



AGENDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF PORT ORANGE

Meeting Date: Wednesday, April 14, 2021

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.:** 21-0331

Respondent: Gwendolyn M. Johnson

Address of Violation: 12 Black Jack Circle, Port Orange, FL 32128

Code Officer: Suzette Cameron

First Notified: 3/1/2021

Compliance: Yes

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

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

4. **CEB Case No.:** 21-442

Respondent: Scott Theodore Zyrowski

Address of Violation: 191 Gibson Way, Port Orange, FL 32127

Code Officer: Dennis Boehmer

First Notified: 3/15/2021

Compliance: No

Cited for violation(s) - Chapter 42, (Nuisances), Article II, (Garbage, Junk and Undergrowth), Section 42-26, (Cleanliness of Property Generally-duty of owner), (f)

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

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

Chapter 16 (Miscellaneous Regulations), Section 3 (Fences and Walls), (b) General
Provisions, (4) Design and Maintenance of he City of Port Orange Land Development
Code (b) (d)

5. **CEB Case No.:** 20-186

Respondent: Sally Powell Estate

Address of Violation: 1205 Sparton Avenue, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 2/3/2021

Compliance: Yes

Cited for violation(s) - 2020 Florida Building Code, 7th Edition, Section 105
(Permits), Section 105.1 (Required) as adopted per Chapter 8, of the City of Port
Orange Land Development Code: Failure to Obtain a Building Permit.

6. **CEB Case No.:** 21-240

Respondent: Geneva M. Wynter

Address of Violation: 717 Brom Bones Ct., Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 2/15/2021

Compliance: Yes

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

7. **CEB Case No.:** 21-0060

Respondent: William A. Busi

Address of Violation: 111 Abby Lane, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 1/14/2021

Compliance: No

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

8. **CEB Case No.:** 20-1733

Respondent: Kaitlyn Petersohn

Tyler S. Petersohn

Gary C. Beck

Address of Violation: 1026 Stonybrook Circle, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 2/15/2021

Compliance: No

Cited for violation(s) - Chapter 42 (Nuisances), Article IV (Noise and Light Regulations), Section 42-81 (Specific noises and lights prohibited), (14) Lights that do not provide a full cutoff at the property line of the City of Port Orange Code of Ordinances.

9. **CEB Case No.:** 19-1699

Respondent: Randall Florio

Address of Violation: 303 Palm Castle Drive, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 12/5/2019

Compliance: No

Cited for violation(s) - 2020 Florida Building Code, 7th Edition, Section 105 (Permits), Section 105.1 (Required) as adopted per Chapter 8, Article I of the City of Port Orange Code of Ordinances: Failure to Obtain a Building Permit.

10 **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.

11 **CEB Case No.:** 21-0028

Respondent: Brian Player

Address of Violation: 5217 Frederick Avenue, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 1/7/2021

Compliance: No

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

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

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

C. ORDER IMPOSING FINE/LIEN

¹² **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.

13 **CEB Case No.:** 21-0140

Respondent: Dana Deella Anderson

Address of Violation: 3248 S. Peninsula Drive, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 1/29/2021

Compliance: Yes

Cited for violation(s) - 2018 International Property Maintenance Code, Chapter 3 (General Requirements), Section 304 (Exterior Structure), as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: 304.2 Protective Treatment.

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

2018 International Property Maintenance Code Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.13 (Window, Skylight, and Door Frames), 304.13.1 (Glazing), 304.13.2 (Openable Windows) as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

14 **CEB Case No.:** 21-0043

Respondent: Richard Lee Turner

Address of Violation: 5566 Lancewood Drive, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 1/11/2021

Compliance: Yes

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

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

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

Chapter 3 (General Requirements), Section 302 (Exterior Property Areas), 302.7 (Accessory Structures), of the 2018 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

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

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.



FOR SPECIAL ACCOMMODATIONS, 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
MARCH 10, 2021

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
Suzette Cameron, Code Compliance Inspector
Deborah Pearson, Code Compliance 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 February 24, 2021 meeting minutes as presented.

Oaths

Code Compliance Inspector Dena Joseph and Deborah Pearson Code Compliance Manager were sworn in by Special Magistrate Fuller.

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 19-0132
Respondent: Janette C. Harding White
Address of Violation: 5472 Isabelle Avenue, Port Orange, FL 32127
Code Officer: Dena Joseph
First Notified: 1/23/2019

Compliance: Yes

Cited for violation(s) - 2017 Florida Building Code, 6th Edition, Section 105 (Permits), 105.1 (Permits Required), as adopted by Chapter 8, Article 1, of the City of Port Orange Land Development Code.

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

4. **CEB Case No.:** 20-1535

Respondent: Doreen Polito Goodwin
Ross Polito

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

Code Officer: Dena Joseph

First Notified: 9/25/2020

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), (f) Garbage, waste, trash, etc. prohibited 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.

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

5. **CEB Case No.:** 21-0043

Respondent: Richard Lee Turner

Address of Violation: 5566 Lancewood Drive, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 1/11/2021

Compliance: No

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

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

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

Chapter 3 (General Requirements), Section 302 (Exterior Property Areas), 302.7 (Accessory Structures), of the 2018 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

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

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 February 7, 2021 by cleaning up and removing all garbage, trash, and debris from the property; replacing or properly installing the doors on the shed; Storing all outside stored items inside an enclosed building or removing them from the property; redoing the driveway extension to include removing all weeds and grass, installing/re-installing mulch or rock and effectively contained within a border of railroad ties so as to appear as a parking space; and all vehicles must be properly licensed, removed, stored in an enclosed building or covered with approved car covers in good condition. Vehicles must appear operable at all times (i.e., no flat tires, engines exposed, etc.).

Ms. Joseph recommended the property owners be found in violation of the above referenced codes with the violations to be corrected by March 21, 2021 by removing any remaining trash and debris, by storing all outside items in an enclosed building, and by repairing or replacing the doors on the shed structure. 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 imposed. 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 \$43.94 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 March 21, 2021 to remove any remaining trash and debris, store all outside items in an enclosed building and repair or replace the doors on the shed structure or a daily fine in the amount of \$100.00 per day shall be imposed. Costs in the amount of \$43.94 were awarded to the City.

6. CEB Case No.: 21-0127

Respondent: Dana Deella Anderson

Address of Violation: 3248 S. Peninsula Drive, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 1/29/2021

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

Ms. Joseph 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, mowing the property to include weed eating and blowing of grass clippings back onto the property and storing all outside items in an enclosed building.

The property is now in compliance; however, Ms. Joseph recommended the property owners be found in repeat violation of the above referenced codes as the property was not in compliance with the Notice of Hearing. She requested a daily fine in the amount of \$500.00 per day beginning January 29, 2021 and running through and including February 4, 2021 for a total of 7 days 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 \$97.41 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Dana Deella Anderson, Property Owner, was sworn in by Special Magistrate Fuller and testified she wasn't aware she was in violation and was in the process of donating the outside stored items.

Special Magistrate Fuller granted the recommendation with an amendment. A one-time fine in the amount of \$500.00 shall be imposed. Costs in the amount of \$97.41 were awarded to the City.

Due to the repeat nature of the case, Ms. Joseph requested an Order Setting Fine/Lien as the property was not in compliance immediately as ordered above by the Special Magistrate. She requested a one-time fine in the amount of \$500.00 as requested in the Finding of Fact, Conclusion of Law & Order. A cost sheet for mailing and recording costs in the amount of \$89.94 was tendered and submitted into evidence without objection.

Special Magistrate Fuller found the property in non-compliance and awarded a fine of \$500.00 and mailing and recording costs to date of \$97.41. A lien is imposed on the property in the amount of \$597.41.

7. CEB Case No.: 21-0140

Respondent: Dana Deella Anderson

Address of Violation: 3248 S. Peninsula Drive, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 1/29/2021

Compliance: No

Cited for violation(s) - 2018 International Property Maintenance Code, Chapter 3 (General Requirements), Section 304 (Exterior Structure), as adopted per Chapter 14, Article II

of the City of Port Orange Code of Ordinances: 304.2 Protective Treatment.

