PER OR 3862 PG 1751 PER OR 5476 PG 2768 PER OR 7781 PGS 4164-4168

Volusia County Public Records

Volusia County, FL

An inspection of the premises on January 7, 2020, indicates that certain violation(s) of the City of Port Orange Code exists.

Property owner was contacted via phone, a message was left requesting that the owner contact this Code Enforcement Officer immediately. Additionally, a voice message was left notifying the owner of the unsanitary conditions of rats and roaches.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by **January 23, 2020**.

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

1. **As adopted by the City of Port Orange Code of Ordinances: 2018 International Property Maintenance Code, Chapter 3 (General Requirements), Section 302 (Exterior Property Areas), 302.5 (Rodent Harborage):** Structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation. **Section 309 (Pest Elimination), 309.1 (Infestation) as adopted by the City of Port Orange Code of Ordinances:** Structures shall be kept free from insect and rodent infestation. Structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.
 - The initial inspection of this property found roaches coming out of the non-franchised dumpster in the driveway and Code Enforcement has received a number of reports from neighbors of an infestation of rats. To correct the violation, the property owner shall hire a professional exterminator to completely exterminate all rodents and insects inside and outside the home.

2. **City of Port Orange Land Development Code, Chapter 56 (Solid Waste), Article III (Construction and Demolition Debris Collection Franchises), Section 56-30 (Collection and removal), (a) Franchising authorized:** All refuse accumulated in the city shall be collected, conveyed and disposed of by the city government or pursuant to agreement with the city government. No person shall collect or convey over the streets or alleys of the city or dispose of any refuse accumulated in the city without a written contract or permit approved by the city council.

- The initial inspection of this property found an unapproved dumpster on the property. To correct the violation, the owner shall obtain one of the city's approved dumpsters and remove any non-franchised dumpsters 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 February 12, 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 **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 **February 12, 2020**, 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 **March 25, 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 10 day of JANUARY, 2020

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: Arenas Homes, LLC (Property Owner), Alberto Arenas (Registered Agent), 13630 Dornoch Drive, Orlando, FL, 32828, RE: 5921 Brandon Lane, Port Orange, FL, 32127, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

this 10 day of JANUARY, 2020.

Time: approx. 11:20 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 Arenas Homes, LLC (Property Owner), Alberto Arenas (Registered Agent), 13630 Dornoch Drive, Orlando, FL, 32828, RE: 5921 Brandon Lane, Port Orange, FL, 32127, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 10 day of JANUARY, 2020

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. 19-1770

Name	Activity	Activity_Date	Status	Cost
Mildred E. Davison Life Estate	Cost to mail Notice of Violation/Notice of Hearing	1/9/2020	Certified mail returned unclaimed	\$7.30
Clerk of Courts	Fee to record Finding of Fact, Conclusion of Law & Order	2/12/2020		\$29.00
Mildred E. Davison Life Estate	Cost to mail Finding of Fact, Conclusion of Law & Order	2/12/2020		\$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. 19-1770

To: Mildred E. Davison 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 December 3, 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 **January 30, 2020**.

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

1. **2018 International Property Maintenance Code, Chapter 3 (General Requirements), Section 301 (General), 301.3 (Vacant structures and land), as adopted by the City of Port Orange Code of Ordinances:** Vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.
 - The initial inspection of this property found broken windows and unsecured doors. To correct the violations, all broken windows must be replaced, and all doors and windows must be secured.
2. **2018 International Property Maintenance Code, Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.13 (Window, skylight and doorframes), as adopted by 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 and unsecured doors. To correct the violations, all broken windows must be replaced, and all doors and windows must be secured.
3. **2018 International Property Maintenance Code, Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.15 (Doors) as adopted by 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 unsecured doors. To correct the violation, all exterior doors must be maintained in good condition and properly secured.

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 February 12, 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 **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 **February 12, 2020**, 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 **March 25, 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 9 day of JANUARY, 2020.

