



AGENDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF PORT ORANGE

Meeting Date: Wednesday, July 22, 2020

Time: 9:00 AM

Type of Meeting: Regular

Location: Council Chambers
City Hall, 1000 City Center Circle

A. CALL TO ORDER

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

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 20-0176
Respondent: Barbara Cates
Address of Violation: 1205 Vagabond Drive, Port Orange, FL 32127
Code Officer: Scott Allman
First Notified: 2/3/2020

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.

4. **CEB Case No.:** 20-0895
Respondent: Ronaldo C. & Leslie C. Lee
Address of Violation: 3499 Winchester Drive, Port Orange, FL 32129
Code Officer: Dennis Boehmer
First Notified: 6/2/2020

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.

City of Port Orange Land Development Code, Chapter 16 (Miscellaneous Regulations), Section 2 (Home Occupations), (d) Restrictions (3) (9) (10)

5. **CEB Case No.:** 20-0506

Respondent: Sophia Martin Est.

Address of Violation: 5722 Riverside Drive, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 3/18/2020

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 Land Development Code, Chapter 16 (Miscellaneous Regulations), Section 1 (Accessory Use and Structures), (d) Size Limitations, (4).

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

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.

6. **CEB Case No.:** 20-0460

Respondent: Samuel C. Sebergandio Jr. Est

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

Code Officer: Dena Joseph

First Notified: 3/11/2020

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.

7. **CEB Case No.:** 20-0333

Respondent: Doreen Polito Goodwin & Ross Polito

Address of Violation: 5479 Taylor Avenue, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 3/2/2020

Compliance: No

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

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

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

8. **CEB Case No.:** 20-0949

Respondent: Dennis O'Donnell

Address of Violation: 530 Orange Avenue, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 6/15/2020

Compliance: No

Cited for violation(s) - 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.

City of Port Orange Land Development Code, Chapter 16 (Miscellaneous Regulations), Section 1 (Accessory Use and Structures), (e), (1) Residential Uses, (b)

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

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

9. **CEB Case No.:** 19-0625

Respondent: Andres & Maria Masci

Address of Violation: 5440 Ridgewood Avenue, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 4/23/2019

Compliance: No

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

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 (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 14-318.- Other property improvements; maintenance criteria: (c) Walls and Fences (3) (d) Trash, litter and debris.

City of Port Orange Land Development Code, Chapter 3 (Administration), Article I (Code Administration), Section 4 (Development order), (e) Modification of a development order, (3)

City of Port Orange Land Development Code, Chapter 3 (Administration), Article II (Non-conforming Provisions), Section 8 (Nonconforming Provisions) (c) Nonconforming uses of land and structure (1)

2018 Florida Building Code, 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.

C. ORDER IMPOSING FINE/LIEN

10. **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.

11. **CEB Case No.:** 20-0101

Respondent: Scott Theodore Zyrowski

Address of Violation: 191 Gibson Way, Port Orange, FL 32129

Code Officer: Dennis Boehmer

First Notified: 1/20/2020

Compliance: No

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

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

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

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

Chapter 3, Section 304 (Exterior Structure) 304.1 (General), 304.15 (Doors), of the 2018 International Property Maintenance Code, as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

D. ADJOURNMENT

NOTICES — PURSUANT TO SECTION 286.0105 OF THE FLORIDA STATUTES, IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE SPECIAL MAGISTRATE WITH RESPECT TO ANY MATTER CONSIDERED AT THIS PUBLIC MEETING OR HEARING, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS, AND THAT, FOR SUCH PURPOSE, SUCH PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. THE CITY DOES NOT PREPARE OR PROVIDE SUCH A RECORD.



Code Enforcement Special Magistrate Meeting

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FOR SPECIAL ACCOMODATIONS, PLEASE NOTIFY THE CITY CLERK'S OFFICE (PHONE: 386-506-5563) 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 OR HEARING DATE.



HELP FOR THE HEARING IMPAIRED IS AVAILABLE THROUGH THE ASSISTIVE LISTENING SYSTEM RECEIVERS CAN BE OBTAINED FROM THE CITY CLERKS' OFFICE.

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA), 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, 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 OR HEARING 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
JULY 8, 2020

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

PRESENT: David Fuller, Special Magistrate

ALSO PRESENT: Dena Joseph, Code Compliance Inspector
Daniel Bungart, Code Compliance Inspector
Dennis Boehmer, Code Compliance Inspector
Scott Allman, Code Compliance Inspector
Debbie Pearson, Code Enforcement Manager
Shelby Field, Assistant City Clerk

Attorney Overview of Special Magistrate Code Enforcement Process

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

Consideration of Minutes

Special Magistrate Fuller approved the June 24, 2020 meeting minutes as presented.

Oaths

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

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 20-0678
Respondent: Beverly Cox
Address of Violation: 5127 Isabelle Avenue, Port Orange, FL 32127
Code Officer: Daniel Bungart
First Notified: 4/21/2020

Compliance: Yes

Cited for violation(s) - City of Port Orange Land Development Code, Chapter 9 (Environmental Protection), Article 2 (Tree Preservation) Section 10 (Permit requirements for tree removal ((a).

Dennis Boehmer, Code Compliance Inspector, was sworn in by Special Magistrate Fuller and requested a dismissal as the case is in compliance. Special Magistrate Fuller granted the dismissal request.

4. **CEB Case No.:** 20-0241

Respondent: David John Giuliani

Address of Violation: 238 Piedmont Avenue, Port Orange, FL 32129

Code Officer: Dennis Boehmer

First Notified: 2/14/2020

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.

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

5. **CEB Case No.:** 19-1108

Respondent: Herbert Schubert Jr.

Address of Violation: 408 Nancy Circle, Port Orange, FL 32129

Code Officer: Dennis Boehmer

First Notified: 7/26/2019

Compliance: No

Cited for violation(s) - Chapter 3 (General Requirements), Section 304 (Exterior Structure), Section 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.

Mr. Boehmer testified as to the condition of the property, as well as the notice provided to the property owner. Photos were submitted into evidence and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected by June 11, 2020 by making all necessary repairs to the roof and removing all tarps and all items securing tarps to the roof.

Mr. Boehmer recommended the property owner be found in violation of the above referenced codes with the violations to be corrected on or before July 18, 2020 by removing all tarps and sandbags securing said items to the roof and make all necessary repairs to roof, replacing shingles as required. If damage is so great the property owner cannot make the repairs, he is to have a licensed roofing contractor pull a permit and make said repairs to his roof. 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 one-time fine in the amount of \$1,000.00 shall be assessed. Accused should be further ordered to contact the Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the order. Mr. Boehmer requested any future violations under this ordinance be considered repeat. The cost sheet in the amount of \$36.30 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Special Magistrate Fuller granted the recommendation as presented. The property owner has until July 18, 2020 to remove all tarps and sandbags securing said items to the roof and make all necessary repairs to roof, replacing shingles as required. If the damage is so great the property owner cannot make the repairs, he is to have a licensed roofing contractor pull a permit and make said repairs to his roof or a one-time fine in the amount of \$1,000.00 shall be imposed. Costs in the amount of \$36.30 were awarded to the City.

6. **CEB Case No.:** 19-0625

Respondent: Andres & Maria Masci

Address of Violation: 5440 Ridgewood Avenue, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 4/23/2019

Compliance: No

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

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 (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 14-318.- Other property improvements; maintenance criteria: (c) Walls and Fences (3) (d) Trash, litter and debris.

City of Port Orange Land Development Code, Chapter 3 (Administration), Article I (Code Administration), Section 4 (Development order), (e) Modification of a development order, (3)

City of Port Orange Land Development Code, Chapter 3 (Administration), Article II (Non-conforming Provisions), Section 8 (Nonconforming Provisions) (c) Nonconforming uses of land and structure (1)

2018 Florida Building Code, 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.

Dena Joseph, Code Compliance Inspector, was sworn in by Special Magistrate Fuller and requested a continuation of this case to the July 22, 2020 hearing. Special Magistrate Fuller granted the continuation request.

7. CEB Case No.: 20-0382

Respondent: Edwina V. Schaffer

Address of Violation: 5348 Landis Avenue, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 3/4/2020

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.

Ms. Joseph testified as to the condition of the property, as well as the notice provided to the property owner. Photos were submitted into evidence and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected immediately, as it is a repeat violation, by removing all trash and debris and all outside stored items on the property must be removed and stored in an enclosed building.

