



AGENDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF PORT ORANGE

Meeting Date: Wednesday, November 10, 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.:** 21-1457

Respondent: CPI Amherst Sfr Program II Owner LLC

Address of Violation: 913 Mill Road Lane, Port Orange, FL 32127

Code Officer: Dennis Boehmer

First Notified: 8/31/2021

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), (d) (Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances.

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

4. **CEB Case No.:** 21-1604

Respondent: David S. Paradise
Karen Paradise

Address of Violation: 1359 Herbert Street, Port Orange, FL 32129

Code Officer: Daniel Bungart

First Notified: 9/28/2021

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), (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.

5. **CEB Case No.:** 21-1598

Respondent: Samuel C. Sebergandio Jr. Estate

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

Code Officer: Dena Joseph

First Notified: 9/24/2021

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), (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.

6. **CEB Case No.:** 21-1452

Respondent: J. Plumber Sherbino

J. Plumber Sherbino Rev. Living Trust

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

Code Officer: Dena Joseph

First Notified: 8/24/2021

Compliance: Yes

Cited for violation(s) - Chapter 16 (Miscellaneous Regulations), Section 6 (Visual Clearance), (a) In general (3) of the City of Port Orange Land Development Code: The following areas shall be designed and maintained to allow visibility between three feet and eight feet above grade. (a) Tree trunks trimmed of foliage to eight feet and newly planted landscape material with immature crown development shall be exempt. (3) In the area along all public rights-of-way measured five feet perpendicular from said right of way.

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

7. **CEB Case No.:** 21-1304

Respondent: Steven & Jacalyn Larson

Address of Violation: 1151 Harbour Point Drive, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 7/20/2021

Compliance: Yes

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

8. **CEB Case No.:** 21-1294

Respondent: Cally M. Dawber-Baker

Address of Violation: 1201 Harbour Point Drive, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 7/15/2021

Compliance: Yes

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

9. **CEB Case No.:** 21-1375

Respondent: Stacey L. Algieri

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

Code Officer: Dena Joseph

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.

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.

¹⁰ **CEB Case No.:** 21-1319

Respondent: Daniel Alex Newth & Leah Smith Newth

Address of Violation: 826 Banbury Drive, Port Orange, FL 32129

Code Officer: Scott Allman

First Notified: 7/19/2021

Compliance: Yes

Cited for violation(s) - 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 Port Orange Code of Ordinances.

¹¹ **CEB Case No.:** 21-1415

Respondent: Lilly H. Ogden & Rose C. Ogden

Address of Violation: 44 Springwood Square, Port Orange, FL 32129

Code Officer: Scott Allman

First Notified: 8/17/2021

Compliance: Yes

Cited for violation(s) - 2021 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.

2021 International Property Maintenance Code, Chapter 3 (General Requirements), Section 305 Interior Structure, as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: 305.3 Interior surfaces.

¹² **CEB Case No.:** 21-1354

Respondent: Susan Lovell

Address of Violation: 717 Tarry Town Trail, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 7/26/2021

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 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.

13 **CEB Case No.:** 21-1066

Respondent: Geneva M. Wynter

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

Code Officer: Scott Allman

First Notified: 6/4/2021

Compliance: No

Cited for violation(s) - Chapter 3 (General Requirements), Section 304 (Exterior Structure), Section 304.7 (Roofs and Drainage), of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

14 **CEB Case No.:** 21-1684

Respondent: Geneva M. Wynter

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

Code Officer: Scott Allman

First Notified: 10/8/2021

Compliance: No

Cited for violation(s) - 2021 International Property Maintenance Code, Chapter 3, Section 303 Swimming Pools, Spas and Hot Tubs as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: 303.1 Swimming Pools.

15 **CEB Case No.:** 21-1651

Respondent: Geneva M. Wynter

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

Code Officer: Scott Allman

First Notified: 10/5/2021

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.

C. ORDER IMPOSING FINE/LIEN

¹⁶ **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.

¹⁷ **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.

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CEB Case No.: 20-1954

Respondent: Catherine M. Thomas Life Estate

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

Code Officer: Dena Joseph

First Notified: 12/17/2020

Compliance: No

Cited for violation(s) - Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment), 108.1 (General), 108.1.1 (Unsafe Structures), 108.1.3 (Structure Unfit for Human Occupancy), 108.1.5 (Dangerous Structure or Premises), (1), (2), (3), (4), (5), (6), (7), (8), (10), (11), 108.6 (Abatement Methods), Section 109 (Emergency Measures), 109.1 (Imminent Danger) of the 2018 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

Chapter 42 (Nuisances), Article V (Unsafe Conditions), Division 3 (Abatement of Unsafe Structures), 42-108 (Unsafe Conditions-Nuisance), (a) 1, 2, 3, 4, 5, 6 & (b) of the City of Port Orange Code of Ordinances.

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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.

20 **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.

21 **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.

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



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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.