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. Davison 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: _____

Time: approx. 11:15 AM

this 9 day of January, 2020

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. Davison 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 9 day of January, 2020

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. 20-0090

Name	Activity	Activity_Date	Status	Cost
Port Orange Retail I, LLC William Battillo, RA	Cost to mail Notice of Violation/Notice of Hearing	1/22/2020	Certified mail returned signed "W. Battillo 1/25/20"	\$7.90
Clerk of Courts	Fee to record Finding of Fact, Conclusion of Law & Order	2/12/2020		\$29.00
Port Orange Retail I, LLC William Battillo, RA	Cost to mail Finding of Fact, Conclusion of Law & Order	2/12/2020		\$7.30

Total: 44.20



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 20-0090

To: Port Orange Retail I, LLC
1810 Water Place, Suite 220
Atlanta, GA 30339

William Battillo, Registered Agent
76 South St. Andrews Drive
Ormond Beach, FL 32174

Big Lots Port Orange
3818A Nova Rd.
Port Orange, FL 32127

Re: Big Lots Port Orange
3818A Nova Rd.

Port Orange, FL 32127

Parcel ID: 630905-00-0020

LEGAL DESCRIPTION: LOT 2 AND S 30.69 FT MEAS ON W/L AND 97.43 MEAS ON N/L PARCEL A COUNTRYSIDE SHOPPING CENTER PLAN MB 38

Volusia County Public Records

Volusia County, FL

An inspection of the City's rights-of-way on **January 19, 2020**, indicates that certain violation(s) of the City of Port Orange Code exists.

The prior property owner and current tenant was notified of the violations noted below on several different occasions in the past.

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

- **City of Port Orange Land Development Code, Chapter 15, Sec. 3 (b) Prohibited signs. It shall be unlawful to erect, cause to be erected, maintain or cause to be maintained any sign described as follows (18) - Off-site advertising**
- **City of Port Orange Land Development Code, Chapter 15, Sec. 3 (b) Prohibited signs. It shall be unlawful to erect, cause to be erected, maintain or cause to be maintained any sign described as follows (24) – Signs erected on public property**

Inspections have found Big Lots advertising signs placed in the City's rights-of-way, including the medians, of both Dunlawton Avenue and Nova Road. The store and property managers have been informed that this signage is prohibited by code. The practice continues each time the sale is advertised.

The signs have been removed by the City. The City is commencing code enforcement action to establish that a violation has occurred and/or to impose a 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.

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 February 12, 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 **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.

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 \$ 7.90 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 **February 12, 2020** 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 **March 25, 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 and lien on the above referenced case at said 2nd 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 22 day of January, 2020.

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: Port Orange Retail I, LLC, 1810 Water Place, Suite 220, Atlanta, GA 30339; William Battillo, Registered Agent, 76 South St. Andrews Drive, Ormond Beach, FL 32174; Big Lots Port Orange, 3818A Nova Rd., Port Orange, FL 32127, RE: Big Lots Port Orange, 3818A Nova Rd, Port Orange, FL 32127, was

☒ Hand-delivered
☐ Posted at the property

Recipient of hand delivered documents: MATTHEW BATES (Store Manager)

this 22 day of January, 2020.

Time: approx. 11:45 a.m.

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: Port Orange Retail I, LLC, 1810 Water Place, Suite 220, Atlanta, GA 30339; William Battillo, Registered Agent, 76 South St. Andrews Drive, Ormond Beach, FL 32174; Big Lots Port Orange, 3818A Nova Rd., Port Orange, FL 32127, RE: Big Lots Port Orange, 3818A Nova Rd, Port Orange, FL 32127, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 22 day of January, 2020.

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. 19-1618

To: John H. Clark & Barbara J. Clark
313 Magnolia Street
Port Orange, FL 32129

Re: 301 Lafayette Street
Port Orange, FL 32127
Parcel ID: 6303-14-05-0010

LEGAL DESCRIPTION: E 125 FT OF LOT 1 BLK E VIRGINIA HEIGHTS PORT ORANGE MB 9 PG 92 PER OR 4039 PGS 4801-4802 PER D/C 6465 PG 0282 PER OR 6465 PGS 0284-0285
Volusia County Public Records
Volusia County, FL

An inspection of the premises on November 11, 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 **December 13, 2019**.

