



AGENDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF PORT ORANGE

Meeting Date: Wednesday, September 22, 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.:** 21-0117

Respondent: Mark H. Schofield

Address of Violation: 5058 Riverside Drive, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 1/25/2021

Compliance: No

Cited for violation(s) - Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.1 (General), 304.1.1 (Unsafe Conditions), (4) & (8) of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.6 (Exterior Walls) of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.13 (Window, skylight, and door frames), 304.13.2 (Openable Windows) of the 2021 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 70-48 Parking of recreational vehicles and equipment on residential premises (c), (1), (2), (3), (4) and (5) and (h) of the City of Port Orange Code of Ordinances.

4. **CEB Case No.:** 21-1395

Respondent: Mark E. Davison
Cecelia K. Davison

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

Code Officer: Scott Allman

First Notified: 8/12/2021

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.

5. **CEB Case No.:** 21-1394

Respondent: Mark E. Davison
Cecelia Kay Degnan

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

Code Officer: Scott Allman

First Notified: 8/12/2021

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.

C. ORDER IMPOSING FINE/LIEN

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 ACCOMODATIONS, PLEASE NOTIFY THE CITY CLERK'S OFFICE (PHONE: 386-506-5563) AS FAR IN ADVANCE AS POSSIBLE, BUT PREFERABLY WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING OR HEARING DATE.



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

Code Enforcement Special Magistrate Meeting

Wednesday, September 22, 2021

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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.

SPECIAL MAGISTRATE MINUTES
COUNCIL CHAMBERS
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
SEPTEMBER 8, 2021

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

PRESENT: David Fuller, Special Magistrate

ALSO PRESENT: Dena Joseph, Code Compliance Inspector
Daniel Bungart, Code Compliance Inspector
Shelby Field, Assistant City Clerk

Attorney Overview of Special Magistrate Code Enforcement Process

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

Consideration of Minutes

Special Magistrate Fuller approved the August 25, 2021 meeting minutes as presented.

Oaths

Code Compliance Inspectors Dena Joseph and Daniel Bungart were sworn in by Special Magistrate Fuller.

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 21-0549
Respondent: Julia J. Knapp
Address of Violation: 5180 Pineland Avenue, Port Orange, FL 32127
Code Officer: Dena Joseph
First Notified: 3/29/2021

Compliance: Yes

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

Chapter 70 (Traffic), Article II (Stopping standing and parking), Section 70-48 Parking of recreational vehicles and equipment on residential premises, (d), (1), (2), (3), of the City of Port Orange Code of Ordinances.

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.:** 21-1302

Respondent: Audrey E. Aiuto Vanbuskirk - Hoge

Address of Violation: 407 N. Willow Ave., Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 7/20/2021

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), (e) Maintenance of unimproved residential lots 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 August 15, 2021 by keeping that portion of the property abutting and within 10 feet of any improved lot, sidewalk, street, or bicycle path free and clear of all fallen trees and limbs, and all weeds, grass and undergrowth therein was to be cut to a height not exceeding 12 inches within such area.

Ms. Joseph recommended the property owners be found in violation of the above referenced codes with the violations to be corrected by September 15, 2021 by keeping that portion of the property abutting and within 10 feet of any improved lot, sidewalk, street, or bicycle path free and clear of all fallen trees and limbs, and all weeds, grass and undergrowth therein was to be cut to a height not exceeding 12 inches within such area. 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 and deemed the property a health and safety violation. The property owner has until September 15, 2021 to keep that portion of the property abutting and within 10 feet of any improved lot, sidewalk, street, or bicycle path free and clear of all fallen trees and limbs, and all weeds, grass and undergrowth therein is to be cut to a height not exceeding 12 inches within such area 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.

5. **CEB Case No.:** 21-513

Respondent: Robert L. Ward

Address of Violation: 7 Lawrence Court, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 3/19/2021

Compliance: Yes

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

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

6. **CEB Case No.:** 21-1254
Respondent: Majid Tavakoli
Address of Violation: 839 6th Street, Port Orange, FL 32129
Code Officer: Scott Allman
First Notified: 7/12/2021

Compliance: Yes

Cited for violation(s) - Chapter 56 (Solid Waste), Article II (Collection and Disposal Service), Section 56-32 (Wrapping and preparation of garbage; keeping containers covered) 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.