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

2018 International Property Maintenance Code Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.13 (Window, Skylight, and Door Frames), 304.13.1 (Glazing), 304.13.2 (Openable Windows) 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 March 7, 2021 by repairing or replacing all damaged soffit, eliminate all peeling, flaking and chipped paint and repaint surfaces and every broken or faulty window, shall be repaired/replaced in a manner such that all are in sound condition, good repair, and weather tight.

Ms. Joseph recommended the property owners be found in violation of the above referenced codes with the violations to be corrected by March 21, 2021 by repairing or replacing all damaged soffit, eliminate all peeling, flaking and chipped paint and repaint surfaces and every broken or faulty window, shall be repaired/replaced in a manner such that all are in sound condition, good repair, and weather tight. 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 imposed 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 \$43.94 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Ms. Anderson asked if she would need a permit to put a storm shutter over the window. Deborah Pearson, Code Compliance Manager, responded yes, she would need a permit.

Special Magistrate Fuller granted the recommendation as presented. The property owner has until March 21, 2021 to repair or replace all damaged soffit, eliminate all peeling, flaking and chipped paint and repaint surfaces and every broken or faulty window, shall be repaired/replaced in a manner such that all are in sound condition, good repair, and weather tight or a daily fine in the amount of \$100.00 per day shall be imposed for each day the property remains in noncompliance. Costs in the amount of \$43.94 were awarded to the City.

8. CEB Case No.: 21-0173

Respondent: Allan R. Thompson

Address of Violation: 5827 Ridgewood Avenue, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 2/4/2021

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 storing all outside items in an enclosed building.

Scott Allman, Code Compliance Inspector, was sworn in by Special Magistrate Fuller and testified that the pictures presented are true and accurate depictions of what he witnessed.

The property is now in compliance; however, Ms. Joseph recommended the property owners be found in repeat violation of the above referenced codes as the property was not in compliance with the Notice of Hearing. She requested a daily fine in the amount of \$500.00 per day beginning February 4, 2021 and running through and including February 17, 2021 for a total of 14 days be assessed. Ms. Joseph requested any future violations under this ordinance be considered repeat. The cost sheet in the amount of \$89.94 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Allan Thompson, Property Owner, was sworn in by Special Magistrate Fuller and testified his roommates are the cause of the issues. He stated he cannot afford the fine requested.

Timothy Monahan, roommate, stated he was having a garage sale during the dates the pictures were taken and there is a permit on file reflecting that.

Special Magistrate Fuller granted the recommendation with an amendment. A daily fine in the amount of \$200.00 per day beginning February 4, 2021 and running through and including February 17, 2021 for a total of 14 days shall be imposed. Costs in the amount of \$89.94 were awarded to the City.

Due to the repeat nature of the case, Ms. Joseph requested an Order Setting Fine/Lien as the property was not in compliance immediately as ordered above by the Special Magistrate. She requested a daily fine in the amount of \$200.00 per day beginning February 4, 2021 and running through and including February 17, 2021 for a total of 14 days as requested in the Finding of Fact, Conclusion of Law & Order. A cost sheet for mailing and recording costs in the amount of \$89.94 was tendered and submitted into evidence without objection.

Special Magistrate Fuller found the property in non-compliance and awarded daily fines totaling \$2,800.00 and mailing and recording costs to date of \$89.94. A lien is imposed on the property in the amount of \$2,889.94.

C. ORDER IMPOSING FINE/LIEN

9. **CEB Case No.:** 20-596

Respondent: Acousti Interior Contractors INC

Address of Violation: 5346 Ridgewood Avenue, Port Orange, FL 32127

Code Officer: Amanda Bonin

First Notified: 4/1/2020

Compliance: Yes

Cited for violation(s) - City of Port Orange Code of Ordinances Chapter 14 Buildings and Building Regulations, Article VII Commercial Property Maintenance Standards, Section 14-314 Landscaping and Buffers - Maintenance Criteria (a) (1) (2) & (d), (2), (4), (5), (6), & (7)

City of Port Orange Code of Ordinances Chapter 14 Buildings and Building Regulations, Article VII Commercial Property Maintenance Standards, Section 14-315 Same-Replacement Criteria (a), (b) (1) (2) (3)

City of Port Orange Code of Ordinances Chapter 14 Buildings and Building Regulations, Article VII Commercial Property Maintenance Standards, Section 14-318 Other property improvements; maintenance criteria (d)

City of Port Orange Land Development Code, Chapter 16 (Miscellaneous Regulations), Section 1 (Accessory Uses and Structures), (e) Outside Storage. Outside storage of new and used equipment and materials shall be regulated as follows (3) (b) (c) (d)

2019 International Property Maintenance Code, Chapter 1, Section 108, 108.1, 108.1.5 (3), as adopted by the City of Port Orange Code of Ordinances, Chapter 14, Article II, Section 14-26

2019 International Property Maintenance Code Chapter 3 (Exterior Property Areas), Section 304 (Exterior Structure), 304.6 (Exterior Walls) as adopted per Chapter 14, Article II Section 14-26 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.

10. **CEB Case No.:** 20-1844

Respondent: June Freniere Estate

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

Code Officer: Dena Joseph

First Notified: 11/19/2020

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.

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

D. ADJOURNMENT – 10:10 a.m.

Special Magistrate Fuller



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

CITY OF PORT ORANGE,

Petitioner

CASE NO. 21-0331

To: Gwendolyn M. Johnson
12 Black Jack Circle
Port Orange, FL 32128

Re: 12 Black Jack Circle
Port Orange, FL 32128
Parcel ID: 6319-01-03-0310

LEGAL DESCRIPTION: LOT 31 SUMMER TREES UNIT 3-A MB 37 PG 62 PER OR 2341 PG 1261 PER OR 6737 PG 2886
Volusia County Public Records
Volusia County, FL

An inspection of the premises on March 1, 2021, 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. Re-inspections completed on March 4, 2021, March 8, 2021, and March 9, 2021 resulted in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by doing the following: **Clean up and remove all garbage, trash, and debris from the property, and properly store the trash container inside of an enclosed structure or along the side of the home, by March 19, 2021.**

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

1. **Chapter 42, (Nuisances), Article II (Garbage, junk, and undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), (f) Garbage, waste, trash, etc., prohibited, of the City of Port Orange Code of Ordinances:** The owner of every lot, piece and parcel of land located within the city shall keep each such lot, piece and parcel of land free and clear of garbage, waste, trash, debris and junk.
 - The initial inspection of this property found various pieces of garbage, trash, and debris on site.
2. **Chapter 56 (Solid Waste), Article II (Collection and Disposal Service), Section 56-34 (Location of Containers) of the City of Port Orange Code of Ordinances:** Garbage, recycling and yard waste containers when not in use shall be kept away from the front of any building or premises. Garbage, recycling and yard waste containers when not in use shall be kept away from the front of any building or premises. No garbage, recycling or yard waste container shall be kept or maintained upon or adjacent to any street, sidewalk, parkway or front yard and no such container shall be placed within five feet of any property line. No garbage can, recycling container or yard waste container shall be deposited upon any adjoining lot or premises, whether vacant or improved, occupied or unoccupied, or in any street, alley or park in the city. Yard waste not required to be in yard waste containers, and garbage, recycling and yard waste containers filled for pickup, shall be neatly placed near, but not upon, the roadway on days of garbage, recycling and yard waste pickup so as to be convenient and accessible for collection.
 - The initial inspection of this property found a trash container stored in front of the garage.

Failure to comply after this date may result in the commencement of appropriate code enforcement action and/or possible fine of up to \$1,000.00 per day for a first violation, \$5,000.00 per day per violation for a repeat violation, and up to \$15,000.00 per violation if the 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 above specified time for correction given by the undersigned Code Enforcement Officer (Code Compliance Inspector), the case shall be presented to the **Special Magistrate** on the date set forth below, even if the violation has been corrected prior to this scheduled hearing.

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

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate April 14, 2021, 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 above 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 Officer. 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 \$ 7.47 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

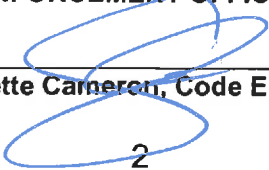
NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **April 14, 2021**, enters a Final Order finding a violation as alleged, pursuant to Chapter 2, 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 Special Magistrate on **May 26, 2021, 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 consider setting the fine lien on the above referenced case at said PUBLIC HEARING. 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 Officer. Please govern yourself accordingly.