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

1. **Chapter 70 (Traffic), Article II (Stopping standing and parking), Sec. 70-47 (Parking of commercial vehicles on residential premises), of the City of Port Orange Code of Ordinances:** (a) For the purpose of this section, "commercial vehicle" means any vehicle designed, intended, or used for transportation of people or goods as part of a business, except for rental vehicles designed for temporary personal use. (b) No commercial vehicle shall be parked on residential premises except for the following: (1) A vehicle making deliveries to or servicing a dwelling unit. (2) One vehicle, one-ton capacity or less, per dwelling unit which is used by a resident of the dwelling unit as part of a full-time job and which leaves the premises on weekdays. (3) Any vehicle stored within a completely enclosed garage. When a vehicle is stored pursuant to this paragraph the vehicle engine or associated equipment engine shall not be operated between the hours 9:00 p.m. and 7:00 a.m. (c) No commercial vehicles shall be parked on the right-of-way adjoining residential premises. (1) A vehicle servicing or making deliveries to a dwelling unit may stop on the roadway temporarily for the purpose of servicing a dwelling unit or while actually engaged in loading and unloading of merchandise or passengers.
 - The initial inspection of this property found (2) commercial vehicles that exceed 1-ton capacity allowed by city ordinance parked on site. To correct the violation, these vehicles must be removed from the property and parked off site.
2. **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 on site. To correct the violation, all high weeds and grass on site must be mowed or weed-eated, and all debris blown back onto 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 reels of wire being stored on the outside of the home along with other items. To correct the violation, all outside stored items must be properly stored inside an enclosed building or removed from the property.
4. **Chapter 3, Section 303 (Swimming Pools, Spas and Hot Tubs), 303.1 (Swimming pools), of the 2018 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances:** Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.
- The initial inspection of this property found the pool to be green and in unsanitary condition. To correct, the pool needs to be treated with chemicals and brought back to a clean state or covered.

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 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 **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 **January 8, 2020**, 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 **February 12, 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 4th day of December, 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 John H. Clark & Barbara J. Clark, 313 Magnolia Street, Port Orange, FL, 32129, RE: 301 Lafayette Street, Port Orange, FL, 32127, was

☒ Hand-delivered

☐ Posted at the property

Recipient of hand delivered documents: John Clark - owner

this 4th day of December, 2019.

Time: approx. 3:30pm

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 John H. Clark & Barbara J. Clark, 313 Magnolia Street, Port Orange, FL, 32129, RE: 301 Lafayette Street, Port Orange, FL, 32127, was

☒ Posted at City Hall

☐ Sent via certified and regular

this 6 day of December, 2019

Shelly Fiebel
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. 19-1618**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

JOHN H. & BARBARA J. CLARK
301 LAFAYETTE STREET
PORT ORANGE, FL 32127
PARCEL ID : 6303-14-05-0010

Re-recording due to error in date.
dated as January 8, 2019
*correct date is January 8, 2020

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 January 8, ~~2019~~²⁰²⁰, 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, JOHN H. & BARBARA J. CLARK, whose mailing address is 313 MAGNOLIA STREET, PORT ORANGE, FL 32129, is the owner of the property located at 301 LAFAYETTE STREET, PORT ORANGE, FL 32127, and more particularly described as:

E 125 FT OF LOT 1 BLK E VIRGINIA HEIGHTS PORT ORANGE MB 9 PG 92 PER OR 4039 PGS 4801-4802 PER D/C 6465 PG 0282 PER OR 6465 PGS 0284-0285

B. The violation was to be corrected by removing the (2) commercial vehicles over the one ton capacity from the residence, mowing the yard to include weed eating and blowing of grass clippings back onto the property, removing any outside storage from around the property and storing in an enclosed building, and chemically treating or covering the green, unsanitary pool on site. This condition was first observed at the real property described above on November 11, 2019; re-inspection was conducted on December 31, 2019. Respondent received notice via posting at City Hall on December 6, 2019, as well as posted on the property and hand delivered on December 4, 2019 that the aforesaid conditions constituted a violation of Chapter 70 (Traffic), Article II (Stopping standing and parking), Section 70-47 (Parking of Commercial Vehicles on Residential Premises) of the City of Port Orange Code of Ordinances: (a) (b) (1) (2) (3) (c) (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. 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. 2018 International Property Maintenance Code Chapter 3 (General Requirements), Section 303 (Swimming Pools, Spas and Hot Tubs), 303.1 (Swimming Pools) as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances and was to be corrected by December 13, 2019. As of December 16, 2019, one of the commercial vehicles had been removed, the outside stored items removed, the grass had been mowed and the pool was covered and being treated with chemicals. A final inspection was conducted on January 6, 2020 and the property was in compliance at that time.