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

7. **CEB Case No.:** 21-1305
Respondent: Ashley M. Lampe
Address of Violation: 3464 Country Walk Drive, Port Orange, FL 32129
Code Officer: Scott Allman
First Notified: 7/21/2021

Compliance: Yes

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

Chapter 3 (General Requirements), Section 303 (Swimming Pools, Spas and Hot Tubs), 303.2 (Enclosures), of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

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

A. ORDER IMPOSING FINE/LIEN

8. **CEB Case No.:** 21-1012

Respondent: J. Plummer Sherbino

J. Plummer Sherbino Rev. Living Trust

Address of Violation: 115 Fleming Avenue, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 5/26/2021

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.

Ms. Joseph requested a continuation of the case to the October 13, 2021 Hearing.

Michael Moore, Attorney for the owner, stated the homeowner has submitted an after the fact permit and is willing to pay for it, but she has had difficulties obtaining a surveyor. He asked for the fine to be waived or an extension for a reasonable amount of time.

Special Magistrate Fuller granted the continuation request.

9. **CEB Case No.:** 20-1578

Respondent: Darrell & Sharon Blake

Address of Violation: 1157 Millbrook Avenue, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 10/4/2020

Compliance: No

Cited for violation(s) - 2018 International Property Maintenance Code, Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment), 108.1.1 (Unsafe Structures), 108.1.3 (Structure unfit for human occupancy), and 108.1.5 (1-11) (Dangerous structure or premises), as adopted by the City of Port Orange Code of Ordinances, Chapter 14, Article II, Section 14-26.

Ms. Joseph requested a continuation of the case to the October 13, 2021 Hearing. Special Magistrate Fuller granted the continuation request.

10. **CEB Case No.:** 21-1257

Respondent: Zachary R. Staley

Address of Violation: 1515 Rusty Circle, Port Orange, FL 32129

Code Officer: Daniel Bungart

First Notified: 7/13/2021

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.

Mr. Bungart requested an Order Setting Fine/Lien as the property was not in compliance immediately as ordered in the previous hearing on July 28, 2021 by the Special Magistrate. He requested a daily fine in the amount of \$200.00 per day beginning July 13, 2021 and running through and including August 2, 2021 as ordered 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 daily fine in the amount of \$200.00 per day beginning July 13, 2021 and running through and including August 2, 2021 for a total of \$4,200.00 and mailing and recording costs to date of \$89.94. A lien is hereby imposed in the amount of \$4,289.94.

11. **CEB Case No.:** 21-837
Respondent: Wynter Geneva M
Address of Violation: 717 Brom Bones Court, Port Orange, FL 32127
Code Officer: Scott Allman
First Notified: 5/3/2021

Compliance: Yes

Cited for violation(s) - Chapter 3, Section 302 Exterior Property Areas of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

Chapter 3, Section 303 Swimming Pools, Spas, and Hot Tubs of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances 303.1 Swimming Pools.

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

D. ADJOURNMENT -9:22 a.m.

Special Magistrate Fuller

Case Cost Sheet Log

Case No. 21-0117

Name	Activity	Activity_Date	Status	Cost
Mark H. Schofield	Cost to mail Notice of Violation/Notice of Hearing	06/30/2021	Certified mail not yet returned	\$7.47
Clerk of Courts	Fee to record Finding of Fact, Conclusion of Law & Order	08/11/2021		\$29.00
Mark H. Schofield	Cost to mail Finding of Fact, Conclusion of Law & Order	08/11/2021		\$7.47

Total: 43.94



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

CITY OF PORT ORANGE,

Petitioner

CASE NO. 21-0117

To: Mark H. Schofield
Property Owner
5056 Riverside Drive
Port Orange, FL 32127

Re: 5058 Riverside Drive
Port Orange, FL 32127
Parcel ID: 6310-12-02-0030

LEGAL DESCRIPTION: LOTS 3 & 4 & N 10 FT OF LOT 5 & RIP RTS BLK 2 NORWOOD PER OR 4469 PG 0360 PER OR 7040 PG 2488 PER OR 7115 PG 0785
Volusia County Public Records
Volusia County, FL

An inspection of the premises on January 25, 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 30 days to correct. A re-inspection was done on March 4, 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: removing dilapidated motor home on site, repairing/replacing roof structure that is collapsing, repairing/replacing all inoperable or broken windows on the home, repairing or replacing all deteriorating or decaying wood surfaces, repairing/replacing all soffit that is missing or rotten, or, by demolishing the structure in its entirety. The property will need to be filled, graded and seeded with grass seed or sodded within five days of the date of completion of the demolition and comply with the established vegetation standards of the city. All violations are to be corrected by July 31, 2021. Repairs/replacements will require that a permit be obtained through the City of Port Orange Building Department to include payment of all applicable fees associated with the permit.