Thomas Schaffer, property owners' brother, was sworn in by special magistrate Fuller and testified he was attempting to help people out by letting them stay there and they are the ones who keep bringing junk onto the property. The house is in the process of being foreclosed on.

The aforesaid violations were corrected by removing all trash and debris and all outside stored items on the property and storing them in an enclosed building; however, said compliance did not occur on or before June 4, 2020, 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. Ms. Joseph requested a daily fine of \$ 50.00 per day beginning on June 4, 2020 and running through and including June 18, 2020 for a total of 15 days. The property is once again in non-compliance as of July 7, 2020. Ms. Joseph recommended the property owners be found in violation of the above referenced codes with the violations to be corrected on or before July 7, 2020, by storing all outside stored items in an enclosed building and removing any trash and debris. 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 remains in non-compliance. 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. 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. A daily fine in the amount of \$50.00 per day beginning June 4, 2020 and running through and including June 18, 2020 for

a total of 15 days shall be imposed and an additional daily fine in the amount of \$100.00 per day beginning July 7, 2020 and running until the property is brought back into compliance shall be imposed. Costs in the amount of \$50.90 were awarded to the City.

8. CEB Case No.: 20-0563

Respondent: Stacey L. Algieri

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

Code Officer: Dena Joseph

First Notified: 3/30/2020

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 testified as to the condition of the property, as well as the notice provided to the property owner. Photos were submitted into evidence and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected immediately, as it is a repeat violation, by mowing and weed eating the entire property to include all high weeds on site, the right of way, around the exterior of the home, fence, etc. and blowing all grass clippings back onto the property.

Ms. Joseph recommended the property owners be found in repeat violation of the above referenced codes with the violations to be corrected on or before July 19, 2020, by mowing and weed eating the entire property to include all high weeds on site, the right of way, around the exterior of the home, fence, etc. and blowing all grass clippings back onto the property. In the event the property is not brought into compliance on or before the compliance date, and/or not maintained in a state of compliance, a one-time fine in the amount of \$1,000.00 shall be assessed. Accused should be further ordered to contact the Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the order. Ms. Joseph requested any future violations under this ordinance be considered repeat. The cost sheet in the amount of \$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 July 19, 2020 to mow and weed eat the entire property to include all high weeds on site, the right of way, around the exterior of the home, fence, etc. and blow all grass clippings back onto the property or a one-time fine in the amount of \$1,000.00 shall be imposed. Costs in the amount of \$43.60 were awarded to the City.

9. CEB Case No.: 20-0893

Respondent: Michael F. Lorenzini

Address of Violation: 5424 Christianity Avenue, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 6/2/2020

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 testified as to the condition of the property, as well as the notice provided to the property owner. Photos were submitted into evidence and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected by June 22, 2020 by mowing and weed eating the entire property, removing all vines and undergrowth growing on the home and fence, and blowing all grass clippings back onto the property.

Ms. Joseph recommended the property owners be found in violation of the above referenced codes with the violations to be corrected on or before July 19, 2020, by mowing and weed eating the entire property, removing all vines and undergrowth growing on the home and fence, and blowing all grass clippings back onto the property. In the event the property is not brought into compliance on or before the compliance date, and/or not maintained in a state of compliance, a daily fine in the amount of \$100.00 per day shall be assessed for each day the property remains in noncompliance. Accused should be further ordered to contact the Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the order. Ms. Joseph requested any future violations under this ordinance be considered repeat. The cost sheet in the amount of \$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 July 19, 2020 to mow and weed eat the entire property, remove all vines and undergrowth growing on the home and fence, and blow all grass clippings back onto the property or a daily fine in the amount of \$100.00 per day shall be imposed. Costs in the amount of \$43.60 were awarded to the City.

10. **CEB Case No.:** 20-0734

Respondent: DJN Kalimnios Development Inc.

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

Code Officer: Dena Joseph

First Notified: 5/1/2020

Compliance: Yes

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

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

11. **CEB Case No.:** 20-0863

Respondent: Marguerite Sanders & Dean Maxwell

Address of Violation: 720 Palm circle Drive, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 5/28/2020

Compliance: No

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

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

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

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.

Ms. Joseph testified as to the condition of the property, as well as the notice provided to the property owner. Photos were submitted into evidence and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected by June 15, 2020 by mowing and weed eating the entire property to include the right of way area and by the mailbox, around the structure, fences, etc. and removing all weeds and undergrowth from inside the pool area, removing all outside stored items (wheel barrow, door, canopy structure, bicycle, etc.) and placing them in an enclosed building, and either properly sanitizing or covering the unsanitary pool on site.

Ms. Joseph recommended the property owners be found in violation of the above referenced codes with the violations to be corrected on or before July 19, 2020, by mowing and weed eating the entire property to include the right of way area and by the mailbox, around the structure, fences, etc. and removing all weeds and undergrowth from inside the pool area, removing all outside stored items (wheel barrow, door, canopy structure, bicycle, etc.) and placing them in an enclosed building, and either properly sanitizing or covering the unsanitary pool on site. 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 remains in noncompliance. Accused should be further ordered to contact the Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the order. Ms. Joseph requested any future violations under this ordinance be considered repeat. The cost sheet in the amount of \$58.20 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Special Magistrate Fuller granted the recommendation as presented and deemed the property a health and safety violation. The property owner has until July 19, 2020 to mow and weed eat the entire property to include the right of way area and by the mailbox, around the structure, fences, etc., remove all weeds and undergrowth from inside the pool area, remove all outside stored items (wheel barrow, door, canopy structure, bicycle, etc.) and placing them in an enclosed building, and either properly sanitizing or covering the unsanitary pool on site or a daily fine in the amount of \$100.00 per day shall be imposed. Costs in the amount of \$58.20 were awarded to the City.

C. ORDER IMPOSING FINE/LIEN

12. **CEB Case No.:** 19-1576
 Respondent: Marier Investment, LLC Property Owner
 Address of Violation: 4460 Spruce Creek Road, Port Orange, FL 32127
 Code Officer: Scott Allman
 First Notified: 10/31/2019

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

13. **CEB Case No.:** 20-451
 Respondent: Justin Kirby
 Address of Violation: 6026 Wesley Park Drive, Port Orange, FL 32128
 Code Officer: Amanda Bonin
 First Notified: 3/9/2020

Compliance: Yes

Cited for violation(s) - 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.

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

14. **CEB Case No.:** 20-0037
Respondent: Allan R. Thompson
Address of Violation: 5827 Ridgewood Ave, Port Orange, FL 32127
Code Officer: Dena Joseph
First Notified: 1/13/2020

Compliance: Yes

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

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

Chapter 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.

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

15. **CEB Case No.:** 20-0295
Respondent: Mark E. & Cecelia K. Davison
Address of Violation: 312 Grant Street, Port Orange, FL 32127
Code Officer: Dena Joseph
First Notified: 2/25/2020

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.

Ms. Joseph requested an Order Setting Fine/Lien as the property was not in compliance June 3, 2020 as ordered in the previous hearing on May 27, 2020 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. The City retained vendor Mark Solomon, who abated the violation(s) at the cost of \$115.00. 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 a one-time fine in the amount of \$1,000.00, abatement costs of \$115.00 and mailing and recording costs to date of \$118.80. A lien is imposed on the property in the amount of \$1,233.80.

16. **CEB Case No.:** 20-0294
Respondent: Mark E. Davison
Address of Violation: 310 Grant Street, Port Orange, FL 32127
Code Officer: Dena Joseph
First Notified: 2/25/2020

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.

Ms. Joseph requested an Order Setting Fine/Lien as the property was not in compliance June 3, 2020 as ordered in the previous hearing on May 27, 2020 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. The City retained vendor Mark Solomon, who abated the violation(s) at the cost of \$115.00. 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 a one-time fine in the amount of \$1,000.00, abatement costs of \$115.00 and mailing and recording costs to date of \$96.90. A lien is imposed on the property in the amount of \$1,211.90.

17. **CEB Case No.:** 20-0101
Respondent: Scott Theodore Zyrowski
Address of Violation: 191 Gibson Way, Port Orange, FL 32129
Code Officer: Dennis Boehmer
First Notified: 1/20/2020

Compliance: No

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

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

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

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

Chapter 3, Section 304 (Exterior Structure) 304.1 (General), 304.15 (Doors), of the 2018 International Property Maintenance Code, as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

Mr. Boehmer requested a continuation of the case to the July 22, 2020 hearing. Special Magistrate Fuller granted the continuation request.