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
OCTOBER 13, 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
Scott Allman, Code Compliance Inspector
Dennis Boehmer, 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 September 22, 2021 meeting minutes as presented.

Oaths

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

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 21-1411
Respondent: Ouri Attias Tr
Address of Violation: 6710 Duckhorn Ct., Port Orange, FL 32128
Code Officer: Daniel Bungart
First Notified: 8/18/2021

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), (d) (Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances.

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

Chapter 3 (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.

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

Daniel Bungart, 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.:** 21-1303

Respondent: Joseph Scott Brewer

Paige Thompson Brewer

Address of Violation: 1158 Silver Creek Run, Port Orange, FL 32129

Code Officer: Daniel Bungart

First Notified: 7/20/2021

Compliance: Yes

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

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

5. **CEB Case No.:** 21-1631

Respondent: Michael Deguire & Leonora Deguire

Address of Violation: 1235 Thomas Drive, Port Orange, FL 32129

Code Officer: Daniel Bungart

First Notified: 10/1/2021

Compliance: No

Cited for violation(s) - City of Port Orange Code of Ordinances, Chapter 56 (Solid Waste), Article II (Collection and Disposal Service), Sec. 56-27 (Scope of service), (a) No human or animal excrement will be picked up or transported by the public works department or by any franchisee.

Mr. Bungart testified as to the condition of the property, as well as the notice provided to the property owner. Photos were submitted into evidence and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected by October 7, 2021 by removing and properly disposing of all excrement located in the trash cans and immediately cease placing such items in the trash. All requirements of Wastepro and Solid Waste Manager must be met, and service reinstated.

Mick Neals, Solid Waste Manager, was sworn in by Special Magistrate Fuller and testified to notifying the homeowner in the past that human excrement is not allowed per city code. The property has been notified. Mr. Neals submitted photos into evidence which were accepted by Special Magistrate Fuller.

Michael Deguire, Property Owner, was sworn in by Special Magistrate Fuller and testified that when he became aware of the code violation, he told his son to cease placing the excrement in the trash and he would take it to the dump.

Mr. Bungart recommended the property owners be found in violation of the above referenced codes with the violations to be corrected immediately by no longer placing any excrement in the trash and having Wastepro services re-instated by contacting their customer service. In the event the property is not brought into compliance immediately a one-time fine in the amount of \$1,000.00 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. Mr. Bungart requested any future violations under this ordinance be considered repeat. The cost sheet in the amount of \$36.86 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Special Magistrate Fuller granted the recommendation with an amendment. The property owner is to immediately cease placing any excrement in the trash and have Wastepro services re-instated by contacting their customer service. If the property comes into violation again a one-time fine in the amount of \$1,000.00 shall be imposed. Costs in the amount of \$36.86 were awarded to the City.

6. CEB Case No.: 21-1364

Respondent: James W Sim Trust

Address of Violation: 840 Upland Drive, Port Orange, FL 32127

Code Officer: Dennis Boehmer

First Notified: 8/9/2021

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), (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.

Dennis Boehmer, 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.

7. **CEB Case No.:** 21-1418

Respondent: George R. Davison Estate

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

Code Officer: Dennis Boehmer

First Notified: 8/20/2021

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), (d) (Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances.

Mr. Boehmer testified as to the condition of the property, as well as the notice provided to the property owner. Photos were submitted into evidence and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected immediately, as it is a repeat violation, by mowing the entire property of all high weeds and grass and removing of all undergrowth.

Mr. Boehmer recommended the property owners be found in violation of the above referenced codes with the violations to be corrected immediately by mowing, weed eating, removing all undergrowth and blowing all debris back onto the property. In the event the property is not brought into compliance immediately the City shall have the option to abate the violation and lien the property for all costs of abatement. Accused should be further ordered to contact the Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the order. Mr. Boehmer requested any future violations under this ordinance be considered repeat. The cost sheet in the amount of \$43.94 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 is to immediately mow, weed eat, remove all undergrowth and blow all debris back onto the property or the City shall abate the violation and lien the property for all costs of abatement. Costs in the amount of \$43.94 were awarded to the City.

8. **CEB Case No.:** 21-1376

Respondent: Donald & Susan Franchi

Address of Violation: 145 Wimbleton Ct, Port Orange, FL 32127

Code Officer: Dennis Boehmer

First Notified: 8/11/2021

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

Mr. Boehmer testified as to the condition of the property, as well as the notice provided to the property owner. Photos were submitted into evidence and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected by September 2, 2021 by mowing the entire property, weed eating, removing all undergrowth and vines/vegetation, and all debris blown back onto the property; all lawn tools, chemicals, the jug of bleach, bug spray, propane tanks, blankets and the large yellow cooler on side of home were to be relocated to an enclosed space, and the swimming pool was to either be cleaned or drained so that it would not become a breeding ground for mosquitoes.