C. At the time of the hearing, the violations cited above: ☐ continued to exist, or ☒ remained noncompliant until January 6, 2020 [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 removing all commercial vehicles over a 1-ton capacity from the residence; however, said compliance did not occur on or before December 13, 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 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 8th day of January, ~~2019~~ 2020*

Attest: Shelly Feild
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.

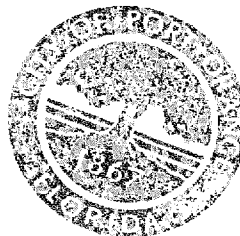
[Signature]
Code Compliance Inspector

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), John H. & Barbara J. Clark, 313 Magnolia Street, Port Orange, FL 32129 by Certified and Regular Mail this 8 day of January, ~~2019~~ 2020*

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 8 day of January, 2020
By: Shelly Feild

Shelly Feild
Secretary, Code Enforcement Special Magistrate



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. 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 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.

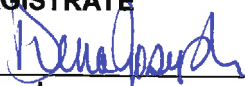
NOTICE OF HEARING SETTING FINE AND LIEN

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

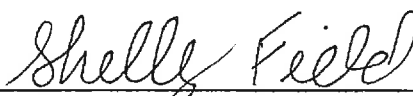
By: [Signature]
Code Enforcement Special Magistrate

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 HEREDY 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 Robin L. Fenwick

/s/ Robin L. Fenwick



Case Cost Sheet Log

Case No. 19-1348

Name	Activity	Activity_Date	Status	Cost
Basil Jaisingh	Cost to mail Notice of Violation/Notice of Hearing	11/12/2019	Certified mail received signed "Parmdai Jaisingh 11-14-19"	\$7.30
Clerk of Courts	Fee to record Finding of Fact, Conclusion of Law & Order	1/8/2020		\$29.00
Basil Jaisingh	Cost to mail Finding of Fact, Conclusion of Law & Order	1/8/2020	Certified mail returned signed "Leah Jaisingh 1-10-20"	\$7.30
Clerk of Courts	Fee to record Order Imposing Fine/Lien	2/12/2020		\$46.00
Basil Jaisingh	Cost to mail Order Imposing Fine/Lien	2/12/2020		\$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. 19-1348

To: Basil Jaisingh
153 Deskin Drive
Port Orange, FL 32119

Re: 5160 Ridgewood Ave.

Port Orange, FL 32127

Parcel ID: 6310-07-14-0010

LEGAL DESCRIPTION: LOTS 1 & 21 BLK 14 ALLANDALE PER OR 4604 PG 2575

Volusia County Public Records

Volusia County, FL

An inspection of the premises on September 10, 2019, indicates that certain violation(s) of the City of Port Orange Code exists.

Property owner was notified of the violations noted below and given 5 days to correct. A re-inspection was done on October 14, 2019, resulting in non-compliance.

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

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

 November 21,
2019

1. **Chapter 42, (Nuisances), Article II (Garbage, junk, and undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), (f) Garbage, waste, trash, etc., prohibited, of the City of Port Orange Code of Ordinances:** The owner of every lot, piece and parcel of land located within the city shall keep each such lot, piece and parcel of land free and clear of garbage, waste, trash, debris and junk.
 - The initial inspection of this property found various pieces of garbage, trash, and debris. To correct the violation, clean up and remove all garbage, trash, and debris from the property.
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 in front of unit 1. To correct the violation, all outside stored items must be properly stored inside an enclosed building or removed from the property.
3. **Chapter 70 (Traffic), Article II (Stopping standing and parking), Section 70-49 (Restrictions on abandoned or disabled vehicles), (c) Restrictions, (1) (a), (b) and (2) of the City of Port Orange Code of Ordinances:** (1) No disabled or abandoned vehicle shall remain on residentially-zoned or agriculturally-zoned private property unless such vehicle is: (a) Within a completely enclosed garage; or (b) parked in a carport, parking space or city-approved parking area and covered solely with a standard vehicle cover in good repair, so long as any portion of the vehicle which is not covered is not in a state of disrepair. (2) No disabled or abandoned vehicle parked on residentially-zoned or agriculturally-zoned private property shall be covered by material other than a standard vehicle cover in good repair unless such vehicle is parked inside a completely enclosed garage.