18. **CEB Case No.:** 20-0352

Respondent: Richard J. Marion Estate

Address of Violation: 80 Springwood Square, Port Orange, FL 32129

Code Officer: Dennis Boehmer

First Notified: 3/3/2020

Compliance: No

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

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

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

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

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.

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

Mr. Boehmer requested an Order Setting Fine/Lien as the property was not in compliance June 3, 2020 as ordered in the previous hearing on May 27, 2020 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 beginning June 4, 2020 and running until the property is brought into compliance. The City retained vendor Yellowstone Landscape, who abated the violation(s) at the cost of \$88.76. 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 abatement costs in the amount of \$88.76 and mailing and recording costs to date of \$96.90. A daily fine in the amount of \$100.00 per day shall be imposed beginning June 4, 2020 and running until the property is brought into compliance.

19. **CEB Case No.:** 20-0301
Respondent: Gil Lichtenstein
Address of Violation: 907 Second Street, Port Orange, FL 32129
Code Officer: Dennis Boehmer
First Notified: 2/25/2020

Compliance: No

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

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

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

Chapter 70 (Traffic), Article II (Stopping, Standing, and Parking), Section 70-49 (Restrictions on abandoned or disabled vehicles), (c) Restrictions, (1) (a), (b) and (2) of the City of Port Orange Code of Ordinances.

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.

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

Mr. Boehmer requested a continuation of the case to the October 14, 2020 hearing. Special Magistrate Fuller granted the continuation request.

D. ADJOURNMENT – 10:15 am

Special Magistrate Fuller

Case Cost Sheet Log

Case No. 20-0176

Name	Activity	Activity_Date	Status	Cost
Barbara Cates	Cost to mail Notice of Violation/Notice of Hearing	6/11/2020	Certified mail returned marked "refused"	\$7.30
Clerk of Courts	Fee to record Finding of Fact, Conclusion of Law & Order	7/22/2020		\$29.00
Barbara Cates	Cost to mail Finding of Fact, Conclusion of Law & Order	7/22/2020		\$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. 20-0176

To: Barbara Cates
2024 SE 8th Street
Ocala, FL 33471 *34471 JSA*

Re: 1205 Vagabond Drive
Port Orange, FL 32127
Parcel ID: 6316-01-07-0440
LEGAL DESCRIPTION: LOT 44 BLK 7 HALIFAX MOBILE ESTS UNREC PLAT 147 PER OR 4729 PG 3832
Volusia County Public Records
Volusia County, FL

An inspection of the premises on February 3, 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 10 days to correct. A re-inspection was completed on April 29, 2020, and again on June 9, 2020, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) **must be corrected by June 22, 2020.**

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

Chapter 42, (Nuisances), Article II (Garbage, junk, and undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), (d) (Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances: The owner of an improved lot in a residential zone with lot sizes of one acre or less shall keep such lot free and clear of all fallen trees and limbs. All weeds, grass and undergrowth shall be cut to a height not exceeding ten inches. **(h)** Abutting property owner maintenance of parkages. It shall be the duty of every owner of real property within the city to at all times cause to be cut and mowed the grass and weeds, and to cause to be cut and trimmed the flowers, vines, shrubbery, and trees not exceeding six feet in height, in a manner that protects and promotes the public health, safety and welfare and presents an aesthetically pleasing appearance in those areas of the parkage most nearly abutting their properties. Parkages abutting improved residential or commercial lots shall be maintained as provided in **subsection (d)** of this section for improved residential lots. Parkages abutting unimproved residential lots shall be maintained as provided in **subsection (e)** of this section for the maintained portion of unimproved residential lots. "Parkage" is that space between the private property lot or survey line of the property owner and the paved or graded portion of the public street adjacent thereto and includes that area between a sidewalk and street. Every property owner shall also have the duty of removing any refuse or other debris existing within the adjacent parkage, but the placement of refuse for collection in a manner and in containers specified by other provisions of this Code is not prohibited.

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

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

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

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

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate July 22, 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 **July 22, 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 **August 26, 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 June, 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 Barbara Cates, 2024 SE 8th Street, Ocala, FL, 34471, RE: 1205 Vagabond Drive, Port Orange, FL, 32127, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

34471 CSA
this 11 day of June, 2020.

Time: approx. 10:30 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 Barbara Cates, 2024 SE 8th Street, Ocala, FL, 34471, RE: 1205 Vagabond Drive, Port Orange, FL, 32127, was

☒ Posted at City Hall

☒ Sent via certified and regular

34471 CSA
this 12 day of June, 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. 20-0895

Name	Activity	Activity_Date	Status	Cost
Ronaldo C. Lee	Cost to mail Notice of Violation/Notice of Hearing	6/19/2020	Certified mail not yet returned	\$7.30
Leslie C. Lee	Cost to mail Notice of Violation/Notice of Hearing	6/19/2020	Certified mail not yet returned	\$7.30
Clerk of Courts	Fee to record Finding of Fact, Conclusion of Law & Order	7/22/2020		\$29.00
Ronaldo C. Lee	Cost to mail Finding of Fact, Conclusion of Law & Order	7/22/2020		\$7.30
Leslie C. Lee	Cost to mail Finding of Fact, Conclusion of Law & Order	7/22/2020		\$7.30

Total: 58.20



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 20-0895

To: Ronaldo C. & Leslie C. Lee
Property Owners
3499 Winchester Drive
Port Orange, FL 32129

Re: 3499 Winchester Drive
Port Orange, FL 32129
Parcel ID: 6337-32-00-0010

LEGAL DESCRIPTION: LOT 1 MADELINE HEIGHTS PHASE I MB 42 PG 79 PER OR 3418 PG 0906 PER D/C PER OR 5166 PG 1316 PER OR 5426 PG 2391
Volusia County Public Records
Volusia County, FL

An inspection of the premises on June 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 5 days to correct. A re-inspection was done on June 18, 2020, resulting in non-compliance.

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

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 discarded tires on site. To correct the violation, all discarded tires must be removed from the property and properly disposed of.
2. **Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-32 (Storage of vehicles, furniture, etc.), of the City of Port Orange Code of Ordinances:** No owner of property within the city shall permit the storage of vehicles or parts of vehicles, furniture, appliances or other personal property upon the premises, except in an enclosed building.
 - The initial inspection of this property found various items (silver tarp in yard) stored outside. To correct the violation, all outside stored items must be properly stored inside an enclosed building or removed from the property.

3. **Chapter 16 (Miscellaneous Regulations), Section 2 (Home Occupations), (d) Restrictions, of the City of Port Orange Land Development Code:** Home occupations are permitted accessory uses in all residential zones and subject to the following restrictions. **(3)** Any business that involves storage, processes, employees, equipment or any other activity not permitted by this section shall provide proof of a properly zoned and licensed business location housing those activities. The said nonpermitted storage, processes, employees, equipment or other activity shall not be permitted at the location of the home occupation. **(9)** No home occupation shall generate traffic on a regular basis greater than that customarily generated by the type of residence involved. **(10)** No equipment or process shall be used in a home occupation which creates excessive noise, vibration, glare, fumes, or odor detrimental to the health, safety, peace, morals, comfort, and general welfare of persons residing in the neighborhood.

- The initial inspection of this property found that the place of business has been advertised at the property address, along with complaints stating that business is being conducted on the property and in the street (tire changing). To correct the violation, cease and desist all business operations from the property, other than office/telephone use only.

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

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

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

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate July 22, 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 \$ 14.60 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

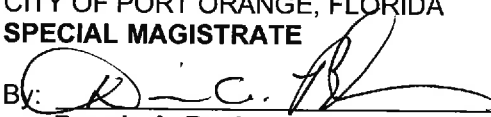
NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **July 22, 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 **August 26, 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) 506-5643**.