Deborah Pearson, Code Compliance Manager, was sworn in by special Magistrate Fuller and testified to finding the same property and property owner in violation for the exact same violation over five years ago.

Mr. Boehmer recommended the property owners be found in violation of the above referenced codes with the violations to be corrected by October 24, 2021 by mowing the entire property (which includes the back yard) of all high weeds, grass, and underbrush and by removing all stored items on the front patio area. The stored items may include the following: jugs of water, any chemicals, containers, yard tools, broom, dustpan, blankets, propane tanks, and blankets. 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. Mr. Boehmer requested any future violations under this ordinance be considered repeat. The cost sheet in the amount of \$58.88 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 October 24, 2021 to mow the entire property (which includes the back yard) of all high weeds, grass and underbrush and remove all stored items on the front patio area. The stored items may include the following: jugs of water, any chemicals, containers, yard tools, broom, dustpan, blankets, propane tanks, and blankets or a daily fine in the amount of \$100.00 per day shall be imposed. Costs in the amount of \$58.88 were awarded to the City.

9. **CEB Case No.:** 20-0992

Respondent: Joseph Magurczek (Joint Tenancy with Right of Survivorship)

Jason Magurczek (Joint Tenancy with Right of Survivorship)

Address of Violation: 521 Lafayette Street, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 6/18/2020

Compliance: No

Cited for violation(s) - Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment), 108.1 (General), 108.1.1 (Unsafe Structures), 108.1.2 (Structure Unfit for Human Occupancy), 108.1.5 (Dangerous Structure or Premises), (2), (3), (4), (5), (6), (7), (8), (10), (11), 108.6 (Abatement Methods), Section 109 (Emergency Measures), 109.1 (Imminent Danger) of the 2018 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

Chapter 42, (Nuisances), Article V (Unsafe Conditions), Division 3 (Abatement of Unsafe Structures), 42-108 (Unsafe Conditions - Nuisance), (a) 2, 3, 4, 5, 6 & (b) of the City of Port Orange Code of Ordinances.

Chapter 5 (Plumbing Facilities and Fixture Requirements), Section 505 (Water Systems), 505.1 (General) of the 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), 304.7 (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.

Dena Joseph, Code Compliance Inspector, was sworn in by Special Magistrate Fuller and requested a dismissal of the case due to change in ownership. Special Magistrate Fuller granted the dismissal request.

10. **CEB Case No.:** 21-0973

Respondent: Donna B. Hood Estate

Address of Violation: 525 Lafayette Street, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 5/19/2021

Compliance: Yes

Cited for violation(s) - Chapter 12 (Roads and Vehicular Use Areas), Section 3 (Access Control), (g) Single Family and Duplex Drives, (1) Dimensions, (2) Maximum Coverage and (4) Front Yard Coverage of the City of Port Orange Land Development Code.

Chapter 13 (Landscaping and Buffers), (5.5) Landscaping for single - and two - family residences (e) Repair of disturbed yard areas, (4) Substitute finish ground covers, (a) Side and rear yard areas, and (b) Front yard areas of the City of Port Orange Land Development Code.

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

Chapter 42 (Nuisances), Article II (Garbage , Junk and Undergrowth), Section 42-32 Storage of

vehicles, furniture, etc. of the City of Port Orange Code of Ordinances.

Chapter 3 (General Requirements), Section 302 (Exterior Property Areas), 302.2 (Grading and drainage) 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.

11. CEB Case No.: 21-1007

Respondent: Alberta R. Hiller

Address of Violation: 5515 Nova Road, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 5/26/2021

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 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 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 mowing the entire property to include the right of way, weed eating, and blowing of yard debris, grass clippings were to be blown back onto the property off the street and sidewalk, by storing all outside items inside an enclosed building and removing all trash and debris on site. Additionally, all vehicles and trailers are to be properly parked in the driveway or on an installed driveway extension made of rock or mulch and set apart with landscape timbers.

Ms. Joseph recommended the property owners be found in violation of the above referenced codes with the violations to be corrected immediately by mowing the entire property to include the right of way, weed eating, and blowing of yard debris back onto the property, by storing all

outside items inside an enclosed building and removing all trash and debris on site. Additionally, all vehicles and trailers are to be properly parked in the driveway or on an installed driveway extension made of rock or mulch and set apart with landscape timbers. A daily fine in the amount of \$100.00 per day shall be imposed beginning September 10, 2021 (the date the notice of violation was posted on the property) and running until the property is brought into compliance. Accused should be further ordered to contact the Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the order. Ms. Joseph requested any future violations under this ordinance be considered repeat. The cost sheet in the amount of \$44.72 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Special Magistrate Fuller granted the recommendation as presented. The property owner is to immediately mow the entire property to include the right of way, weed eating, and blowing of yard debris back onto the property, by storing all outside items inside an enclosed building and removing all trash and debris on site. Additionally, all vehicles and trailers are to be properly parked in the driveway or on an installed driveway extension made of rock or mulch and set apart with landscape timbers. A daily fine in the amount of \$100.00 per day shall be imposed beginning September 10, 2021 (the date the notice of violation was posted on the property) and running until the property is brought into compliance. Costs in the amount of \$44.72 were awarded to the City.