For further information regarding this matter, you may contact the undersigned Code Enforcement Officer at **(386) 506-5646**.

DATED this 10 day of March, 2021.

CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT OFFICER

By: 
Suzette Cameron, 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 Gwendolyn M. Johnson, 12 Black Jack Circle, Port Orange, FL, 32128, RE: 12 Black Jack Circle, Port Orange, FL, 32128, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

this 10 day of March, 2021.

Time: approx. 10:27 AM

Suzette Cameron
Suzette Cameron, 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 Gwendolyn M. Johnson, 12 Black Jack Circle, Port Orange, FL, 32128, RE: 12 Black Jack Circle, Port Orange, FL, 32128, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 10 day of March, 2021.

Time: approx. 11:40 am

Shelly Field
Secretary, Special Magistrate

RIGHT TO APPEAL

PURSUANT TO SECTION 162.11 OF THE FLORIDA STATUTES, 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.

RECORD OF PROCEEDINGS

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

ACCOMMODATIONS

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA), 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, 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 HEARING DATE. IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 7-1-1 or 1-800-955-8771. HELP FOR THE HEARING IMPAIRED IS AVAILABLE THROUGH THE ASSISTIVE LISTENING SYSTEM RECEIVERS CAN BE OBTAINED FROM THE CITY CLERKS' OFFICE.

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.

Case Cost Sheet Log

Case No. 21-442

Name	Activity	Activity_Date	Status	Cost
Scott Theodore Zyrowski	Hand delivery of Notice of Violation/Notice of Hearing			\$0.00
Clerk of Courts	Fee to record Finding of Fact, Conclusion of Law & Order			\$29.00
Scott Theodore Zyrowski	Cost to mail Finding of Fact, Conclusion of Law & Order	03/22/2021		\$7.47

Total: 36.47



NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

CITY OF PORT ORANGE,

Petitioner

CASE NO. 20-186

To: Sally Powell Estate
1205 Sparton Avenue
Port Orange, FL 32127

Re: 1205 Sparton Avenue
Port Orange, FL 32127
Parcel ID: 6316-01-06-0460

LEGAL DESCRIPTION: LOT 46 BLK 6 HALIFAX MOBILE ESTATES UNREC PLAT 147 PER OR 4481 PG 2495 PER OR 5641 PG 1605 & OR 6397 PG 2879 PER OR 7197 PG 4419 PER OR 7285 PG 0303
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 done on January 28, 2021, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by doing the following: **The illegal structures/additions on the back of the home must be properly permitted or removed, by March 1, 2021.**

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

1. **2020 Florida Building Code, 7th Edition, Section 105 (Permits), Section 105.1 (Required) as adopted per Chapter 8, of the City of Port Orange Land Development Code: 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.

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 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 above specified time for correction given by the undersigned Code Enforcement Officer (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 24, 2021, 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 above 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 Officer. 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 \$ 7.49 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 24, 2021**, enters a Final Order finding a violation as alleged, pursuant to Chapter 2, 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 **Special Magistrate on April 28, 2021, 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 consider setting the fine lien on the above referenced case at said PUBLIC HEARING. 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 Officer. Please govern yourself accordingly.

For further information regarding this matter, you may contact the undersigned Code Enforcement Officer at **(386) 506- 5641**.

DATED this 9 day of FEBRUARY, 2021.

CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT OFFICER

By: J. Scott Allman
J. Scott Allman, 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 Sally Powell Estate, 1205 Sparton Avenue, Port Orange, FL 32127, RE: 1205 Sparton Avenue, Port Orange, FL 32127, was

☐ Hand-delivered
☒ Posted at the property

Recipient of hand delivered documents: _____

Time: approx. 11:15 Am.

this 10 day of FEBRUARY, 2021.

J. Scott Allman
J. Scott Allman, 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 Sally Powell Estate, 1205 Sparton Avenue, Port Orange, FL 32127, RE: 1205 Sparton Avenue, Port Orange, FL 32127, was

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

this 10 day of February, 2021.

Time: approx. 3:00pm

Shelly Feild
Secretary, Special Magistrate

RIGHT TO APPEAL

PURSUANT TO SECTION 162.11 OF THE FLORIDA STATUTES, 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.

RECORD OF PROCEEDINGS

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

ACCOMMODATIONS

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA), 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, 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 HEARING DATE. IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 7-1-1 or 1-800-955-8771. HELP FOR THE HEARING IMPAIRED IS AVAILABLE THROUGH THE ASSISTIVE LISTENING SYSTEM RECEIVERS CAN BE OBTAINED FROM THE CITY CLERKS' OFFICE.

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.



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

CITY OF PORT ORANGE,

Petitioner

CASE NO. 21-240

To: Geneva M. Wynter
717 Brom Bones Ct.
Port Orange, FL 32127

Re: 717 Brom Bones Ct.
Port Orange, FL 32127

Parcel ID: 6309-04-01-0330

LEGAL DESCRIPTION: LOT 33 SLEEPY HOLLOW SUB UNIT I MB 34 PG 130 PER OR 3203 PG 0074

Volusia County Public Records

Volusia County, FL

An inspection of the premises on February 15, 2021, indicates that certain violation(s) of the City of Port Orange Code exists.

A courtesy door hanger was left at the property asking the owner to contact Code Enforcement. A re-inspection of the property was conducted on March 10, 2021. To date, the blue tarp is still on the roof. The tarp is tattered and hanging off the roof in some areas. Code Enforcement has had no contact with the property owner.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by doing the following: **The tarp must be removed from the roof and the roof repaired where damaged. If the roof is replaced, a permit is required, by April 11, 2021.**

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

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: The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

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 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 above specified time for correction given by the undersigned Code Enforcement Officer (Code Compliance Inspector), the case shall be presented to the **Special Magistrate** on the date set forth below, even if the violation has been corrected prior to this scheduled hearing.

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

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate April 14, 2021, 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 above 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 Officer. 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 \$ 7.47 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **April 14, 2021**, enters a Final Order finding a violation as alleged, pursuant to Chapter 2, 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 Special Magistrate on **May 26, 2021, 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 consider setting the fine lien on the above referenced case at said PUBLIC HEARING. 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 Officer. Please govern yourself accordingly.

For further information regarding this matter, you may contact the undersigned Code Enforcement Officer at **(386) 506-5641**.

DATED this 11 day of March, 2021.

CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT OFFICER

By: J. Scott Allman
J. Scott Allman, 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 Geneva M. Wynter, 717 Brom Bones Ct., Port Orange, FL, 32127, RE: 717 Brom Bones Ct., Port Orange, FL, 32127, was
☐ Hand-delivered Recipient of hand delivered documents: _____
☒ Posted at the property

this 11 day of March, 2021.

Time: approx. 10:50 AM

J. Scott Allman
J. Scott Allman, 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 Geneva M. Wynter, 717 Brom Bones Ct., Port Orange, FL, 32127, RE: 717 Brom Bones Ct., Port Orange, FL, 32127, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 11 day of March, 2021.

Time: approx. 11:45 am


Secretary, Special Magistrate

RIGHT TO APPEAL

PURSUANT TO SECTION 162.11 OF THE FLORIDA STATUTES, 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.

RECORD OF PROCEEDINGS

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

ACCOMMODATIONS

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA), 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, 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 HEARING DATE. IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 7-1-1 or 1-800-955-8771. HELP FOR THE HEARING IMPAIRED IS AVAILABLE THROUGH THE ASSISTIVE LISTENING SYSTEM RECEIVERS CAN BE OBTAINED FROM THE CITY CLERKS' OFFICE.

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.

Case Cost Sheet Log

Case No. 21-0060

Name	Activity	Activity_Date	Status	Cost
William A. Busi	Cost to mail Notice of Violation/Notice of Hearing	03/09/2021	Certified mail not yet returned	\$7.47
Clerk of Courts	Fee to record Finding of Fact, Conclusion of Law & Order	04/14/2021		\$29.00
William A. Busi	Cost to mail Finding of Fact, Conclusion of Law & Order	04/14/2021		\$7.47

Total: 43.94



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

CITY OF PORT ORANGE,

Petitioner

CASE NO. 21-0060

To: William A. Busi
111 Abby Lane
Port Orange, FL 32127

Re: 111 Abby Lane
Port Orange, FL 32127
Parcel ID: 6321-01-01-0670
LEGAL DESCRIPTION: LOT 67 CAMBRIDGE SUB UNIT 1 MB 32 PG 4 PER OR 2861 PG 0095
Volusia County Public Records
Volusia County, FL

An inspection of the premises on January 14, 2021, indicates that certain violation(s) of the City of Port Orange Code exists.