DATED this 19th day of JUNE, 2020

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: 

Dennis A. Boehmer

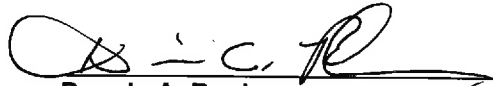
☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Ronaldo C. & Leslie C. Lee, Property Owners, 3499 Winchester Drive, Port Orange, FL 32129, RE: 3499 Winchester Drive, Port Orange, FL 32129, was

☐ Hand-delivered
☒ Posted at the property

Recipient of hand delivered documents: POSTED

Time: approx. 1259 Hours

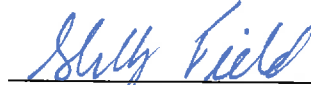
this 19th day of JUNE, 2020


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 Ronaldo C. & Leslie C. Lee, Property Owners, 3499 Winchester Drive, Port Orange, FL 32129, RE: 3499 Winchester Drive, Port Orange, FL 32129, was

☒ Posted at City Hall
☒ Sent via certified and regular

this 19 day of June, 2020


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. 20-0506

Name	Activity	Activity_Date	Status	Cost
Sophia Martin Est.	Cost to mail Notice of Violation/Notice of Hearing	6/15/2020	Certified mail not yet returned	\$7.30
Clerk of Courts	Fee to record Finding of Fact, Conclusion of Law & Order	7/22/2020		\$29.00
Sophia Martin Est.	Cost to mail Finding of Fact, Conclusion of Law & Order	7/22/2020		\$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. 20-0506

To: Sophia Martin Est.
Property Owner
5722 Riverside Drive
Port Orange, FL 32127

Re: 5722 Riverside Drive
Port Orange, FL 32127
Parcel ID: 6314-03-05-0040

LEGAL DESCRIPTION: LOTS 4 & 5 BLK 5 HARBOR OAKS UNIT 1 PER OR 3900 PG 4963 PER OR 7646 PG 2577
Volusia County Public Records
Volusia County, FL

An inspection of the premises on March 18, 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 5 days to correct. A re-inspection was done on March 26, 2020, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by June 21, 2020.

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

- 1) **Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-32 (Storage of vehicles, furniture, etc.) of the City of Port Orange Code of Ordinances:** No owner of property within the city shall permit the storage of vehicles or parts of vehicles, furniture, appliances or other personal property upon the premises, except in an enclosed building.
 - The initial inspection of this property found a large amount of outside storage on the outside of the fence and within the fenced in area (tools, coolers, etc.). To correct the violation, all outside storage is to be removed and stored inside an enclosed building.
- 2) **Chapter 16 (Miscellaneous Regulations), Section 1 (Accessory Uses and Structures), (d) Size Limitations, (4) of the City of Port Orange Land Development Code:** No accessory residential structure shall be used as a guest house, apartment, or other residential quarters, unless otherwise permitted by this code; and
 - The initial inspection of this property found vehicles on site at various hours of the day and night. To correct the violation, all persons residing in the dwelling must be removed and no longer allowed to reside in the shed structure on site.

- 3) **Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Maintenance of property generally-duty of owner), (f) Garbage, waste, trash, etc. prohibited of the City of Port Orange Code of Ordinances:** The owner of every lot, piece and parcel of land located within the city shall keep each such lot, piece and parcel of land free and clear of garbage, waste, trash, debris and junk.
- The initial inspection of this property found trash and debris on the property. To correct the violation, all trash and debris must be removed.
- 4) **Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Maintenance 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 areas of grass that were overgrown. To correct the violation, the property must be mowed and maintained to include weed eating and blowing of all grass clippings back onto property.

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

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

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

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate July 22, 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 **July 22, 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 **August 26, 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 11th day of June, 2020.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: 
Dena Joseph, Code Enforcement Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Sophia Martin Est., Property Owner, 5722 Riverside Drive, Port Orange, FL 32127

RE: 5722 Riverside Drive, Port Orange, FL 32127, was

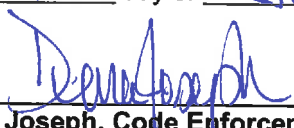
☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

Time: approx. 3:15 PM

this 11th day of June, 2020.


Dena Joseph, Code Enforcement Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Sophia Martin Est., Property Owner, 5722 Riverside Drive, Port Orange, FL 32127

RE: 5722 Riverside Drive, Port Orange, FL 32127, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 15 day of June, 2020.


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. 20-0460

Name	Activity	Activity_Date	Status	Cost
Samuel C. Sebergandio Jr. Est	Cost to mail Notice of Violation/Notice of Hearing	6/19/2020	Certified mail returned marked "deceased"	\$14.60
Clerk of Courts	Fee to record Finding of Fact, Conclusion of Law & Order	7/22/2020		\$29.00
Samuel C. Sebergandio Jr. Est	Cost to mail Finding of Fact, Conclusion of Law & Order	7/22/2020		\$14.60

Total: 58.20



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

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 20-0460

To: Samuel C. Sebergandio, Jr. Est.
Property Owner
5453 Pineland Ave.
Port Orange, FL 32127

Re: 5453 Pineland Ave.
Port Orange, FL 32127
Parcel ID: 6315-04-08-0040

LEGAL DESCRIPTION: LOT 4 BLK 8 COMMONWEALTH MOBILE ESTATES FIRST ADD MB 29 PG 47 INC PER OR 4578
PG 1772

Volusia County Public Records
Volusia County, FL

An inspection of the premises on March 11, 2020, 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. Parkages abutting improved residential or commercial lots shall be maintained as provided in **subsection (d)** of this section for improved residential lots.
- The initial inspection of this property found high weeds and grass. To correct the violation, the entire property 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 September 11, 2019 under Case No. 19-0750.

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 July 22, 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 \$ 14.60 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

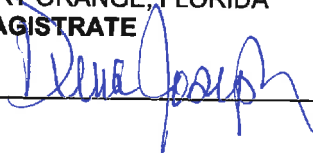
In the event the **Special Magistrate**, during the hearing on **July 22, 2020** enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a **2nd PUBLIC HEARING** will be conducted in the above-styled cause by the **Code Enforcement Special Magistrate on August 26, 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 19th day of June, 2020

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: _____



Dena Joseph, Code Enforcement

Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Repeat Violation and Notice of Hearing to: Samuel C. Sebergandio Jr. Est., 5453 Pineland Ave., Port Orange, FL, 32127,
RE: 5453 Pineland Ave., Port Orange, FL, 32127, was:

☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

Time: 3:05 PM

this 19th day of June, 2020

Dena Joseph
Dena Joseph, Code Enforcement Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Repeat Violation and Notice of Hearing to: Samuel C. Sebergandio Jr. Est., 5453 Pineland Ave., Port Orange, FL, 32127,
RE: 5453 Pineland Ave., Port Orange, FL, 32127, was:

☒ Posted at City Hall

☒ Sent via certified and regular

this 19 day of June, 2020

Shelly Fied
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.

Additional mailing address:

Samuel C. Sebergandio, Jr. Est.
Property Owner
715 Rutger St.
Utica, NY 13501

Case Cost Sheet Log

Case No. 20-0333

Name	Activity	Activity_Date	Status	Cost
Doreen Politio Goodwin	Cost to mail Notice of Violation/Notice of Hearing	6/19/2020	Certified mail returned "vacant"	\$14.60
Ross Polito	Cost to mail Notice of Violation/Notice of Hearing	6/19/2020	Certified mail returned "vacant"	\$7.30
Clerk of Courts	Fee to record Finding of Fact, Conclusion of Law & Order	7/22/2020		\$29.00
Doreen Politio Goodwin	Cost to mail Finding of Fact, Conclusion of Law & Order	7/22/2020		\$14.60
Ross Polito	Cost to mail Finding of Fact, Conclusion of Law & Order	7/22/2020		\$7.30

Total: 72.80



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 20-0333

To: Doreen Polito Goodwin &
Ross Polito
Property Owners
5479 Taylor Avenue
Port Orange, FL 32127

Re: 5479 Taylor Avenue
Port Orange, FL 32127

Parcel ID: 6315-04-07-0100

LEGAL DESCRIPTION: S 5 FT OF LOT 9 & ALL LOT 10 BLK 7 COMMONWEALTH MOBILE ESTS FIRST ADD MB 29 PG 47 PER OR 4322 PG 1847 PER OR 6232 PG 1531 PER OR 7524 PG 3422

Volusia County Public Records
Volusia County, FL

An inspection of the premises on March 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 3 days to correct. A re-inspection was done on March 30, 2020, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by June 28, 2020. *June 30th* *Sms*

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

1. **Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Maintenance 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 an overgrown yard at this location. To correct the violation, the property must be mowed and maintained to include weed eating and blowing of grass clippings back onto property.
2. **Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Maintenance of property generally-duty of owner), (f) Garbage, waste, trash, etc. prohibited of the City of Port Orange Code of Ordinances:** The owner of every lot, piece and parcel of land located within the city shall keep each such lot, piece and parcel of land free and clear of garbage, waste, trash, debris and junk.
 - The initial inspection of this property found trash and debris on site. To correct the violation, the trash and debris must be removed and placed in trash containers with lids.