12. CEB Case No.: 21-1493

Respondent: Betty Jane Buelow Estate

Address of Violation: 5437 Isabelle Avenue, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 9/8/2021

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.

Ms. Joseph testified as to the condition of the property, as well as the notice provided to the property owner. Photos were submitted into evidence and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected immediately, as it is a repeat violation, by mowing the entire property to include weed eating and blowing of yard debris back onto property.

Ms. Joseph recommended the property owners be found in violation of the above referenced codes with the violations to be corrected immediately by mowing the entire property to include weed eating and blowing of yard debris back onto property. A one-time fine in the amount of \$1,000.00 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 \$44.72 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Special Magistrate Fuller granted the recommendation as presented and deemed the property a health and safety violation. The property owner is to immediately mow the entire property to include weed eating and blowing of yard debris back onto property. A one-time fine in the amount of \$1,000.00 shall be imposed. Costs in the amount of \$44.72 were awarded to the City.

C. ORDER IMPOSING FINE/LIEN

13. **CEB Case No.:** 20-0301

Respondent: Gil Lichtenstein

Address of Violation: 907 Second Street, Port Orange, FL 32129

Code Officer: Dennis Boehmer

First Notified: 2/25/2020

Compliance: No

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

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

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

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

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

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

Mr. Boehmer requested an Order Setting Fine/Lien as the property was not in compliance June 6, 2020 as ordered in the previous hearing on May 27, 2020 by the Special Magistrate. He requested a daily fine in the amount of \$100.00 per day beginning June 7, 2020 and running until the property is brought into compliance as ordered in the Finding of Fact, Conclusion of

Law & Order. A cost sheet for mailing and recording costs in the amount of \$96.90 was tendered and submitted into evidence without objection.

Special Magistrate Fuller found the property in non-compliance and awarded a daily fine in the amount of \$100.00 per day beginning June 7, 2020 and running until the property is brought into compliance and mailing and recording costs to date of \$96.90.

14. **CEB Case No.:** 21-1032

Respondent: Shoppes at Southwinds II LLC

Address of Violation: 3751 Clyde Morris Blvd., Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 6/4/2021

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.

City of Port Orange Code of Ordinances, Chapter 14, Article 7, Section 14-314 (a) Approved Landscape plans (2) Shrubs (5) Mulched areas shall be maintained so as to provide solid coverage and reasonable weed control.

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

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

15. **CEB Case No.:** 20-1811

Respondent: Mohamed A. Sharaf

Address of Violation: 726 Central Park Blvd., Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 11/13/2020

Compliance: Yes

Cited for violation(s) - City of Port Orange Land Development Code, Chapter 13 (Landscaping and Buffers), Section 5.5 (Landscaping for single - and two-family residences), (a) Materials (1) Trees, (d) Replacements required.

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

16. **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.

Mr. Allman requested an Order Setting Fine/Lien as the property was not in compliance June 27, 2021 as ordered in the previous hearing on May 26, 2021 by the Special Magistrate. The City retained vendor Ameritech Homes, who abated the violation at the cost of \$4,200.00. A cost sheet for mailing and recording costs in the amount of \$231.87 was tendered and submitted into evidence without objection.

Special Magistrate Fuller found the property in non-compliance and awarded a abatement costs of \$4,200.00 and mailing and recording costs to date of \$231.87. A lien is hereby imposed in the amount of \$4,431.87.

17. **CEB Case No.:** 21-1131
 Respondent: Stephen Stewart
 Address of Violation: 717 Dove Avenue, Port Orange, FL 32129
 Code Officer: Daniel Bungart
 First Notified: 6/15/2021

Compliance: No

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

Mr. Bungart requested an Order Setting Fine/Lien as the property was not in compliance September 1, 2021 as ordered in the previous hearing on August 25, 2021 by the Special Magistrate. He requested a daily fine in the amount of \$100.00 per day beginning September 2, 2021 and running through and including September 28, 2021 as ordered in the Finding of Fact, Conclusion of Law & Order. A cost sheet for mailing and recording costs in the amount of \$97.80 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 \$100.00 per day beginning September 2, 2021 and running through and including September 28, 2021 for a total of \$2,700.00 and mailing and recording costs to date of \$97.80. A lien is hereby imposed in the amount of \$2,797.80.