- The initial inspection of this property found a box truck with expired tag stored on the property. Also observed was a vehicle on site covered with a ripped car cover. To correct the violation, the truck must be properly tagged and registered, parked in the driveway on in a carport, stored in an enclosed building, covered with approved car covers, or removed from the property. The other vehicle on site that is covered with a ripped car cover must be replaced with one in good condition as well.

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 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 **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 \$ 7,130 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 **January 8, 2020^{SF}** 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 **February 12, 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 November, 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 Basil Jaisingh, 153 Deskin Drive, Port Orange, FL, 32119, RE: 153 Deskin Drive, Port Orange, FL, 32119, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

Time: approx. 3:50 PM

this 14th day of November, 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 Basil Jaisingh, 153 Deskin Drive, Port Orange, FL, 32119, RE: 153 Deskin Drive, Port Orange, FL, 32119, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 12 day of November, 2019.

Shelly Fiebel
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. 19-1348**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

BASIL JAISINGH
5160 RIDGEWOOD AVE
PORT ORANGE, FL 32127
PARCEL ID : 6310-07-14-0010

Re-recording due to error in date.
dated as January 8, 2019
*correct date is January 8, 2020

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
* January 8, ~~2019~~²⁰²⁰, 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, BASIL JAISINGH, whose mailing address is 153 DESKIN DRIVE, PORT ORANGE, FL 32129, is the owner of the property located at 5160 RIDGEWOOD AVE., PORT ORANGE, FL 32127, and more particularly described as:

LOTS 1 & 21 BLK 14 14 ALLANDALE PER OR 4604 PG 2575

B. The violation was to be corrected by cleaning up and removing all garbage, trash, waste, debris and junk, properly storing all outside items in an enclosed building, and tagging and registering, storing in an enclosed building, covering with an approved car cover or removing the box truck that is currently not registered. In addition, the other vehicle on site with the ripped car cover must be replaced with one in good condition. This condition was first observed at the real property described above on September 10, 2019; re-inspection was conducted on January 2, 2020. Respondent received notice via posting at City Hall and certified and regular mail on November 12, 2019, as well as posted on the property on November 11, 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. 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 and was to be corrected by November 21, 2019. A reinspection was conducted on January 6, 2020 at which time all violations were corrected except for some outside stored items that remain on site.

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 removing any outside items and storing them in an enclosed building on or before January 19, 2020. ("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 8th day of January, ~~2019~~ 2020*

Attest: Shelly Feeld
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), Basil Jaisingh, 153 Deskin Drive, Port Orange, FL 32129 by Certified and Regular Mail this 8 day of January, ~~2019~~ 2020*.

Shelly Feeld
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.
By: Shelly Feeld This 8 day of JANUARY, 2020



Case Cost Sheet Log

Case No. 19-1660

Name	Activity	Activity_Date	Status	Cost
Stacey L. Algieri	Cost to mail Notice of Violation/Notice of Hearing	12/6/2019	Certified mail returned unclaimed	\$7.30
Clerk of Courts	Fee to record Finding of Fact, Conclusion of Law & Order	1/8/2020		\$29.00
Stacey L. Algieri	Cost to mail Finding of Fact, Conclusion of Law & Order	1/8/2020	Certified mail returned unclaimed	\$7.30
Clerk of Courts	Fee to record Order Imposing Fine/Lien	2/12/2020		\$46.00
Stacey L. Algieri	Cost to mail Order Imposing Fine/Lien	2/12/2020		\$7.30

Total: 96.90



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

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 19-1660

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

Re: 5245 Sydney Street
Port Orange, FL 32127
Parcel ID: 6315-07-22-0030

LEGAL DESCRIPTION: LOT 3 BLK 22 COMMONWEALTH MOBILE ESTATES 2ND ADD MB 31 PGS 104 THRU 106 PER
OR 4621 PG 3468

Volusia County Public Records
Volusia County, FL

An inspection of the premises on November 22, 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. **(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.
 - The initial inspection of this property found high weeds and grass. To correct the repeat 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.