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 a small amount of items on the property. To correct the violation, all outside stored items (including but not limited to fencing, cans, bins, etc.) must be stored in an enclosed building.

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

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

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

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate July 22, 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 \$ 2190 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **July 22, 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 **August 26, 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 19th day of June, 2020.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By:

Dena Joseph
Dena Joseph, Code Enforcement Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Doreen Polito Goodwin & Ross Polito, Property Owners, 5479 Taylor Avenue, Port Orange, FL 32127,

RE: **5479 TAYLOR AVENUE, PORT ORANGE, FL 32127** was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

Time: approx. 3:15 PM

this 19th day of June, 2020.

Dena Joseph
Dena Joseph, Code Enforcement Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Doreen Polito Goodwin & Ross Polito, Property Owners, 5479 Taylor Avenue, Port Orange, FL 32127,

RE: **5479 TAYLOR AVENUE, PORT ORANGE, FL 32127** was

☒ Posted at City Hall

☒ Sent via certified and regular

this 19 day of June, 2020.

Shelly Feild
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.

Additional Mailing Address:

Doreen Polito Goodwin
5418 Sydney Street
Port Orange, FL 32127

Case Cost Sheet Log

Case No. 20-0949

Name	Activity	Activity_Date	Status	Cost
Dennis O'Donnell	Cost to mail Notice of Violation/Notice of Hearing	6/19/2020	Certified mail not yet returned	\$7.30
Clerk of Courts	Fee to record Finding of Fact, Conclusion of Law & Order	7/22/2020		\$29.00
Dennis O'Donnell	Cost to mail Finding of Fact, Conclusion of Law & Order	7/22/2020		\$7.30

Total: 43.60



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

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 20-0949

To: Dennis O'Donnell
PO Box 290251
Port Orange, FL 32129

Re: 530 Orange Avenue
Port Orange, FL 32127
Parcel ID: 6341-03-00-0540

LEGAL DESCRIPTION: LOT 54 EXC E 50 FT MARSHALL ADD PORT ORANGE PER OR 4468 PG 3475
Volusia County Public Records
Volusia County, FL

An inspection of the premises on June 15, 2020, indicates that certain repeat violations of the City of Port Orange Code exists. This correspondence will serve as official notification that the below stated violations must be corrected immediately.

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

1. **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: Within a completely enclosed garage; or 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 several unregistered and inoperable vehicles on site (Ford F-150, Hyundai, Crown Vic, etc). To correct the violation, all disabled/unregistered vehicles must be covered with a standard vehicle cover, parked in an enclosed garage, or removed from the property.
2. **Chapter 16 (Miscellaneous Regulations), Section 1 (Accessory Uses and Structures), (e), (1) Residentials Uses, (b)**, of the Port Orange of the City of Port Orange Land Development Code: 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 several vehicles on site being used as part of a business. To correct the violation, all vehicles that have been towed to the property as part of Mr. O'Donnell's scrap yard located in New Smyrna Beach, must be removed from the property and no further vehicles used as part of this business can be stored on this property.

3. **Chapter 42, (Nuisances), Article II (Garbage, junk, and undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), (f) Garbage, waste, trash, etc., prohibited, of the City of Port Orange Code of Ordinances:** The owner of every lot, piece and parcel of land located within the city shall keep each such lot, piece and parcel of land free and clear of garbage, waste, trash, debris and junk.
- The initial inspection of this property found trash and debris on site. To correct the violation, all trash, debris and junk must be removed from the property.
4. **Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Maintenance 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 the yard to be high in areas. To correct the violation, the property must be mowed and maintained to include weed eating and blowing of grass clippings back onto 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 September 27, 2017 under Case No. 17-0151.

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

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

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate July 22, 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.

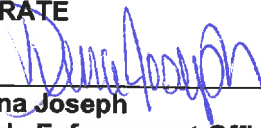
NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **July 22, 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 **August 26, 2020, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

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

DATED this 18th day of June, 2020.

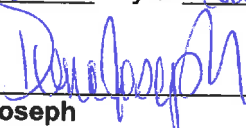
CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: 
Dena Joseph
Code Enforcement Officer
City of Port Orange

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Dennis O'Donnell, PO Box 290251, Port Orange, FL 32129, RE: 530 Orange Avenue, Port Orange, FL 32127, was
☐ Hand- delivered
☒ Posted at the property Recipient of hand delivered documents: _____

Time: 12:50 PM

this 18th day of June, 2020.


Dena Joseph
Code Enforcement Officer
City of Port Orange

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Dennis O'Donnell, PO Box 290251, Port Orange, FL 32129, RE: 530 Orange Avenue, Port Orange, FL 32127, was
☒ Posted at City Hall
☒ Sent via certified and regular

this 19 day of June, 2020.


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. 19-0625

Name	Activity	Activity_Date	Status	Cost
Andres & Maria Masci	Hand delivery of Notice of Violation/Notice of Hearing	2/5/2020		\$0.00
Clerk of Courts	Fee to record Finding of Fact, Conclusion of Law & Order	3/11/2020		\$29.00
Andres Masci	Cost to mail Finding of Fact, Conclusion of Law & Order	3/11/2020		\$7.30
Maria Masci	Cost to mail Finding of Fact, Conclusion of Law & Order	3/11/2020		\$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. 19-0625

To: Andres & Maria Masci
Property Owners
5751 White Acres Lane
Port Orange, FL 32127

Re: 5440 Ridgewood Avenue
Port Orange, FL 32127
Parcel ID: 6314-02-00-0020

LEGAL DESCRIPTION: IRREG PARCEL IN LOTS 2 & 3 & N 25 FT OF LOT 4 HARBORDALE MB 19 PG 24 MEAS 139.78 FT ON W/L RIDGEWOOD AVE & MEAS 300.42 FT S/L PER OR 4421 PG 2116 PER OR 5724 PGS 1232-1233 PER OR 6408 PG 0005 & PER OR 6509 PG 570 PER OR 7345 PG 1521 PER OR 7475 PG 0394
Volusia County Public Records
Volusia County, FL

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

Property owner was notified on May 13, 2019, of the violations noted below and given 30 days to comply. A re-inspection was done on June 17, 2019, resulting in non-compliance. The most recent inspection was completed on February 3, 2020, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by **March 5, 2020**.

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), (c) Maintenance of commercial and industrial zoned lots, of the City of Port Orange Code of Ordinances: The owner of every improved lot, piece and parcel of land located within a commercial or industrial zone within the city shall keep each such lot, piece or parcel of land free and clear of all fallen trees and limbs and undergrowth exceeding 12 inches in height. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than 12 inches within such natural areas. Owners of unimproved vacant parcels in such zones shall similarly maintain such portion of their property as lies within ten feet of any improved property, any sidewalk, roadway or bicycle path.

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

City of Port Orange Land Development Code, Chapter 14 Buildings and Building Regulations, Article VII Commercial Property Maintenance Standards, Section 14-314. - Landscaping and buffers—Maintenance criteria.

- (a) Approved landscape plans.** All properties which developed under specifically approved landscape plans shall be required to maintain the materials shown on such plans according to subsection (d) below, within the following parameters: **(1) Trees.** All trees shall be maintained as shown on the plans. Replacement trees, if necessary, must meet the size criteria of section 14-315, and must be from the same general category, i.e., shade trees, understory trees, palms, etc. In buffering applications, evergreen trees may be replaced only with evergreen species. **(2) Shrubs.** All shrubs shall be maintained as shown on the plans. Required buffer shrubs shall be grown to and maintained at a minimum height of five feet, with regular trimming and pruning to foster

dense growth. Shrubs required along parking areas shall be maintained at a minimum height of three feet. Other shrubs shall be maintained at a reasonable mature height for the species. **(3) Lawns.** Lawns shall be maintained as shown on the plans. Alternative living ground covers may be utilized as desired. Approved mulch materials may be used in designated lawn areas: **a.** To accommodate new or expanded planting areas and their natural growth. **b.** In natural areas or areas of heavy shade where lawn maintenance has been unsuccessful. **c.** In limited areas subject to foot traffic where maintenance has been unsuccessful.