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

1. **Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.1 (General), 304.1.1 (Unsafe Conditions), (4) & (8) of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances:** (4) Siding and masonry joints including joints between the building envelope and the perimeter between windows, doors and skylights are not maintained, weather resistant or water tight, (8) Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair or with signs of deterioration, fatigue or without proper anchorage, and incapable of supporting all nominal loads and resisting all load effects.
 - Initial inspection found a residential structure where the roofing components are collapsing in the area of the carport and a tarp on the roof where there are areas that are admitting rain. To correct the violation, the roof must be repaired or replaced. A permit will need to be obtained through the City of Port Orange Building Department and all fees associated with the permit will need to be paid. In addition, there are areas on the roof where the soffit is missing. The soffit must be replaced where missing along with the replacement of any damaged soffit.

2. **Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.6 (Exterior Walls) of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances:** Exterior walls shall be free from holes, breaks or loose and rotting materials, and maintained weatherproof and properly surface coated where required to prevent deterioration.
- Initial inspection found rotten/decaying wood siding on the exterior walls of the structure. To correct the violation, the areas of siding with holes or breaks must be repaired/replaced and must be protected by the elements and decay by properly surface coating to prevent further deterioration. A permit will need to be obtained through the City of Port Orange Building Department and all fees associated with the permit will need to be paid.
3. **Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.13 (Window, skylight, and door frames), 304.13.2 (Openable Windows) of the 2021 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. **304.13.2:** Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.
- Initial inspection found windows on the structure that were covered up with materials and therefore not operable or openable. To correct the violation, all doors and windows on the structure must be operable and in good repair and if not, they must be replaced, which will require a permit be obtained and all fees associated with the permit must be paid.
4. **Chapter 70 (Traffic), Article II (Stopping, standing and parking), Section 70-48 (Parking of recreational vehicles and equipment on residential premises), (c), (1), (2), (3), (4), and (5) and (h) of the City of Port Orange Code of Ordinances:**
- (c)** For purposes of this section, disabled or abandoned recreational vehicles or equipment means any vehicle or equipment which:
- (1)** Is wrecked and unrepaired, or is incapable of functioning as a recreational vehicle or equipment in its present state;
- (2)** Has no engine, transmission, or other major and visible parts, or has other major or visible components which are dismantled;
- (3)** Is not registered and/or licensed as required by law;
- (4)** Is apparently inoperative, as indicated by vegetation underneath the recreational vehicle or equipment as high as the vehicle or equipment body or frame or refuse or debris collected underneath the vehicle or equipment; or
- (5)** Is otherwise located on property in an apparent state of disuse or neglect, so as to render the recreational vehicle or equipment unsightly to a reasonable person viewing the vehicle or equipment from outside the property on which the vehicle or equipment is located.
- (h)** There shall be no parking or storage of abandoned or disabled recreational vehicles or equipment on any residential lot or the right-of-way adjoining any residential lot other than temporary parking or storage for those awaiting repair. Such temporary parking or storage shall be confined to an enclosed building or completely enclosed garage or behind the front plane of the dwelling unit. Such temporary parking or storage shall not exceed seven days.
- Initial inspection found a dilapidated recreational vehicle on site. To correct the violation, the recreational vehicle must be removed from the property.

Failure to comply after this date may result in the commencement of appropriate code enforcement action and/or possible fine of up to \$1,000.00 per day for a first violation, \$5,000.00 per day per violation for a repeat violation, and up to \$15,000.00 per violation if the 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 August 11, 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 \$ 747 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **August 11, 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 September 22, 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 30th day of June, 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 Mark H. Schofield, Property Owner, 5056 Riverside Drive, Port Orange, FL 32127, RE: 5058 Riverside Drive, Port Orange, FL 32127, was

☐ Hand-delivered

☒ Posted at the property

Recipient of hand delivered documents: _____

this 30th day of June, 2021.