You have previously (within the past five years) been found by the Special Magistrate to have violated the above referenced code section(s) on January 13, 2016 under Case No. 15-1780.

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 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 **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged in the notice of repeat violation above, and shall issue a Final Order affording the proper relief which may include a per diem fine of up to \$5,000 for each day the repeat violation continues, beginning with the date the repeat violation is found to have occurred by the code inspector. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

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

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$ 7.30 as indicated on the cost sheet submitted into evidence. The respondent shall be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

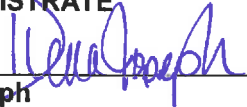
NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **January 8, 2020**, 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 February 12, 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 25th day of November, 2019.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: 
Dena Joseph

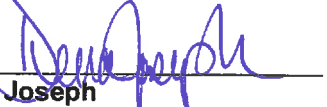
☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Repeat Violation and Notice of Hearing to: Stacey L. Algieri, 5245 Sydney Street, Port Orange, FL, 32127, RE: 5245 Sydney Street, Port Orange, FL, 32127, was:

☐ Hand- delivered
☒ Posted at the property

Recipient of hand delivered documents: _____

Time: 11:10 AM

this 25th day of November, 2019.


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

☒ Posted at City Hall

☒ Sent via certified and regular

this 6 day of December, 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. 19-1660**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

STACEY L. ALGIERI
5245 SYDNEY STREET
PORT ORANGE, FL 32127
PARCEL ID : 6315-07-22-0030

Re-recording due to error in date.
dated as January 8, 2019
*correct date is January 8, 2020

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 January 8, ~~2019~~²⁰²⁰, 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, STACEY L. ALGIERI, whose mailing address is 5245 SYDNEY STREET, PORT ORANGE, FL 32127, is the owner of the property located at 5245 SYDNEY STREET, PORT ORANGE, FL 32127, and more particularly described as:

LOT 3 BLK 22 COMMONWEALTH MOBILE ESTATES 2ND ADD MB 31 PGS 104 THRU 106 PER OR
4621 PG 3468

B. The violation was to be corrected by mowing the entire property to include the rights of way, weed eating, and blowing debris off the roadway and back onto the property and removing any trash and debris on site. This condition was first observed at the real property described above on November 22, 2019; re-inspection was conducted on January 7, 2020. Respondent received notice via posting at City Hall and certified and regular mail on December 6, 2019, as well as posted on the property on November 25, 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 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 the rights of way, weed eating, and blowing debris off the roadway and back onto the property and removing any trash and debris on site on or before January 15, 2020. ("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 \$200.00 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.

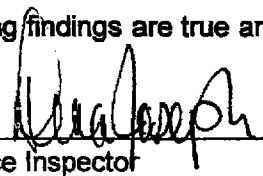
C. A certified copy of this Order may be recorded in the public records of Volusia County, Florida, and shall thereafter constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property. The findings in this Order shall be binding upon Respondent(s) 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 8th day of January, ~~2019~~ 2020*

Attest: Shelly Fieled
Secretary, Code Enforcement Special Magistrate

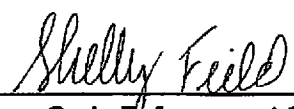
By: [Signature]
Code Enforcement Special Magistrate

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



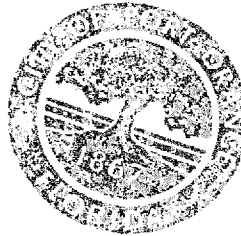
Code Compliance Inspector

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), Stacey L. Algieri, 5245 Sydney Street, Port Orange, FL 32127 by Certified and Regular Mail this 8 day of January, ~~2019~~ 2020*.



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 8 day of JANUARY, 2020.
By: Shelly Field



Case Cost Sheet Log

Case No. 19-1621

Name	Activity	Activity_Date	Status	Cost
Catherine M. Thomas	Cost to mail Notice of Violation/Notice of Hearing	11/22/2019	Certified mail returned "vacant"	\$7.30
Clerk of Courts	Fee to record Finding of Fact, Conclusion of Law & Order	1/8/2020		\$29.00
Catherine M. Thomas	Cost to mail Finding of Fact, Conclusion of Law & Order	1/8/2020	Certified mail returned "vacant"	\$7.30
Clerk of Courts	Fee to record Order Imposing Fine/Lien	2/12/2020		\$46.00
Catherine M. Thomas	Cost to mail Order Imposing Fine/Lien	2/12/2020		\$7.30