Property owner was notified of the violations noted below and given five days to correct. Re-inspections conducted on January 25, 2021, February 5, 2021, and again on March 4, 2021 resulted in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by doing the following: **the potable water to the home must be reconnected, by April 9, 2021.**

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

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

- The initial inspection of this property found that the owner is living in the home without potable water.

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 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 above specified time for correction given by the undersigned Code Enforcement Officer (Code Compliance Inspector), the case shall be presented to the **Special Magistrate** on the date set forth below, even if the violation has been corrected prior to this scheduled hearing.

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

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate April 14, 2021, 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 above 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 Officer. 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 \$ 7,47 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **April 14, 2021**, enters a Final Order finding a violation as alleged, pursuant to Chapter 2, 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 **Special Magistrate on May 26, 2021, 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 consider setting the fine lien on the above referenced case at said PUBLIC HEARING. 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 Officer. Please govern yourself accordingly.

For further information regarding this matter, you may contact the undersigned Code Enforcement Officer at **(386) 506-5641**.

DATED this 9 day of March, 2021.

CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT OFFICER

By: J. Scott Allman
J. Scott Allman, 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 William A. Busi, 111 Abby Lane, Port Orange, FL, 32127, RE: 111 Abby Lane, Port Orange, FL, 32127, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

this 9 day of March, 2021.

Time: approx. 10:44 am

J. Scott Allman
J. Scott Allman, 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 William A. Busi, 111 Abby Lane, Port Orange, FL, 32127, RE: 111 Abby Lane, Port Orange, FL, 32127, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 9 day of March, 2021.

Time: approx. 11:47am


Secretary, Special Magistrate

RIGHT TO APPEAL

PURSUANT TO SECTION 162.11 OF THE FLORIDA STATUTES, 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.

RECORD OF PROCEEDINGS

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

ACCOMMODATIONS

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA), 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, 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 HEARING DATE. IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 7-1-1 or 1-800-955-8771. HELP FOR THE HEARING IMPAIRED IS AVAILABLE THROUGH THE ASSISTIVE LISTENING SYSTEM RECEIVERS CAN BE OBTAINED FROM THE CITY CLERKS' OFFICE.

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.

Case Cost Sheet Log**Case No. 20-1733**

Name	Activity	Activity_Date	Status	Cost
Gary C. Beck	Cost to mail Notice of Violation/Notice of Hearing	03/10/2021	Certified mail returned signed, illegible dated 3-13-21	\$7.47
Gary C. Beck	Cost to mail Notice of Violation/Notice of Hearing	03/10/2021	Certified mail returned signed, illegible dated 3-13-21	\$7.47
Gary C. Beck	Cost to mail Notice of Violation/Notice of Hearing	03/10/2021	Certified mail returned signed, illegible dated 3-13-21	\$7.47
Clerk of Courts	Fee to record Finding of Fact, Conclusion of Law & Order	04/14/2021		\$29.00
Kaitlyn Petersohn	Cost to mail Finding of Fact, Conclusion of Law & Order	04/14/2021		\$7.47
Tyler S. Petersohn	Cost to mail Finding of Fact, Conclusion of Law & Order	04/14/2021		\$7.47
Gary C. Beck	Cost to mail Finding of Fact, Conclusion of Law & Order	04/14/2021		\$7.47

Total: 73.82



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

CITY OF PORT ORANGE,

Petitioner

CASE NO. 20-1733

To: Kaitlyn Petersohn
Tyler S. Petersohn
Gary C. Beck
1026 Stonybrook Cir.
Port Orange, FL 32127

Re: 1026 Stonybrook Cir.
Port Orange, FL 32127

Parcel ID: 6309-14-00-0020

LEGAL DESCRIPTION: LOT 2 DUNLAWTON HILLS UNIT II MB 39 PGS 183-184 INC PER OR 3922 PG 2739 PER OR 5729 PG 0455 PER OR 6262 PG 3341 PER OR 6598 PG 1946 PER OR 6604 PG 1796 PER OR 6922 PG 0150 PER OR 7836 PG 1497

Volusia County Public Records
Volusia County, FL

An inspection of the premises on February 15, 2020, indicates that certain violation(s) of the City of Port Orange Code exists.

Night inspections were conducted on February 15, 2021 and again on February 25, 2021. The inspection on February 15, 2021 was a visual inspection revealing that the owner's lights illuminated the side of the home when on. The inspection on February 25, 2021 was conducted from the property line of the complainant's home at 1024 Stonybrook Cir. Staff measured from several different areas with the city light meter. This inspection revealed that there was not full cut-off of the lights at the property line and that the light measurements taken in some areas more than doubled the .50 allowable foot candles. Measurements were taken at four points of the property line vertically and horizontally. Of the eight light measurements, six of eight were above the allowable foot candles and in violation of city code.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by doing the following: **All lights on the home must have full cut-off at the property line. The lights may be shielded, re-directed or removed. The lights may not exceed 0.5-foot candles at the property line. The owner will need to contact staff to arrange a night inspection to ensure compliance by March 31, 2021.**

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

Chapter 42, (Nuisances), Article IV (Noise and Light Regulations), Section 42-81 (Specific noises and lights prohibited), (14) Lights that do not provide a full cutoff at the property line, of the City of Port Orange Code of Ordinances: The direct light, illuminance, or glare from any luminaire that encroaches on the property of another. Luminaires that provide a full cut-off are those that do not emit any direct light, illuminance, or glare above a horizontal plane located at the lowest part of the luminaire, and that provide a vertical illumination at the property line of no more than 0.5 footcandles. Lights that violate this provision must be either removed, or the nuisance abated sufficiently by: reducing the intensity/brightness of the lighting; reducing the number of lighting fixtures; shielding; or re-directing the light to emit no more than 0.5 footcandles at the property line.

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 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 above specified time for correction given by the undersigned Code Enforcement Officer (Code Compliance Inspector), the case shall be presented to the **Special Magistrate** on the date set forth below, even if the violation has been corrected prior to this scheduled hearing.

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

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate April 14, 2021, 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 above 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 Officer. Please govern yourself accordingly.

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

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$ 20.41 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **April 14, 2021**, enters a Final Order finding a violation as alleged, pursuant to Chapter 2, 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 Special Magistrate on **May 26, 2021, 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 consider setting the fine lien on the above referenced case at said PUBLIC HEARING. 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 Officer. 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 March, 2021.

CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT OFFICER

By: J. Scott Allman
J. Scott Allman, 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 Kaitlyn Petersohn, Tyler S. Petersohn, Gary C. Beck, 1026 Stonybrook Cir., Port Orange, FL 32127, was

☐ Hand-delivered

☒ Posted at the property

Recipient of hand delivered documents: _____

this 10 day of March, 2021.

Time: approx. 11:37 a.m.

J. Scott Allman

J. Scott Allman, 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 Kaitlyn Petersohn, Tyler S. Petersohn, Gary C. Beck, 1026 Stonybrook Cir., Port Orange, FL 32127, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 10 day of March, 2021.

Time: approx. 2:30 pm

Shelly Field

Secretary, Special Magistrate

RIGHT TO APPEAL

PURSUANT TO SECTION 162.11 OF THE FLORIDA STATUTES, 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.

RECORD OF PROCEEDINGS

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

ACCOMMODATIONS

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA), 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, 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 HEARING DATE. IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 7-1-1 or 1-800-955-8771. HELP FOR THE HEARING IMPAIRED IS AVAILABLE THROUGH THE ASSISTIVE LISTENING SYSTEM RECEIVERS CAN BE OBTAINED FROM THE CITY CLERKS' OFFICE.

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.