- (5) Other planting areas.** Other planting areas shown on the plans shall be maintained with similar materials to those originally specified. Annual flower beds may be converted to permanent material with at least a two-month flowering period, or material with berries, colorful flower bracts, or variegated foliage to simulate the original design intent.
- (d) Required maintenance and anticipated growth and coverage.** The following criteria shall be used to evaluate the maintenance and growth of all landscape plantings: **(1)** Existing trees preserved during development shall be maintained so as to provide the greatest opportunity for survival. Such maintenance shall include, as necessary, the following activities: **a.** Trimming and pruning to reduce stress. **b.** Soil aeration. **c.** Deep root fertilization. **(2)** Landscape plantings shall be maintained based on accepted professional practices to include regular irrigation, fertilization, pest control, weed control, and trimming and pruning. **(3)** Reasonable growth shall be based on accepted industry standards. **(4)** All trees and shrubs shall be trimmed so as not to interfere with pedestrian and vehicle movements. **(5)** Mulched areas shall be maintained so as to provide solid coverage and reasonable weed control. **(6)** Natural areas shall be kept free of garbage, trash and other foreign materials. Dead material shall be removed and replaced as required by this article. Natural area edges and other disturbed areas shall be mulched or sodded with weed growth controlled. **(7)** Irrigation systems must be maintained in proper working order to provide 100 percent coverage of planted landscaped areas.

Initial inspection of the property found the landscaping and grass areas in need of replacing and maintenance. The grass is overgrown, there are dead trees, plants and shrubs on site (the site has had no maintenance since the landscaping was originally installed). To correct the violation, all plantings, to include plants, shrubs, and trees, are required to be installed as per the attached landscape plan. See Section 14-315 – Replacement Criteria. In addition, all landscaped areas must be weeded and mulched so as to provide solid coverage and reasonable weed control as stated above. Irrigation systems must be maintained in proper working order to provide 100 percent coverage of planted landscaped areas.

Section 14-315. - Same—Replacement criteria.

- (a) Landscape plantings.** When the material required to be maintained under this article dies or fails to meet standards for reasonable growth, it shall be replaced with the same or similar material meeting the minimum specification of the zoning code.
- (b) Buffer plantings.** When material required to be maintained as part of a specific buffer shown on an approved plan or mandated by code at the time of development dies or fails to meet standards for reasonable growth, it shall be replaced with material as close in size and fullness as similar adjacent materials planted at the same time. However, the following upper limits shall apply to replacement material: **(1)** Replacement shade trees will be no larger than four-inch caliper, 20 feet in height (except palms). **(2)** Replacement understory trees will be no larger than two-inch caliper, 12 feet in height (except palms). **(3)** Replacement shrubs will be no larger than four feet in height.
- (c) Natural areas.** When material in natural areas required to be maintained by this article dies or is removed, it shall be replaced with the same or similar materials from the city's approved list of native plants and meeting minimum zoning code specifications. However, where natural areas are specifically designed to act as a required buffer, the requirements of subsection **(b)** above shall apply.

Section 14-318: - Other property improvements; maintenance criteria:

- (c) Walls and fences.** All walls and fences shall be maintained in accordance with the zoning chapter of the land development code and the following standards:
- (3)** Fences and walls shall be maintained in their original upright position, with all gates in good operating condition.

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

Initial inspection of the property found trash and debris all over the property. There is an area of fencing that has bowed out (on the Dollar General side parking lot area). To correct the violations, all trash and debris must be removed from the property and the area of fencing must be repaired to its original upright position.

City of Port Orange Land Development Code, Chapter 3 (Administration), Article I (Code Administration), Section 4 (Development order), (e), (3)

A development order shall be issued by the department only after the approval of development plans as required by this code. A development order allows for the issuance of site construction permits for the initiation of development activities, including land clearing, site preparation, utility construction, road construction, and building construction. Issuance of a development permit by the city does not in any way create any right on the part of an applicant to obtain a permit from a state or federal agency and does not create any liability on the part of the city for issuance of the permit if the applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law

(e) Modification of a development order

(3) When in the opinion of the administrative official, the proposed modifications represent a major and fundamental change in the overall impact and intent of the original development order, a new application for development plan review may be required, including the appropriate fees, as adopted by resolution of the city council.

The Site Plan Development Order issued in October 2018 for 5440 Ridgewood Avenue was originally approved for an equipment rental yard. Based on the activity that has been witnessed at this location, it is being used as an extension for the adjacent contractor yard and storage site located at 5460 Ridgewood Avenue. According to the above referenced code, if the use on a site is not what the site plan was approved for and represents a major and fundamental change in the overall impact and intent of the original Development Order, a new application for a development plan review may be required. The site plan for 5440 Ridgewood Avenue was not reviewed as a contractor yard and storage use, it was reviewed and approved as an equipment rental facility based on information provided by the applicant during the site plan review process. The use of the site was described during the review of the site plan as an equipment rental facility where equipment could be rented during business hours which were indicated as "daylight" hours and access to the site would be through the cross-access easement on the Dollar General site. Based on recent noise and light inspections, barricade of the approved access point, removal of the fence section between 5460 Ridgewood Avenue and 5440 Ridgewood Avenue, the site is being used at night and not in accordance with the approved site plan.

City of Port Orange Land Development Code, Chapter 3 (Administration), Article II (Non-conforming Provisions), Section 8 (Nonconforming Provisions)

- (c) **Nonconforming uses of land and structure.** A nonconforming use of land or structure existing prior to the adoption of this code shall continue to have such nonconforming status and shall be subject to the applicable provisions of this code including the following which shall apply so long as the use of land or structure remains otherwise lawful.

(1) No such nonconforming use shall be enlarged or increased nor extended to occupy a greater area of land or structure than was occupied as of April 25, 1985, or the date upon which the use was made nonconforming, whichever is later.

Initial inspection of the property found that the original construction yard located at 5460 Ridgewood Avenue has been extended onto the 5440 Ridgewood Avenue site that was developed as an equipment rental yard. To correct the violations and bring the property into compliance with the above code, you must repair the 8'-tall opaque privacy fence along the property line separating the Masci site (5460 Ridgewood Ave.) and the Feria Rental Yard site (5440 Ridgewood Ave.) Segments of the required fence have been removed and allow access between the Masci site and the Feria Rental Yard site. Reinstall the 8'-tall PVC fence along the property line as required per the Masci Contractor Yard - 5460 Ridgewood Ave. site plan. This was also discussed during the review of the site plan for the Feria Rental Yard site; the approved site plan for the Feria Rental Yard site indicates the fence being re-installed. A building permit will be required to re-install the missing

fence panel segments. According to the Land Development Code (LDC), Chapter 3, Article II, Section 8(c)(2), no such non-conforming use (Masci Contractor Yard - 5460 Ridgewood Ave.) shall be enlarged or increased nor extended to occupy a greater area of land or structure than was occupied as of April 25, 1985, or the date upon which the use was made non-conforming, whichever is later. The removal of multiple segments of the fence and combined use of these two sites is expansion of a nonconforming site (Masci Contractor Yard - 5460 Ridgewood Ave.). This was discussed during the site plan review for the Feria Rental Yard (5440 Ridgewood Ave.) site plan and acknowledged by the applicant.

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

A building permit was not obtained to re-locate the parking lot light pole that was located in the center of the site to the rear of the Feria Rental Yard site (see survey below – pre-development). According to the survey submitted with the Feria Rental Yard site plan, a light pole was located in the center of the site; however, now the light pole is not located in the center of the site, but a light pole is located at the rear of the site (see as-built – Fall 2018). According to a building permit pulled, only a permit to install light fixtures was approved. Therefore, the install of the light pole at the rear of the site was done without a building permit. Submit an after the fact building permit for the light pole that was installed at the rear of the site.