18. **CEB Case No.:** 21-1243
 Respondent: James V. Costanzo
 Address of Violation: 121 Aloha Terrace, Port Orange, FL 32129
 Code Officer: Daniel Bungart

First Notified: 7/7/2021

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), (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 August 25, 2021 by the Special Magistrate. He requested a daily fine in the amount of \$200.00 per day beginning July 7, 2021 and running through and including August 28, 2021 as ordered in the Finding of Fact, Conclusion of Law & Order. The City retained vendor Mark Solomon Properties, who abated the violation at the cost of \$106.00. A cost sheet for mailing and recording costs in the amount of \$97.80 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 7, 2021 and running through and including August 28, 2021 for a total of \$10,400.00, abatement costs of \$106.00 and mailing and recording costs to date of \$97.80. A lien is hereby imposed in the amount of \$10,603.80.

19. **CEB Case No.:** 21-1194

Respondent: Samuel C. Sebergandio Jr. Estate

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

Code Officer: Dena Joseph

First Notified: 6/30/2021

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.

Ms. Joseph requested an Order Setting Fine/Lien as the property was not in compliance immediately as ordered in the previous hearing on August 25, 2021 by the Special Magistrate. She requested a one-time fine in the amount of \$2,000.00 as ordered in the Finding of Fact, Conclusion of Law & Order. A cost sheet for mailing and recording costs in the amount of \$97.80 was tendered and submitted into evidence without objection.

Special Magistrate Fuller found the property in non-compliance and awarded a one-time fine in the amount of \$2,000.00 and mailing and recording costs to date of \$97.80. A lien is hereby imposed in the amount of \$2,097.80.

20. **CEB Case No.:** 21-1061

Respondent: James E. Redmond

Address of Violation: 5400 Turton Lane, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 6/4/2021

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), (d) (Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances.

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

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

Chapter 3 (General Requirements), Section 301 (General), 301.3 (Vacant structures and land) 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 302 (Exterior property areas), 302.7 (Accessory Structures) 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), 304.15 (Doors) 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 an Order Setting Fine/Lien as the property was not in compliance September 5, 2021 as ordered in the previous hearing on August 25, 2021 by the Special Magistrate. She requested a daily fine in the amount of \$250.00 per day beginning September 6, 2021 and running through and including September 14, 2021 as ordered in the Finding of Fact, Conclusion of Law & Order. The City retained vendor Mark Solomon Properties, who abated the violation(s) at the cost of \$687.00. A cost sheet for mailing and recording costs in the amount of \$97.80 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 \$250.00 per day beginning September 6, 2021 and running through and including September 14, 2021 for a total of \$2,250.00, abatement costs of \$687.00 and mailing and recording costs to date of \$97.80. A lien is hereby imposed in the amount of \$3,034.80.

21. **CEB Case No.:** 21-0134
Respondent: Brennen J. Clancy
Address of Violation: 734 Cindy Circle, Port Orange, FL 32127
Code Officer: Dena Joseph
First Notified: 1/29/2021

Compliance: No

Cited for violation(s) - 2020 Florida Building Code, 7th Edition, Section 105 (Permits), 105.1 (Permits Required), as adopted by Chapter 8, Article 1, of the City of Port Orange Land Development Code.

Ms. Joseph requested an Order Setting Fine/Lien as the property was not in compliance September 24, 2021 as ordered in the previous hearing on August 25, 2021 by the Special Magistrate. She requested a daily fine in the amount of \$50.00 per day beginning September 25, 2021 and running until the property is brought into compliance as ordered in the Finding of Fact, Conclusion of Law & Order. A cost sheet for mailing and recording costs in the amount of \$97.80 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 \$50.00 per day beginning September 25, 2021 and running until the property is brought into compliance and mailing and recording costs to date of \$97.80.

22. **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 requested a continuation of the case to the November 10, 2021 hearing. Special Magistrate Fuller granted the continuation request.

23. **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 November 10, 2021 Hearing. Special Magistrate Fuller granted the continuation request.

D. ADJOURNMENT 10:35am

Special Magistrate Fuller

Case Cost Sheet Log

Case No. 21-1457

Name	Activity	Activity_Date	Status	Cost
CPI Amherst Sfr Program II Owner LLC	Cost to mail Notice of Violation/Notice of Hearing	09/22/2021	Certified mail returned stamped "CT Corporation Sept 27, 2021"	\$7.86
Clerk of Courts	Fee to record Finding of Fact, Conclusion of Law & Order	11/10/2021		\$29.00
CPI Amherst Sfr Program II Owner LLC	Cost to mail Finding of Fact, Conclusion of Law & Order	11/10/2021		\$7.86

Total: 44.72



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

CITY OF PORT ORANGE,

Petitioner

CASE NO. 21-1457

To: CPI Amherst Sfr Program II Owner LLC
Property Owner
C/O: CT Corporation System, Registered Agent
1200 South Pine Island Road
Plantation, FL 33324

Re: 913 Mill Road Lane
Port Orange, FL 32127
Parcel ID: 6316-03-08-0130

LEGAL DESCRIPTION: LOT 13 BLK 8 DEEP FOREST VILLAGE MB 33 PGS 98-100 INC PER OR 2392 PG 1953 PER OR 6143 PGS 1344-1345 PER OR 7190 PGS 1272-1273 PER OR 7255 PGS 3216-3217 PER OR 7775 PG 2097 PER OR 7968 PG 1603 PER OR 8006 PG 3539