Case Cost Sheet Log

Case No. 19-1699

Name	Activity	Activity_Date	Status	Cost
Randall Florio	Cost to mail Notice of Violation/Notice of Hearing	03/12/2021	Certified mail not yet returned	\$7.47
Clerk of Courts	Fee to record Finding of Fact, Conclusion of Law & Order	04/14/2021		\$29.00
Randall Florio	Cost to mail Finding of Fact, Conclusion of Law & Order	04/14/2021		\$7.47

Total: 43.94



NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

REVISED HEARING DATES

CITY OF PORT ORANGE,

Petitioner

CASE NO. 19-1699

To: Randall Florio
Owner of Mobile Home
303 Palm Castle Drive
Port Orange, FL 32127

Re: 303 Palm Castle Drive
Port Orange, FL 32127
Parcel ID: 6316-00-00-0090

LEGAL DESCRIPTION: 16-16-33 E 1/4 S OF NOVA RD EXC S 1525 FT & EXC N 259.30 FT ON E/L OF E 690 FT ON NOVA RD & EXC NEW R/W FOR NOVA RD IN N 16 FT ON E/L & N 31.46 FT ON W/L PER OR 4605 PGS 2386-2387
Volusia County Public Records
Volusia County, FL

An inspection of the premises on **December 5, 2019**, indicates that certain violation(s) of the City of Port Orange Code exists.

Property owner was notified of the violations noted below and given 30 days to correct. Numerous re-inspections have been completed, the most recent being March 10, 2021, all resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by doing the following: A permit must be obtained for the shed structure that was erected on the property, by **April 11, 2021**. All associated penalties, fees, etc. must be paid to be in compliance. If a permit is not obtained, the structure must be removed in its entirety.

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

1. **2020 Florida Building Code, 7th Edition, Section 105 (Permits), Section 105.1 (Required) as adopted per Chapter 8, Article I 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.

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 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 above specified time for correction given by the undersigned Code Enforcement Officer (Code Compliance Inspector), the case shall be presented to the **Special Magistrate** on the date set forth below, even if the violation has been corrected prior to this scheduled hearing.

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

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate April 14, 2021, 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 above 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 Officer. 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 \$ 7.47 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

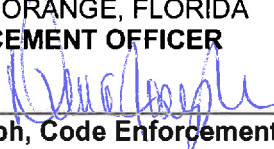
NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **April 14th, 2021**, enters a Final Order finding a violation as alleged, pursuant to Chapter 2, 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 **Special Magistrate on May 26, 2021, 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 consider setting the fine lien on the above referenced case at said PUBLIC HEARING. 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 Officer. Please govern yourself accordingly.

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

DATED this 12th day of March, 2021.

CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT OFFICER

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 **Randall Florio, Owner of Mobile Home, 303 Palm Castle Drive, Port Orange, FL 32127, RE: 303 Palm Castle Drive, Port Orange, FL 32127**, was

☒ Hand-delivered

☒ Posted at the property

Recipient of hand delivered documents: _____

this 12th day of March, 2021.

Time: approx. 9:45AM

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 **Randall Florio, Owner of Mobile Home, 303 Palm Castle Drive, Port Orange, FL 32127, RE: 303 Palm Castle Drive, Port Orange, FL 32127, RE: 303 Palm Castle Drive, Port Orange, FL 32127**, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 12 day of March, 2021.

Time: approx. 10:00am

Shelly Field
Secretary, Special Magistrate

RIGHT TO APPEAL

PURSUANT TO SECTION 162.11 OF THE FLORIDA STATUTES, 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.

RECORD OF PROCEEDINGS

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

ACCOMMODATIONS

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA), 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, 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 HEARING DATE. IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 7-1-1 or 1-800-955-8771. HELP FOR THE HEARING IMPAIRED IS AVAILABLE THROUGH THE ASSISTIVE LISTENING SYSTEM RECEIVERS CAN BE OBTAINED FROM THE CITY CLERKS' OFFICE.

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.

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	02/05/2020		\$0.00
Clerk of Courts	Fee to record Finding of Fact, Conclusion of Law & Order	03/11/2020		\$29.00
Andres Masci	Cost to mail Finding of Fact, Conclusion of Law & Order	03/11/2020		\$7.30
Maria Masci	Cost to mail Finding of Fact, Conclusion of Law & Order	03/11/2020		\$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:

☐ Posted at the property

Tatiana Masci - Secretary

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. 21-0028

Name	Activity	Activity_Date	Status	Cost
Brian Player	Cost to mail Notice of Violation/ Notice of Hearing	02/11/2021	Certified mail returned unsigned	\$7.47
Clerk of Courts	Fee to record Finding of Fact, Conclusion of law & Order	03/24/2021		\$29.00
Brian Player	Cost to mail Finding of Fact, Conclusion of Law & Order	03/24/2021		\$7.47

Total: 43.94



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

CITY OF PORT ORANGE, FLORIDA

CITY OF PORT ORANGE,

Petitioner

CASE NO. 21-0028

To: Brian Player
Property Owner
5217 Frederick Avenue
Port Orange, FL 32127

Re: 5217 Frederick Avenue
Port Orange, FL 32127
Parcel ID: 6310-08-01-0080

LEGAL DESCRIPTION: LOT 8 EXC N 3 FT & N 26 FT OF LOT 9 BLK 1 DEPOT ADD ALLANDALE MB 15 PG 192 PER OR 4573 PG 4700 PER OR 7051 PG 3308 PER OR 7138 PG 1004 PER OR 7159 PG 4679 PER OR 7159 PG 4681 PER OR 7190 PG 3378 PER OR 7274 PG 0629 PER OR 7362 PG 2726 PER OR 7362 PG 2727 PER OR 7634 PGS 1593-1596

Volusia County Public Records
Volusia County, FL

An inspection of the premises on January 7, 2021, indicates that certain violation(s) of the City of Port Orange Code exist. This correspondence will serve as official notification that the below stated violation(s) must be corrected **immediately**.

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

1. **Chapter 42, (Nuisances), Article II (Garbage, junk, and undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), (f) Garbage, waste, trash, etc., prohibited, of the City of Port Orange Code of Ordinances:** The owner of every lot, piece and parcel of land located within the city shall keep each such lot, piece and parcel of land free and clear of garbage, waste, trash, debris and junk.
 - The initial inspection of this property found various pieces of garbage, trash, and debris on site. To correct the violation, clean up and remove all garbage, trash, and debris from the property.
2. **Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-32 (Storage of vehicles, furniture, etc.), of the City of Port Orange Code of Ordinances:** No owner of property within the city shall permit the storage of vehicles or parts of vehicles, furniture, appliances or other personal property upon the premises, except in an enclosed building.
 - The initial inspection of this property found various items (including but not limited to car parts, bike parts, tools, etc.) stored outside. To correct the violation, all passenger vehicles, trucks, motorcycles, etc. must be properly licensed and in operable condition (or covered with an approved car cover in good condition) and stored in the driveway or on a driveway extension made of rock or mulch and set apart with landscape timbers so as to appear as a parking space.

3. **Chapter 70 (Traffic), Article II (Stopping standing and parking), Section 70-36 (Stopping, standing or parking prohibited in specified places), (a) (1) (k) (1), (2) & (3) of the City of Port Orange Code of Ordinances:** (a) Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic device, no person shall: (1) Stop, stand or park a motor vehicle or trailer: (k) On any other portion of the front yard of a residential lot, except on approved driveways. As used in this section, driveways shall be constructed of the following materials: (1) Concrete or paved materials; (2) Nonpaved materials, excluding grass and dirt, provided that loose materials such as gravel, bark or cypress mulch are effectively contained within a border of concrete, railroad ties, or other rigid materials; or (3) Concrete paver strips, paver blocks, or other semi-pervious materials.
- The initial inspection of this property found a box truck and motor cycles parked in the front yard of the residence. To correct the violation, all vehicles must be removed from the front yard and parked in the driveway or on a driveway extension made of rock or mulch and set apart with railroad timbers so that the area appears to be a parking space.
4. **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 shall keep such lot free and clear of all fallen trees and limbs. All weeds, grass and undergrowth shall be cut to a height not exceeding ten inches. (h) Abutting property owner maintenance of parkages. It shall be the duty of every owner of real property within the city to at all times cause to be cut and mowed the grass and weeds, and to cause to be cut and trimmed the flowers, vines, shrubbery, and trees not exceeding six feet in height, in a manner that protects and promotes the public health, safety and welfare and presents an aesthetically pleasing appearance in those areas of the package most nearly abutting their properties. Parkages abutting improved residential or commercial lots shall be maintained as provided in **subsection (d)** of this section for improved residential lots. Parkages abutting unimproved residential lots shall be maintained as provided in **subsection (e)** of this section for the maintained portion of unimproved residential lots. "Package" is that space between the private property lot or survey line of the property owner and the paved or graded portion of the public street adjacent thereto and includes that area between a sidewalk and street. Every property owner shall also have the duty of removing any refuse or other debris existing within the adjacent package, but the placement of refuse for collection in a manner and in containers specified by other provisions of this Code is not prohibited.
- The initial inspection of this property found high weeds, grass, and undergrowth. To correct the violation, the entire property needs to be mowed, all weeds and undergrowth removed, 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 August 14, 2019 under Case No. 19-0756.