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 11th, 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 **March 11th, 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 **April 22nd, 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 5th day of February, 2020.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Dena Joseph
Dena Joseph, Code Enforcement Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Andres & Maria Masci, Property Owners, 5751 White Acres Lane, Port Orange, FL 32127
RE: 5440 Ridgewood Avenue, Port Orange, FL 32127, was

☒ Hand-delivered

Recipient of hand delivered documents:

Tatiana Masci - Secretary

☐ Posted at the property

this 5th day of February, 2020.

Time: approx. 11:40 am

Dena Joseph
Dena Joseph, Code Enforcement Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Andres & Maria Masci, Property Owners, 5751 White Acres Lane, Port Orange, FL 32127
RE: 5440 Ridgewood Avenue, Port Orange, FL 32127, was

☒ Posted at City Hall

☐ Sent via certified and regular

this 10 day of February, 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. 19-249

Name	Activity	Activity_Date	Status	Cost
Susan C Prisaznick	Hand delivery of Notice of Violation/Notice of Hearing	7/30/2019		\$0.00
Clerk of Courts	Fee to record Finding of Fact, Conclusion of Law & Order	8/28/2019		\$27.00
Susan C Prisaznick	Cost to mail Finding of Fact, Conclusion of Law & Order	8/28/2019	Certified mail returned signed, illegible dated "9-8-19	\$7.30
Clerk of Courts	Fee to record Order Imposing Fine/Lien	12/11/2019		\$46.00
Susan C Prisaznick	Cost to mail Order Imposing Fine/Lien	12/11/2019		\$7.30

Total: 87.60



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 19-249

To: Susan C Prisaznick
3736 Sunrise Oaks Drive
Port Orange, FL 32129

Re: 3736 Sunrise Oaks Drive
Port Orange, FL 32129

Parcel ID: 6306-14-00-0170

LEGAL DESCRIPTION: LOT 17 SUNRISE OAKS PUD PHASE I MB 44 PGS 196 & 197 PER OR 4281 PG 0656 PER OR 5625 PG 832

Volusia County Public Records
Volusia County, FL

An inspection of the premises on February 18, 2019, indicates that certain violation(s) of the City of Port Orange Code exists.

A re-inspection was done on June 3, 2019, resulting in non-compliance. Most recent inspection, on July 15, 2019, resulted in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by August 25, 2019.

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

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

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

- Initial inspection found the property to be overgrown in the back yard. All overgrown areas in the back yard need to be cut back and mowed.

2. 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. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

303.2 Enclosures. Private swimming pools, hot tubs, and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier not less than 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where

the self-latching device is not less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced, or changed in a manner that reduces its effectiveness as a safety barrier. **Exemption:** *Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.*

- The initial inspection of this property found a green pool, and no fence around the property to secure the pool. To correct the violation, the pool needs to be cleaned and sanitized or covered with an approved pool cover, and the pool needs to be secured, with a minimum of a 48 inch barrier (fence or enclosure) around the pool.

3. City of Port Orange Land Development Code, Chapter 10 Clearing, Grading, and Stormwater Management, Article 1 Clearing and Grading, Section 1 Purpose and Intent, The purpose of this article is to provide specific criteria for allowable clearing and grading in order to prevent flooding, to avoid drainage impacts on adjoining properties, and to limit damage to the environment and to the waterways within the city. Specific review criteria for evaluation of drainage modifications are located in article II of this chapter.

4. 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. It is hereby unlawful for any person to change or modify the grade of any land without obtaining a change of grade permit in accordance with the provisions of this chapter. The following procedure shall apply for unsubdivided property or subdivided lots with no approved development or building plan. However, the provisions of article II of this chapter shall supersede the following for those activities requiring a stormwater management permit as reflected in article II of this chapter.

- The initial inspection found there to be evidence through City documentation that the rear yard swale was partially filled in. The rear yard swale/elevation needs to be inspected and should any area be inconsistent with the original or permitted grade, it needs to be corrected by bringing the swale back to its original design.

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

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

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

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate August 28, 2019, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings

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

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

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$ 10 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **August 28, 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 **October 9, 2019, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The 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 30th day of July, 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 Susan C Prisaznick 3736 Sunrise Oaks Drive Port Orange, FL 32129, RE: 3736 Sunrise Oaks Drive Port Orange, FL 32129, was

☒ Hand-delivered

☐ Posted at the property

Recipient of hand delivered documents: Susan Prisaznick

this 30th day of July, 2019.

Time: approx. 1:33 pm

Amanda Bonin

Amanda Bonin

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Susan C Prisaznick 3736 Sunrise Oaks Drive Port Orange, FL 32129, RE: 3736 Sunrise Oaks Drive Port Orange, FL 32129, was

☒ Posted at City Hall

☐ Sent via certified and regular

this 30 day of July, 2019.

Shelly Field

Secretary, Special Magistrate

RIGHT TO APPEAL

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

ACCOMMODATIONS

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

**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 19-249**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

SUSAN C PRISAZNICK
3736 SUNRISE OAKS DRIVE
PORT ORANGE, FL 32129
PARCEL ID : 6306-14-00-0170

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 August 28, 2019, after due notice to the Respondent(s), and the Special Magistrate having heard testimony under oath, received evidence and heard argument from Staff thereupon issues its Findings of Fact, Conclusions of Law, and Order, as follows:

FINDINGS OF FACT:

A. Respondents, SUSAN C PRISAZNICK, whose mailing address is 3736 SUNRISE OAKS DRIVE, PORT ORANGE, FL 32129, is the owner of the property located at 3736 SUNRISE OAKS DRIVE, PORT ORANGE, FL 32129, and more particularly described as:

LOT 17 SUNRISE OAKS PUD PHASE 1 MB 44 PGS 196 & 197 PER OR 4281 PG 0656 PER OR 5625
PG 832

B. The violation was to be corrected by installing a fence around the property, cleaning the green pool and maintaining it in a clean and sanitary condition, or cover it with an approved pool cover, to mow and remove all undergrowth in the rear of the property, and obtaining a permit for any change of grade on site. This condition was first observed at the real property described above on February 18, 2019; re-inspection was conducted on August 27, 2019. Respondent received notice via posting at City Hall on July 30, 2019, as well as posted on the property and hand delivered July 30, 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 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 and was to be corrected by August 25, 2019.

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

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

CONCLUSION OF LAW:

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

ORDER:

A. Respondent(s) shall correct the aforesaid violation by applying for a grade and fill permit by September 12, 2019, obtain the grade and fill permit by September 27, 2019 and apply for a fence permit, cover pool with approved pool cover by September 28, 2019, complete the grade and fill work by November 11, 2019, and install the fence by November 27, 2019. ("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 \$34.30 as indicated on the cost sheet submitted into evidence. The Respondent(s) will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion. Any future violations under this ordinance shall be considered repeat violations.

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

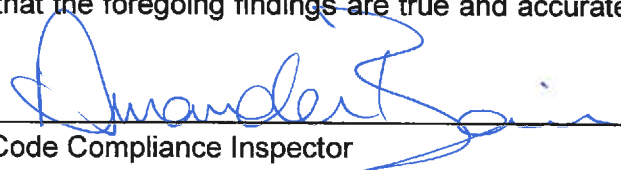
C. A certified copy of this Order may be recorded in the public records of Volusia County, Florida, and shall thereafter constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property. The findings in this Order shall be binding upon Respondent(s)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

DONE AND ORDERED this 28th day of August, 2019.

Attest: Shelly Kidd
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), Susan C Prisaznick, 3736 Sunrise Oaks Drive, Port Orange, FL 32129 by Certified and Regular Mail this 29 day of August, 2019.