Time: approx. 11:40am

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 Mark H. Schofield, Property Owner, 5056 Riverside Drive, Port Orange, FL 32127, RE: 5058 Riverside Drive, Port Orange, FL 32127, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 1st day of July, 2021.

Time: approx. 11:30AM


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. 21-1395

Name	Activity	Activity_Date	Status	Cost
Mark E. Davison	Cost to mail Notice of Violation/Notice of Hearing	08/20/2021	Certified mail returned "vacant"	\$7.47
Cecelia K. Davison	Cost to mail Notice of Violation/Notice of Hearing	08/20/2021	Certified mail returned "vacant"	\$7.47
Clerk of Courts	Fee to record Finding of Fact, Conclusion of Law & Order	09/22/2021		\$29.00
Mark E. Davison	Cost to mail Finding of Fact, Conclusion of Law & Order	09/22/2021		\$7.47
Cecelia K. Davison	Cost to mail Finding of Fact, Conclusion of Law & Order	09/22/2021		\$7.47

Total: 58.88



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

CITY OF PORT ORANGE, FLORIDA

CITY OF PORT ORANGE,

Petitioner

CASE NO. 21-1395

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

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

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

Volusia County Public Records
Volusia County, FL

An inspection of the premises on August 12, 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), (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. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than ten inches within such natural areas.

- The initial inspection of this property found high weeds, grass, and undergrowth. To correct the violation, the entire property needs to be mowed, weed-eated, all 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 September 13, 2017 under Case No. 17-0364.

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 September 22, 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 \$ 14,94 as indicated on the cost sheet submitted into evidence. The respondent shall be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **September 22, 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 **October 27, 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 18 day of August, 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 Mark E. Davison, Cecelia K. Davison, 310 Grant Street, Port Orange, FL 32127 RE: 310 Grant Street, Port Orange, FL 32127, was

- ☐ Hand-delivered
☒ Posted at the property

Recipient of hand delivered documents: _____

this 19 day of August, 2021.

Time: approx. 10:20 AM


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 Mark E. Davison, Cecelia K. Davison, 310 Grant Street, Port Orange, FL 32127 RE: 310 Grant Street, Port Orange, FL 32127, was

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

this 20 day of Aug., 2021.

Time: approx. 11:30 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. 21-1394

Name	Activity	Activity_Date	Status	Cost
Mark E. Davison	Cost to mail Notice of Violation/Notice of Hearing	08/20/2021	Certified mail returned "vacant"	\$7.47
Cecelia Kay Degnan	Cost to mail Notice of Violation/Notice of Hearing	08/20/2021	Certified mail returned "vacant"	\$7.47
Clerk of Courts	Fee to record Finding of Fact, Conclusion of Law & Order	09/22/2021		\$29.00
Mark E. Davison	Cost to mail Finding of Fact, Conclusion of Law & Order	09/22/2021		\$7.47
Cecelia Kay Degnan	Cost to mail Finding of Fact, Conclusion of Law & Order	09/22/2021		\$7.47

Total: 58.88



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

CITY OF PORT ORANGE, FLORIDA

CITY OF PORT ORANGE,

Petitioner

CASE NO. 21-1394

To: Mark E. Davison
Cecelia Kay Degnan
310 Grant Street
Port Orange, FL 32127

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

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

Volusia County Public Records
Volusia County, FL

An inspection of the premises on August 12, 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), (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. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than ten inches within such natural areas.
 - The initial inspection of this property found high weeds, grass, and undergrowth. To correct the violation, the entire property needs to be mowed, weed-eated, all 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 September 13, 2017 under Case No. 17-0895.

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

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PLEASE GOVERN YOURSELF ACCORDINGLY.**

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

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DATED this 18 day of August, 2021.

CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT OFFICER

By: J. Scott Allman
J. Scott Allman, Code Enforcement Officer

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this 19 day of August, 2021.

Time: approx. 10:20 A.M.



J. Scott Allman, Code Enforcement Officer

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Secretary, Special Magistrate

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