Volusia County Public Records
Volusia County, FL

An inspection of the premises on August 31, 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 10 days to correct. A re-inspection was done on September 21, 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: Mow and weed-eat the entire property for all high weeds and grass and cut back/remove all vines and vegetation growing up on the side of the home, under the eaves and on the privacy fence, by September 22, 2021.**

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

- Chapter 42, (Nuisances), Article II (Garbage, junk, and undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), (d) (Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances:** The owner of an improved lot in a residential zone shall keep such lot free and clear of all fallen trees and limbs. All weeds, grass and undergrowth shall be cut to a height not exceeding ten inches. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than ten inches within such natural areas. **(h) Abutting property owner maintenance of parkages:** It shall be the duty of every owner of real property within the city to at all times cause to be cut and mowed the grass and weeds, and to cause to be cut and trimmed the flowers, vines, shrubbery, and trees not exceeding six feet in height, in a manner that protects and promotes the public health, safety and welfare and presents an aesthetically pleasing appearance in those areas of the parkage most nearly abutting their properties. Parkages abutting improved residential or commercial lots shall be maintained as provided in subsection (d) of this section for improved residential lots. 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, grass, and undergrowth.

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 November 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 \$ 7.86 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **November 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 January 12, 2022, 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) 506-5643**.

DATED this 22ND day of SEPTEMBER, 2021.

CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT OFFICER

By: 

Dennis A. Boehmer, 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 CPI Amherst Sfr Program II Owner LLC, Property Owner, C/O: CT Corporation System, Registered Agent, 1200 South, Pine Island Road, Plantation, FL 33324, RE: 913 Mill Road Lane, Port Orange, FL 32127, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

this 22ND day of SEPTEMBER, 2021.

Time: approx. 1048 HOURS



Dennis A. Boehmer, 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 CPI Amherst Sfr Program II Owner LLC, Property Owner, C/O: CT Corporation System, Registered Agent, 1200 South, Pine Island Road, Plantation, FL 33324, RE: 913 Mill Road Lane, Port Orange, FL 32127, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 22 day of September, 2021.

Time: approx. 11:15am



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. 21-1604

Name	Activity	Activity_Date	Status	Cost
David S. Paradise	Cost to mail Notice of Violation/Notice of Hearing	10/08/2021	Certified mail not yet returned	\$7.86
Karen Paradise	Cost to mail Notice of Violation/Notice of Hearing	10/08/2021	Certified mail not yet returned	\$7.86
Clerk of Courts	Fee to record Finding of Fact, Conclusion of Law & Order	11/10/2021		\$29.00
David S. Paradise	Cost to mail Finding of Fact, Conclusion of Law & Order	11/10/2021		\$7.86
Karen Paradise	Cost to mail Finding of Fact, Conclusion of Law & Order	11/10/2021		\$7.86

Total: 60.44



NOTICE OF VIOLATION AND NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

CITY OF PORT ORANGE,

Petitioner

CASE NO. 21-1604

To: David S. Paradise
Karen Paradise
1359 Herbert Street
Port Orange, FL 32129

Re: 1359 Herbert Street
Port Orange, FL 32129

Parcel ID: 6308-00-03-0110

LEGAL DESCRIPTION: 8 16 33 S 192.45 FT MEAS ON W/L OF W 100 FT OF E 432 FT OF E 1/2 OF NW 1/4 N OF HERBERT ST PER OR 4296 PG 2217 & INC TRI PER OR 4506 PG 1417 BEING W 24.96 FT OF E 336.2 FT AS MEAS FROM W/L TWIN GATES SUB MB 33 PG 48 ON N/L HERBERT ST & MEAS 164.03 FT ON W/L PER OR 6616 PG 4420 PER OR 6838 PG 2135 PER OR 6843 PG 3655 PER OR 6958 PG 3021 PER OR 7181 PG 4701

Volusia County Public Records
Volusia County, FL

An inspection of the premises on September 28, 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 5 days to correct. A re-inspection was done on October 7, 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: **All high weeds and grass on property must be trimmed to be no taller than 10 inches and all debris blown back onto the property, by October 15, 2021.**

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

Chapter 42, (Nuisances), Article II (Garbage, junk, and undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), (d) (Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances: The owner of an improved lot in a residential zone shall keep such lot free and clear of all fallen trees and limbs. All weeds, grass and undergrowth shall be cut to a height not exceeding ten inches. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than ten inches within such natural areas. **(h) Abutting property owner maintenance of parkages:** It shall be the duty of every owner of real property within the city to at all times cause to be cut and mowed the grass and weeds, and to cause to be cut and trimmed the flowers, vines, shrubbery, and trees not exceeding six feet in height, in a manner that protects and promotes the public health, safety and welfare and presents an aesthetically pleasing appearance in those areas of the parkage most nearly abutting their properties. Parkages abutting improved residential or commercial lots shall be maintained as provided in subsection (d) of this section for improved residential lots. 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.