Secretary, Code Enforcement Special Magistrate

Case Cost Sheet Log

Case No. 20-0101

Name	Activity	Activity_Date	Status	Cost
Scott Theodore Zyrowski	Cost to mail Notice of Violation/Notice of Hearing	2/11/2020	Certified mail returned signed "Scott T Z"	\$7.30
Clerk of Courts	Fee to record Finding of Fact, Conclusion of Law & Order	3/25/2020		\$29.00
Scott Theodore Zyrowski	Cost to mail Finding of Fact, Conclusion of Law & Order	3/25/2020	Certified mail not returned	\$7.30
Clerk of Courts	Fee to record Order Imposing Fine/Lien	7/8/2020		\$46.00
Scott Theodore Zyrowski	Cost to mail Order Imposing Fine/Lien	7/8/2020		\$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. 20-0101

To: Scott Theodore Zyrowski
191 Gibson Way
Port Orange, FL 32129

Re: 191 Gibson Way
Port Orange, FL 32129
Parcel ID: 6308-04-00-1910

LEGAL DESCRIPTION: LOT 191 BRANDY HILLS UNIT 2 MB 34 PGS 176-177 INC PER OR 4057 PG 0439
Volusia County Public Records
Volusia County, FL

An inspection of the premises on January 20, 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 10 days to correct. A re-inspection was done on January 31, 2020, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) **must be corrected by February 22, 2020.**

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

1. **Chapter 16 (Miscellaneous Regulations), Section 3 (Fences and Walls), (b) General Provisions, (4) Design and Maintenance, of the City of Port Orange Land Development Code: (b)** All fences shall be maintained in their original upright condition. **(d)** Missing boards, pickets, or posts shall be replaced in a timely manner with material of the same type and quality.
 - The initial inspection of this property found a fence in disrepair with broken and missing pickets. To correct the violation, the fence must be kept in its original upright condition, with any and all broken or missing pickets repaired and/or replaced. A permit from the Building Department of the City of Port Orange must be obtained and paid for in the event that you replace the fence.
2. **Chapter 42, (Nuisances), Article II (Garbage, junk, and undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), (f) Garbage, waste, trash, etc., prohibited, of the City of Port Orange Code of Ordinances:** The owner of every lot, piece and parcel of land located within the city shall keep each such lot, piece and parcel of land free and clear of garbage, waste, trash, debris and junk.
 - The initial inspection of this property found various pieces of garbage, trash, and debris on the property. To correct the violation, clean up and remove all garbage, trash, and debris from the property.
3. **Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-32 (Storage of vehicles, furniture, etc.), of the City of Port Orange Code of Ordinances:** No owner of property within the city shall permit the storage of vehicles or parts of vehicles, furniture, appliances or other personal property upon the premises, except in an enclosed building.
 - The initial inspection of this property found multiple various items stored outside. To correct the violation, all outside stored items must be properly stored inside an enclosed building or removed from the property.

4. **Chapter 3, Section 304 (Exterior Structure), 304.1 (General), 304.6 (Exterior Walls), of the 2018 International Property Maintenance Code, as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances:** Exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.
- The initial inspection of this property found chipped and discolored paint on the exterior walls of the home. To correct the violation, the exterior walls of the home must be re-painted.
5. **Chapter 3, Section 304 (Exterior Structure), 304.1 (General), 304.15 (Doors), of the 2018 International Property Maintenance Code, as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances:** Exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.
- The initial inspection of this property found the garage door to be damaged, with holes in the panels. To correct the violation, the garage door must be replaced.

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

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

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

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

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

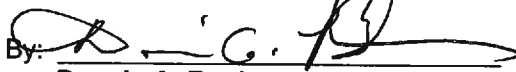
In the event the **Special Magistrate**, during the hearing on **March 25, 2020**, enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on **May 13,**

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) 506-5643**.

DATED this 11TH day of FEBRUARY, 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 Scott Theodore Zyrowski, 191 Gibson Way, Port Orange, FL, 32129, RE: 191 Gibson Way, Port Orange, FL, 32129, was

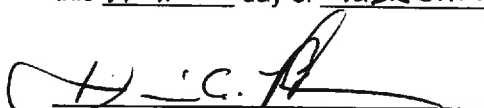
☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

Time: approx. 1438 HOURS

this 11TH day of FEBRUARY, 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 Scott Theodore Zyrowski, 191 Gibson Way, Port Orange, FL, 32129, RE: 191 Gibson Way, Port Orange, FL, 32129, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 11 day of February, 2020


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. 20-0101**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

SCOTT THEODORE ZYROWSKI
191 GIBSON WAY
PORT ORANGE, FL 32129
PARCEL ID : 6308-04-00-1910

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 May 27, 2020, after due notice to the Respondent(s), and the Special Magistrate having heard argument, received evidence, and testimony under oath, from Staff, neighbors and the Respondent, who conceded to the violations, thereupon issues its Findings of Fact, Conclusions of Law, and Order, as follows:

FINDINGS OF FACT:

A. Respondents, SCOTT THEODORE ZYROWSKI, whose mailing address is 191 GIBSON WAY, PORT ORANGE, FL 32129, is the owner of the property located at 191 GIBSON WAY, PORT ORANGE, FL 32129, and more particularly described as:

LOT 191 BRANDY HILLS UNIT 2 MB 34 PGS 176-177 INC PER OR 4057 PG 0439

B. The violation was to be corrected by keeping the fence in its original upright condition, with any and all broken or missing pickets repaired and/or replaced. A permit from the Building Department of the City of Port Orange must be obtained and paid for in the event the fence is replaced. Cleaning up and removing all garbage, trash, and debris from the property, properly storing all outside stored items inside an enclosed building or remove them from the property, repainting the exterior walls of the home and the garage door must be replaced. A permit from the Building Department of the City of Port Orange must be obtained prior to replacing the garage door. This condition was first observed at the real property described above on January 20, 2020; re-inspection was conducted on May 21, 2020. Respondent received notice of hearing continuation on March 17, 2020 and April 27, 2020. Respondent received notice via posting at City Hall and certified and regular mail on February 11, 2020, as well as posted on the property on February 11, 2020, that the aforesaid conditions constituted a violation of City of Port Orange Land Development Code, Chapter 16 (Miscellaneous Regulations), Section 3 (Fences and Walls), (b) General Provisions, (4)

Design and Maintenance, (b) All fences shall be maintained in their original upright condition & (d) Missing boards, pickets, or posts shall be replaced in a timely manner with material of the same type and quality. Chapter 42, (Nuisances), Article II, (Garbage, Junk and Undergrowth), Section 42-26, (Cleanliness of Property Generally-duty of owner), (f) Garbage, waste, trash, etc. prohibited of the City of Port Orange Code of Ordinances. Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-32 Storage of vehicles, furniture, etc. of the City of Port Orange Code of Ordinances. Chapter 3, Section 304 (Exterior Structure) 304.1 (General), 304.6 (Exterior Walls), of the 2018 International Property Maintenance Code, as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances. Chapter 3, Section 304 (Exterior Structure) 304.1 (General), 304.15 (Doors), of the 2018 International Property Maintenance Code, as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances and was to be corrected by February 22, 2020.

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 violations by June 1st ("Compliance Date") by, including, but not limited to, keeping the fence in its original upright condition, with any and all broken or missing pickets repaired and/or replaced. A permit from the Building Department of the City of Port Orange must be obtained and paid for prior to fixing the fence. Cleaning up and removing all garbage, trash, and debris from the property, properly storing all outside stored items inside an enclosed building or remove them from the property, repainting the exterior walls of the home and the garage door must be replaced. A permit from the Building Department of the City of Port Orange must be obtained prior to replacing the garage door. Keeping all exterior walls free from holes, breaks, and loose or rotting material. Keeping all exterior doors, door assemblies, operator systems and hardware in good condition, and securing locks. In the event that the property is not brought into compliance on or before the Compliance Date, and/or not maintained in a state of compliance, a daily fine in the amount of \$100.00 per day shall be assessed for each day the property is in violation beyond the compliance date. If paragraph D. above is checked and the Respondent(s) has/have not abated the condition by the Compliance Date, then notice of the violation will be given to the City Council. The City Council may repair the condition and charge the Respondent(s) with the reasonable costs of the repairs. Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the Special Magistrate may impose additional fines to cover all costs incurred by the city in enforcing its codes and all costs or repairs pursuant to sub section (a)." The cost to date is \$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 27TH day of May, 2020.

Attest: Shelly Field
Secretary, Code Enforcement Special Magistrate

By: [Signature]
Code Enforcement Special Magistrate

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

[Signature]
Code Compliance Inspector

I HEREBY CERTIFY that a true and correct copy of the foregoing Findings of Fact, Conclusion of Law, and Order have been furnished to Respondent(s), Scott Theodore Zyrowski, 191 Gibson Way, Port Orange, FL 32129 by Certified and Regular Mail this 27 day of May, 2020.

Shelly Field
Secretary, Code Enforcement Special Magistrate

CITY OF PORT ORANGE, FLORIDA
I HEREBY CERTIFY the foregoing is a true copy
of the original filed in this office.
This document has been not been redacted pursuant to Florida Law.
This 27 day of May, 2020.
By: Shelly Field