A fine up to \$5,000 per day per violation for a repeat violation may be assessed by the Special Magistrate beginning from the date of this Notice.

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

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

NOTICE OF HEARING AS TO REPEAT VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate March 24, 2021 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 enforcement officer (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 Officer. 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 \$ 2.47 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.

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

DATED this 10th day of February, 2021.

CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT OFFICER

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 Brian Player, Property Owner, 5217 Frederick Avenue, Port Orange, FL, 32127, RE: 5217 Frederick Avenue Port Orange, FL 32127, was

☐ Hand-delivered
☒ Posted at the property

Recipient of hand delivered documents: _____

Time: 10:45 am

this 10th day of February, 2021.

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 Brian Player, Property Owner, 5217 Frederick Avenue, Port Orange, FL, 32127, RE: 5217 Frederick Avenue Port Orange, FL 32127, was

☒ Posted at City Hall
☒ Sent via certified and regular

this 11 day of February, 2021.

Time: approx. _____

Shelly Field
Secretary, Special Magistrate

RIGHT TO APPEAL

PURSUANT TO SECTION 162.11 OF THE FLORIDA STATUTES, 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.

RECORD OF PROCEEDINGS

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

ACCOMMODATIONS

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA), 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, 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 HEARING DATE. IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 7-1-1 or 1-800-955-8771. HELP FOR THE HEARING IMPAIRED IS AVAILABLE THROUGH THE ASSISTIVE LISTENING SYSTEM RECEIVERS CAN BE OBTAINED FROM THE CITY CLERKS' OFFICE.

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.

Case Cost Sheet Log

Case No. 20-0301

Name	Activity	Activity_Date	Status	Cost
Gil Lichtenstein	Cost to mail Notice of Violation/Notice of Hearing	03/16/2020	Certified mail not returned	\$7.30
Clerk of Courts	Fee to record Finding of Fact, Conclusion of Law & Order	04/22/2020		\$29.00
Gil Lichtenstein	Cost to mail Finding of Fact, Conclusion of Law & Order	04/22/2020	Certified mail returned unclaimed	\$7.30
Clerk of Courts	Fee to record Order Imposing Fine/Lien	07/08/2020		\$46.00
Gil Lichtenstein	Cost to mail Order Imposing Fine/Lien	07/08/2020		\$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. 20-0301

To: Gil Lichtenstein
907 Second Street
Port Orange, FL 32129

Re: 907 Second Street
Port Orange, FL 32129
Parcel ID: 6304-02-07-0060

LEGAL DESCRIPTION: N 30 FT OF LOT 5 & S 45 FT OF LOT 6 BLK 7 PORTONA PER OR 5240 PG 0975
Volusia County Public Records
Volusia County, FL

An inspection of the premises on February 25, 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 March 12, 2020, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by **March 26, 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), (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.
2. **Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-32 (Storage of vehicles, furniture, etc.), of the City of Port Orange Code of Ordinances:** No owner of property within the city shall permit the storage of vehicles or parts of vehicles, furniture, appliances or other personal property upon the premises, except in an enclosed building.
 - The initial inspection of this property found various items stored outside on the front of the property and underneath the carport (consisting of a lawnmower, red plastic gas can, a wooden table, other miscellaneous

items, and two motorcycles in repair or being rebuilt). To correct the violation, all outside stored items must be properly stored inside an enclosed building or removed from the property.

3. **Chapter 70 (Traffic), Article II (Stopping standing and parking), Section 70-49 (Restrictions on abandoned or disabled vehicles), (c) Restrictions, (1) (a), (b) and (2) of the City of Port Orange Code of Ordinances:** (1) No disabled or abandoned vehicle shall remain on residentially-zoned or agriculturally-zoned private property unless such vehicle is: (a) Within a completely enclosed garage; or (b) parked in a carport, parking space or city-approved parking area and covered solely with a standard vehicle cover in good repair, so long as any portion of the vehicle which is not covered is not in a state of disrepair. (2) No disabled or abandoned vehicle parked on residentially-zoned or agriculturally-zoned private property shall be covered by material other than a standard vehicle cover in good repair unless such vehicle is parked inside a completely enclosed garage.
 - The initial inspection of this property found unregistered/inoperable vehicles (consisting of two unlicensed/inoperable motor vehicles) stored on the driveway and under the carport. To correct the violation, the vehicles must be properly tagged and registered, parked in the driveway on in a carport, stored in an enclosed building, covered with approved car covers, or removed from the property.
4. **Chapter 3 (General Requirements), Section 304 (Exterior Structure), Section 304.1 (General), of the 2018 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances:** The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety, or welfare.
 - The initial inspection of this property found deteriorating soffits showing signs of rot, falling out of the ceiling due to leaks in the roof. To correct the violation, the soffits must be repaired or replaced.
5. **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:** The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.
 - The initial inspection of this property found a damaged leaking roof, which has caused the soffits to deteriorate. To correct the violation, the roof must be repaired or replaced. A permit from the City of Port Orange Building Department is required to be issued and paid for in the case of roof replacement.

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

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

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

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

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

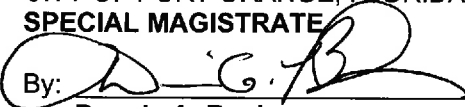
NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **April 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 **May 27, 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 16TH day of MARCH, 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 Gil Lichtenstein, 907 Second Street, Port Orange, FL, 32129, RE: 907 Second Street, Port Orange, FL, 32129, was

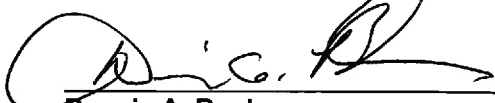
☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

this 16TH day of MARCH, 2020

Time: approx. 1208 HOURS

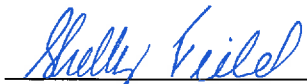

Dennis A. Boehmer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Gil Lichtenstein, 907 Second Street, Port Orange, FL, 32129, RE: 907 Second Street, Port Orange, FL, 32129, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 16 day of March, 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. 20-0301**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

GIL LICHTENSTEIN
907 SECOND STREET
PORT ORANGE, FL 32129
PARCEL ID : 6304-02-07-0060

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 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, GIL LICHTENSTEIN, whose mailing address is 907 SECOND STREET, PORT ORANGE, FL 32129, is the owner of the property located at 907 SECOND STREET, PORT ORANGE, FL 32129, and more particularly described as:

N 30 FT OF LOT 5 & S 45 FT OF LOT 6 BLK 7 PORTONA PER OR 5240 PG 0975

B. The violation was to be corrected by mowing the yard of all high weeds and grass; removing all the unlicensed/inoperable vehicles to a garage or covering them with an approved car or motorcycle cover; removing all outside storage to an enclosed space/shed or garage; and having the roof and soffits replaced/repared by a licensed contractor with a permit for all work to be pulled from the City of Port Orange. This condition was first observed at the real property described above on February 25, 2020; re-inspection was conducted on May 19, 2020. Respondent received notice via posting at City Hall and certified and regular mail on March 16, 2020, as well as posted on the property on March 16, 2020, that the aforesaid conditions constituted a violation of Chapter 42, (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of property generally - duty of owner), (d) (Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances. Chapter 42, (Nuisances), Article II (Garbage, junk and undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), (h) Abutting property owner maintenance of parkages. Chapter 42 (Nuisances), Article II (Garbage, Junk and