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 November 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 \$ 15.72 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **November 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 January 12, 2022, 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) 506-5640.

DATED this 8th day of October, 2021.

CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT OFFICER

By: [Signature]
Daniel Bungart, 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 David S. Paradise, Karen Paradise, 1359 Herbert Street, Port Orange, FL 32129, RE: 1359 Herbert Street, Port Orange, FL 32129, was

☐ Hand-delivered

☒ Posted at the property

Recipient of hand delivered documents: _____

this 8th day of October, 2021.

Time: approx. 12:00pm

Daniel Bungart
Daniel Bungart, 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 David S. Paradise, Karen Paradise, 1359 Herbert Street, Port Orange, FL 32129, RE: 1359 Herbert Street, Port Orange, FL 32129, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 8 day of October, 2021.

Time: approx. 12:15pm

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. 21-1598**

Name	Activity	Activity_Date	Status	Cost
Samuel C. Sebergandio Jr. Estate	Cost to mail Notice of Violation/Notice of Hearing	10/01/2021	Certified mail returned unclaimed	\$7.86
Clerk of Courts	Fee to record Finding of Fact, Conclusion of Law & Order	11/10/2021		\$29.00
Samuel C. Sebergandio Jr. Estate	Cost to mail Finding of Fact, Conclusion of Law & Order	11/10/2021		\$7.86

Total: 44.72



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

CITY OF PORT ORANGE, FLORIDA

CITY OF PORT ORANGE,

Petitioner

CASE NO. 21-1598

To: Samuel C. Sebergandio Jr. Estate
5453 Pineland Ave.
Port Orange, FL 32127

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

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

Volusia County Public Records
Volusia County, FL

An inspection of the premises on September 24, 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. **(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, 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 11, 2019 under Case No. 19-0750.

A fine up to \$5,000 per day per violation for a repeat violation may be assessed by the Special Magistrate 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 November 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 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 \$ 786 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 **November 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 **January 12, 2022, 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 2nd day of September, 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 Samuel C. Sebergandio Jr. Estate, 5453 Pineland Ave., Port Orange, FL 32127, RE: 5453 Pineland Ave., Port Orange, FL 32127, was

☐ Hand-delivered
☒ Posted at the property

Recipient of hand delivered documents: _____

this 2nd day of September, 2021.

Time: approx. 3:00 pm

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 Samuel C. Sebergandio Jr. Estate, 5453 Pineland Ave., Port Orange, FL 32127, RE: 5453 Pineland Ave., Port Orange, FL 32127, was

☒ Posted at City Hall
☒ Sent via certified and regular

this 1 day of October, 2021.

Time: approx. 11:00 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. 21-1452**

Name	Activity	Activity_Date	Status	Cost
J. Plumber Sherbino J. Plumber Sherbino Rev. Living Trust	Cost to mail Notice of Violation/Notice of Hearing	09/20/2021	Certified mail returned signed "J Plummer Sherbino 9/23/21"	\$7.86
Clerk of Courts	Fee to record Finding of Fact, Conclusion of Law & Order	11/10/2021		\$29.00
J. Plumber Sherbino J. Plumber Sherbino Rev. Living Trust	Cost to mail Finding of Fact, Conclusion of Law & Order	11/10/2021		\$7.86

Total: 44.72



NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

CITY OF PORT ORANGE,

Petitioner

CASE NO. 21-1452

To: J. Plumber Sherbino
J. Plumber Sherbino Rev. Living Trust
115 Fleming Ave.
Port Orange, FL 32127

Re: 115 Fleming Avenue
Port Orange, FL 32127
Parcel ID: 6310-20-02-0014

LEGAL DESCRIPTION: W 60 FT OF LOT 1 ON N SIDE BLK 2 FLEMINGS PORT ORANGE MB 1 PG 100 PER OR 5133
PG 0194 PER OR 5631 PG 2905 PER OR 6380 PG 2607 PER OR 6424 PGS 0435-0436 PER OR 6736 PG 1868 PER OR
6842 PG 0280 PER OR 6845 PG 3457
Volusia County Public Records
Volusia County, FL

An inspection of the premises on August 24, 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 **September 27, 2021** by doing the following: **The area in front of the home that is considered city right of way, measuring 25 feet from the centerline of the roadway, must be maintained in accordance with the below ordinance. An additional 5 feet beyond the right of way area must also be maintained in the same manner, for a total of 30 feet to be measured from the centerline of the roadway. The area along all public rights-of-way measured five feet perpendicular from said right-of-way is to be maintained between 3 feet and eight feet above grade. Tree trunks trimmed of foliage to eight feet, and newly planted landscape material with immature crown development shall be exempt. In addition, all garbage cans are to be kept away from the front of any building or premises and stored on the side of the home.**