Total: 96.90



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

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 19-1621

To: Catherine M. Thomas
717 Marshall Circle
Port Orange, FL 32127

Re: 717 Marshall Circle
Port Orange, FL 32127
Parcel ID: 6315-04-11-0820

LEGAL DESCRIPTION: LOT 82 BLK 11 COMMONWEALTH MOBILE ESTS FIRST ADD MB 29 PG 47 PER OR 2738 PG
1585 PER OR 6656 PG 2321

Volusia County Public Records
Volusia County, FL

An inspection of the premises on November 8, 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:

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 and trimmed, and all debris blown back onto 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 January 9, 2019 under Case No. 18-1745.

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 January 8, 2019 at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged in the notice of repeat violation above, and shall issue a Final Order affording the proper relief which may include a per diem fine of up to \$5,000 for each day the repeat violation continues, beginning with the date the repeat violation is found to have occurred by the code inspector. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

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

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$ 7.80 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.

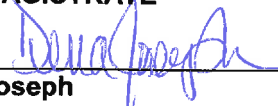
NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **January 8, 2019**, enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a **2nd PUBLIC HEARING** will be conducted in the above-styled cause by the **Code Enforcement Special Magistrate on February 12, 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 15th day of November, 2019.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: 
Dena Joseph

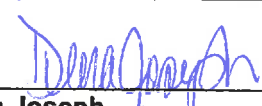
☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Repeat Violation and Notice of Hearing to: Catherine M. Thomas, 717 Marshall Circle, Port Orange, FL, 32127, RE: 717 Marshall Circle, Port Orange, FL, 32127, was:

☐ Hand- delivered
☒ Posted at the property

Recipient of hand delivered documents: _____

Time: 1:50 pm

this 15th day of November, 2019.


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: Catherine M. Thomas, 717 Marshall Circle, Port Orange, FL, 32127, RE: 717 Marshall Circle, Port Orange, FL, 32127, was:

☒ Posted at City Hall

☒ Sent via certified and regular

this 22 day of November, 2019.

Shelly Fieled
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. 19-1621**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

CATHERINE M. THOMAS
717 MARSHALL CIRCLE
PORT ORANGE, FL 32127
PARCEL ID : 6315-04-11-0820

Re-recording due to error in date.
dated as January 8, 2019
*correct date is January 8, 2020

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 January 8, ~~2019~~²⁰²⁰, 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, CATHERINE M. THOMAS, whose mailing address is 717 MARSHALL CIRCLE, PORT ORANGE, FL 32127, is the owner of the property located at 717 MARSHALL CIRCLE, PORT ORANGE, FL 32127, and more particularly described as:

LOT 82 BLK 11 COMMONWEALTH MOBILE ESTS FIRST ADD MB 29 PG 47 PER OR 2738 PG 1585
PER OR 6656 PG 2321

B. The violation was to be corrected by mowing the entire property to include the rights of way, weed eating, and blowing debris off the roadway and back onto the property. This condition was first observed at the real property described above on November 8, 2019; re-inspection was conducted on January 7, 2020. Respondent received notice via posting at City Hall and certified and regular mail on November 22, 2019, as well as posted on the property on November 15, 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 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.

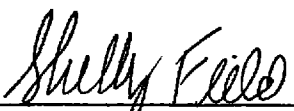
ORDER:

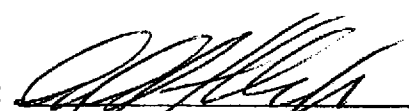
A. Respondent(s) shall correct the aforesaid violation by mowing the entire property to include the rights of way, weed eating, and blowing debris off the roadway and back onto the property on or before January 15, 2020. ("Compliance Date"). In the event that the property is not brought into compliance on or before the Compliance Date, and/or not maintained in a state of compliance, a one-time fine in the amount of \$1,000.00 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 \$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 8th day of January, ~~2019~~ 2020th

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), Catherine M. Thomas, 717 Marshall Circle, Port Orange, FL 32127 by Certified and Regular Mail this 8 day of January, ~~2019~~ 2020*


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 8 day of JANUARY, 2020
By: Shelly Feiler