Undergrowth), Section 42-32 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 and was to be corrected by March 26, 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 violation by mowing the yard of all high weeds and grass; removing all the unlicensed/inoperable vehicles to a garage or covering them with an approved car or motorcycle cover; removing all outside storage to an enclosed space/shed or garage; and having the roof and soffits replaced/repared by a licensed contractor with a permit for all work to be pulled from the City of Port Orange on or before June 6, 2020. ("Compliance Date"). In the event that the property is not brought into compliance on or before the Compliance Date, and/or not maintained in a state of compliance, a 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), Gil Lichtenstein, 907 Second Street, 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/has not been redacted pursuant to Florida Law.
This 27 day of May, 2020
By: Shelly Field





**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

CITY OF PORT ORANGE,

Petitioner

CASE NO. 21-0140

To: Dana Deella Anderson
Property Owner
3248 S. Peninsula Drive
Port Orange, FL 32127

Re: 3248 S. Peninsula Drive
Port Orange, FL 32127
Parcel ID: 5335-08-00-0040
LEGAL DESCRIPTION: LOT 4 RIVERVIEW SUB MB 19 PG 175 PER OR 4453 PG 2771
Volusia County Public Records
Volusia County, FL

An inspection of the premises on January 29, 2021, indicates that certain violation(s) of the City of Port Orange Code exists.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by doing the below: by **March 7, 2021**.

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

1. **Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.2 (Protective Treatment), of the 2018 International Property Maintenance Code as adopted by the City of Port Orange Code of Ordinances, Chapter 14, Article II, Section 14-26:** Exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated, and surfaces repainted. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors, and skylights, shall be maintained weather resistant and water tight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.
 - The initial inspection of this property found areas on the exterior of the home where the paint is peeling or flaking. To correct the violation, all peeling, flaking and chipped paint must be eliminated, and surfaces repainted.
2. **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:** The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.
 - The initial inspection of this property found a large hole in an area of soffit on the home. To correct the violation, all damaged soffit must be repaired or replaced.

3. **Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.13 (Window, Skylight, and Door Frames), of the 2018 International Property Maintenance Code, as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances:** Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight. **304.13.1 (Glazing):** Glazing materials shall be maintained free from cracks and holes. **304.13.2 (Openable windows):** Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

- The initial inspection of this property found a window or windows on site that are broken. To correct the violation, every broken or faulty window, shall be repaired/replaced in a manner such that all are in sound condition, good repair, and weather tight.

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 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 above specified time for correction given by the undersigned Code Enforcement Officer (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 10, 2021, 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 above 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 Officer. 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 \$ 7,477 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 10, 2021**, enters a Final Order finding a violation as alleged, pursuant to Chapter 2, 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 **Special Magistrate on April 14, 2021, 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 consider setting the fine lien on the above referenced case at said PUBLIC HEARING. 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 Officer. Please govern yourself accordingly.

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

DATED this 3rd day of February, 2021.

CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT OFFICER

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 Dana Deella Anderson, Property Owner, 3248 S. Peninsula Drive, Port Orange, FL 32127, RE: 3248 S. Peninsula Drive, Port Orange, FL 32127, was

☐ Hand-delivered

☒ Posted at the property

Recipient of hand delivered documents: _____

Time: approx. 12:00 PM

this 3rd day of February, 2021.

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 Dana Deella Anderson, Property Owner, 3248 S. Peninsula Drive, Port Orange, FL 32127, RE: 3248 S. Peninsula Drive, Port Orange, FL 32127, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 5 day of February, 2021.

Time: approx. 11:15 am

Shelby Field
Secretary, Special Magistrate

RIGHT TO APPEAL

PURSUANT TO SECTION 162.11 OF THE FLORIDA STATUTES, 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.

RECORD OF PROCEEDINGS

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

ACCOMMODATIONS

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA), 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, 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 HEARING DATE. IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 7-1-1 or 1-800-955-8771. HELP FOR THE HEARING IMPAIRED IS AVAILABLE THROUGH THE ASSISTIVE LISTENING SYSTEM RECEIVERS CAN BE OBTAINED FROM THE CITY CLERKS' OFFICE.

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.

**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 21-0140**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

DANA DEELLA ANDERSON
3248 S. PENINSULA DRIVE
PORT ORANGE, FL 32127
PARCEL ID : 5335-08-00-0040

Respondent.

_____ /

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

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on March 10, 2021, 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, DANA DEELLA ANDERSON, whose mailing address is 3248 S. PENINSULA DRIVE, PORT ORANGE, FL 32127, is the owner of the property located at 3248 S. PENINSULA DRIVE, PORT ORANGE, FL 32127, and more particularly described as:

LOT 4 RIVERVIEW SUB MB 19 PG 175 PER OR 4453 PG 2771

B. The violation was to be corrected by repairing or replacing all damaged soffit, eliminate all peeling, flaking and chipped paint and repaint surfaces and every broken or faulty window, shall be repaired/replaced in a manner such that all are in sound condition, good repair, and weather tight. This condition was first observed at the real property described above on January 29, 2021; re-inspection was conducted on March 8, 2021. Respondent received notice via posting at City Hall and certified and regular mail on February 5, 2021, as well as posted on the property on February 3, 2021 that the aforesaid conditions constituted a violation of 2018 International Property Maintenance Code, Chapter 3 (General Requirements), Section 304 (Exterior Structure), as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: 304.2 Protective Treatment. 2018 International Property Maintenance Code, Chapter 3 (General Requirements), Section 304 Exterior Structure, as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: 304.7 Roofs and drainage. 2018 International Property Maintenance Code Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.13 (Window,

Skylight, and Door Frames), 304.13.1 (Glazing), 304.13.2 (Openable Windows) as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances and was to be corrected by March 7, 2021.

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 repairing or replacing all damaged soffit, eliminate all peeling, flaking and chipped paint and repaint surfaces and every broken or faulty window, shall be repaired/replaced in a manner such that all are in sound condition, good repair, and weather tight on or before March 21, 2021. ("Compliance Date"). In the event that the property is not brought into compliance on or before the Compliance Date, and/or not maintained in a state of compliance, a daily fine in the amount of \$100.00 per day shall be imposed for each day the violation continues past the compliance date. If paragraph D. above is checked and the Respondent(s) has/have not abated the condition by the Compliance Date, then notice of the violation will be given to the City Council. The City Council may repair the condition and charge the Respondent(s) with the reasonable costs of the repairs. Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the Special Magistrate may impose additional fines to cover all costs incurred by the city in enforcing its codes and all costs or repairs pursuant to sub section (a)." The cost to date is \$43.94 as indicated on the cost sheet submitted into evidence. The Respondent(s) will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion. Any future violations under this ordinance shall be considered repeat violations.

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

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

DONE AND ORDERED this 10th day of March, 2021.

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), Dana Deella Anderson, 3248 S. Peninsula Drive, Port Orange, FL 32127 by Certified and Regular Mail this 10 day of March, 2021.

CITY OF PORT ORANGE, FLORIDA
I HEREBY CERTIFY the foregoing is a true copy
of the original filed in this office.
This document has not been redacted pursuant to Florida Law.
By: Shelly Field, March, 2021.
This 10 day of March, 2021.

Shelly Field
Secretary, Code Enforcement Special Magistrate





**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

CITY OF PORT ORANGE,

Petitioner

CASE NO. 21-0043

To: Richard Lee Turner
5566 Lancewood Drive
Port Orange, FL 32127

Re: 5566 Lancewood Drive
Port Orange, FL 32127
Parcel ID: 6340-03-04-0080

LEGAL DESCRIPTION: LOT 8 BLK D BAYWOOD REPLAT MB 23 PG 44 & 45 PER OR 4422 PG 4999 PER OR 5523 PG 3455

Volusia County Public Records
Volusia County, FL

An inspection of the premises on January 11, 2021, indicates that certain violation(s) of the City of Port Orange Code exists.

Property owner was notified of the violations noted below and given ten days to correct. A re-inspection was done on January 22, 2021, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by doing the following **by February 7, 2021**: 1.) Clean up and remove all garbage, trash, and debris from the property. 2.) All outside stored items must be properly stored inside an enclosed building or removed from the property. 3.) All vehicles must be properly licensed, removed, stored in an enclosed building or covered with approved car covers in good condition. Vehicles must appear operable at all times (i.e. no flat tires, engines exposed, etc.). 4.) The shed doors must be replaced or properly installed on the shed. 5.) The driveway extension must be re-done to include removing all weeds and grass, installing/re-installing mulch or rock and effectively contained within a border of railroad ties so as to appear as a parking space.

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

1. **Chapter 42, (Nuisances), Article II (Garbage, junk, and undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), (f) Garbage, waste, trash, etc., prohibited, of the City of Port Orange Code of Ordinances:** The owner of every lot, piece and parcel of land located within the city shall keep each such lot, piece and parcel of land free and clear of garbage, waste, trash, debris and junk.
 - The initial inspection of this property found various pieces of garbage, trash, and debris on site.
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 (including but not limited to tools, tarps, motor vehicle parts, etc) stored outside.

3. **Chapter 70 (Traffic), Article II (Stopping standing and parking), Section 70-49 (Restrictions on abandoned or disabled vehicles), (c) Restrictions, (1) (a), (b) and (2) of the City of Port Orange Code of Ordinances: (1) No disabled or abandoned vehicle shall remain on residentially-zoned or agriculturally-zoned private property unless such vehicle is: (a) Within a completely enclosed garage; or (b) parked in a carport, parking space or city-approved parking area and covered solely with a standard vehicle cover in good repair, so long as any portion of the vehicle which is not covered is not in a state of disrepair. (2) No disabled or abandoned vehicle parked on residentially-zoned or agriculturally-zoned private property shall be covered by material other than a standard vehicle cover in good repair unless such vehicle is parked inside a completely enclosed garage.**
 - The initial inspection of this property found numerous vehicles on site that are not operable or are without valid tags.
4. **Chapter 3 (General Requirements), Section 302 (Exterior Property Areas), 302.7 (Accessory Structures), of the 2018 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.**
 - The initial inspection of this property found a shed with the doors in disrepair or are missing.
5. **Chapter 70 (Traffic), Article II (Stopping standing and parking), Section 70-36 (Stopping, standing or parking prohibited in specified places), (a) (1) (k) (1), (2) & (3) of the City of Port Orange Code of Ordinances: (a) Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic device, no person shall: (1) Stop, stand or park a motor vehicle or trailer: (k) On any other portion of the front yard of a residential lot, except on approved driveways. As used in this section, driveways shall be constructed of the following materials: (1) Concrete or paved materials; (2) Nonpaved materials, excluding grass and dirt, provided that loose materials such as gravel, bark or cypress mulch are effectively contained within a border of concrete, railroad ties, or other rigid materials; or (3) Concrete paver strips, paver blocks, or other semi-pervious materials.**
 - The initial inspection of this property found numerous vehicles that are parked in the front yard on what previously was a driveway extension.

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 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 above specified time for correction given by the undersigned Code Enforcement Officer (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 10, 2021, 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 above 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 Officer. 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 \$ 7.47 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 10, 2021**, enters a Final Order finding a violation as alleged, pursuant to Chapter 2, 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 Special Magistrate on **April 14, 2021, 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 consider setting the fine lien on the above referenced case at said PUBLIC HEARING. 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 Officer. Please govern yourself accordingly.

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

DATED this 27th day of January, 2021.

CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT OFFICER

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 Richard Lee Turner, 5566 Lancewood Drive, Port Orange, FL 32127, RE: 5566 Lancewood Drive, Port Orange, FL 32127, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

Time: approx. 2:30 pm

this 27th day of January, 2021.

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 Richard Lee Turner, 5566 Lancewood Drive, Port Orange, FL 32127, RE: 5566 Lancewood Drive, Port Orange, FL 32127, was

☒ Posted at City Hall

☒ Sent via certified and regular

Time: approx. 10:00 am

this 3 day of February, 2021.

Shelly Feild
Secretary, Special Magistrate

RIGHT TO APPEAL

PURSUANT TO SECTION 162.11 OF THE FLORIDA STATUTES, 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.

RECORD OF PROCEEDINGS

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

ACCOMMODATIONS

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA), 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, 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 HEARING DATE. IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 7-1-1 or 1-800-955-8771. HELP FOR THE HEARING IMPAIRED IS AVAILABLE THROUGH THE ASSISTIVE LISTENING SYSTEM RECEIVERS CAN BE OBTAINED FROM THE CITY CLERKS' OFFICE.

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.

**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 21-0043**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

RICHARD LEE TURNER
5566 LANCEWOOD DRIVE
PORT ORANGE, FL 32127
PARCEL ID : 6340-03-04-0080

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 March 10, 2021, 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, RICHARD LEE TURNER, whose mailing address is 5566 LANCEWOOD DRIVE, PORT ORANGE, FL 32127, is the owner of the property located at 5566 LANCEWOOD DRIVE, PORT ORANGE, FL 32127, and more particularly described as:

LOT 8 BLK D BAYWOOD REPLAT MB 23 PG 44 & 45 PER OR 4422 PG 4999 PER OR 5523 PG 3455

B. The violation was to be corrected by cleaning up and removing all garbage, trash, and debris from the property; replacing or properly installing the doors on the shed; Storing all outside stored items inside an enclosed building or removing them from the property; redoing the driveway extension to include removing all weeds and grass, installing/re-installing mulch or rock and effectively contained within a border of railroad ties so as to appear as a parking space; and all vehicles must be properly licensed, removed, stored in an enclosed building or covered with approved car covers in good condition. Vehicles must appear operable at all times (i.e., no flat tires, engines exposed, etc.). This condition was first observed at the real property described above on January 11, 2021; re-inspection was conducted on March 4, 2021. Respondent received notice via posting at City Hall and certified and regular mail on February 3, 2021, as well as posted on the property on January 27, 2021 that the aforesaid conditions constituted a violation of Chapter 42, (Nuisances), Article II, (Garbage, Junk and Undergrowth), Section 42-26, (Cleanliness of Property Generally-duty of owner), (f) Garbage, waste, trash, etc. prohibited of the City of Port Orange Code of Ordinances. Chapter 42 (Nuisances), Article II (Garbage, Junk and

Undergrowth), Section 42-32 Storage of vehicles, furniture, etc. of the City of Port Orange Code of Ordinances. Chapter 70 (Traffic), Article II (Stopping, Standing, and Parking), Section 70-49 (Restrictions on abandoned or disabled vehicles), (c) Restrictions, (1) (a), (b) and (2) of the City of Port Orange Code of Ordinances. Chapter 3 (General Requirements), Section 302 (Exterior Property Areas), 302.7 (Accessory Structures), of the 2018 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances. Chapter 70 (Traffic), Article II (Stopping, standing, and parking), Section 70-36 (Stopping, standing or parking prohibited in specified places), (a) (1) (k) (1), (2) & (3) of the City of Port Orange Code of Ordinances and was to be corrected by February 7, 2021.

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

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

CONCLUSION OF LAW:

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

ORDER:

A. Respondent(s) shall correct the aforesaid violation by removing any remaining trash and debris, storing all outside items in an enclosed building and by repairing or replacing the doors on the shed structure on or before March 21, 2021. ("Compliance Date"). In the event that the property is not brought into compliance on or before the Compliance Date, and/or not maintained in a state of compliance, a daily fine in the amount of \$100.00 per day shall be imposed for each day the violation continues past the compliance date. If paragraph D. above is checked and the Respondent(s) has/have not abated the condition by the Compliance Date, then notice of the violation will be given to the City Council. The City Council may repair the condition and charge the Respondent(s) with the reasonable costs of the repairs. Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the Special Magistrate may impose additional fines to cover all costs incurred by the city in enforcing its codes and all costs or repairs pursuant to sub section (a)." The cost to date is \$43.94 as indicated on the cost sheet submitted into evidence. The Respondent(s) will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion. Any future violations under this ordinance shall be considered repeat violations.

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

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

DONE AND ORDERED this 10th day of March, 2021.

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), Richard Lee Turner, 5566 Lancewood Drive, Port Orange, FL 32127 by Certified and Regular Mail this 10 day of March, 2021.

CITY OF PORT ORANGE, FLORIDA
I HEREBY CERTIFY the foregoing is a true copy
of the original filed in this office.
This document has not been redacted pursuant to Florida Law.
By: Shelly Field This 10 day of March, 2021.

Shelly Field
Secretary, Code Enforcement Special Magistrate