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

1. Chapter 16 (Miscellaneous Regulations), Section 6 (Visual Clearance), (a) In general (3) of the City of Port Orange Land Development Code: The following areas shall be designed and maintained to allow visibility between three feet and eight feet above grade. (a) Tree trunks trimmed of foliage to eight feet and newly planted landscape material with immature crown development shall be exempt. (3) In the area along all public rights-of-way measured five feet perpendicular from said right-of-way.
 - Initial inspection found a badly overgrown right of way in front of the home. To correct the violation, the area in front of the home that is considered city right of way, measuring 25 feet from the centerline of the roadway, must be maintained in accordance with the below ordinance. An additional 5 feet beyond the right of way area must also be maintained in the same manner, for a total of 30 feet. The area along all public rights-of-way measured five feet perpendicular from said right-of-way is to be maintained between 3 feet and eight feet above grade. Tree trunks trimmed of foliage to eight feet, and newly planted landscape material with immature crown development shall be exempt. In addition, all garbage cans are to be kept away from the front of any building or premises.

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. 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.

- Initial inspection found trash cans being stored in the city right of way area which is severely overgrown. To correct the violation, all trash, garbage and recycling containers shall be kept away from the front of any building or premises and stored on the side of the home.

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 November 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 \$ 2,816 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **November 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 **January 12, 2022, 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 17th day of September, 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 J. Plumber Sherbino, J. Plumber Sherbino Rev. Living Trust, 115 Fleming Ave., Port Orange, FL 32127, RE: 115 Fleming Ave., Port Orange, FL 32127, was

☐ Hand-delivered
☒ Posted at the property

Recipient of hand delivered documents: _____

this 17th day of September, 2021.

Time: approx. 10:25 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 J. Plumber Sherbino, J. Plumber Sherbino Rev. Living Trust, 115 Fleming Ave., Port Orange, FL 32127, RE: 115 Fleming Ave., Port Orange, FL 32127, was

☒ Posted at City Hall
☒ Sent via certified and regular

this 20 day of September, 2021.

Time: approx. 10:15 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. 21-1304

Name	Activity	Activity_Date	Status	Cost
Steven Larson	Cost to mail Notice of Violation/Notice of Hearing	09/23/2021	Certified mail returned signed "Kendall Larson"	\$7.86
Jacalyn Larson	Cost to mail Notice of Violation/Notice of Hearing	09/23/2021	Certified mail returned signed "Kendall Larson" dated 10/5/21	\$7.86
Clerk of Courts	Fee to record Finding of Fact, Conclusion of Law & Order	11/10/2021		\$29
Steven Larson	Cost to mail Finding of Fact, Conclusion of Law & Order	11/10/2021		\$7.86
Jacalyn Larson	Cost to mail Finding of Fact, Conclusion of Law & Order	11/10/2021		\$7.86

Total: 60.44



NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

CITY OF PORT ORANGE,

Petitioner

CASE NO. 21-1304

To: Steven & Jacalyn Larson
Property Owners
4213 Calloway Ct.
Flower Mound, TX 75028

Re: 1151 Harbour Point Drive
Port Orange, FL 32127
Parcel ID: 6314-01-00-1151

LEGAL DESCRIPTION: LAND LYING E OF BLK A ALLANDALE & PART OF BLKS B & C HARBOR POINT MB 11 PG 91
BEING S 16.33 FT OF N 1222.82 FT OF E 37.67 FT OF W 205 FT & S 33.5 FT OF N 1239.49 FT OF E 51 FT OF W 167.33
FT AS MEAS ALONG W R/W LINE OF RIVERSIDE DR FROM NE CORNER OF BLK A ALLANDALE AKA UNIT 1151
HARBOR POINT PER OR 5073 PG 2919 PER OR 6745 PG 0554
Volusia County Public Records
Volusia County, FL

An inspection of the premises on July 20, 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 September 21, 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:**

A permit is required to be obtained from the City of Port Orange Building Department and all associated fees must be paid by October 24, 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, 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.

- Initial inspection found new siding installed without a 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 November 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 \$ 15.72 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **November 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 January 12, 2022, 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 22nd day of September, 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 Steven & Jacalyn Larson, Property Owners, 4213 Calloway Ct., Flower Mound, TX 75028, RE: 4213 Calloway Ct., Flower Mound, TX 75028, was

☐ Hand-delivered

☐ Posted at the property

Recipient of hand delivered documents: _____

Time: approx. 3:10 pm

this 22nd day of September, 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 Steven & Jacalyn Larson, Property Owners, 4213 Calloway Ct., Flower Mound, TX 75028, RE: 4213 Calloway Ct., Flower Mound, TX 75028, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 23 day of September, 2021.

Time: approx. 11:25am

Shelly Feibel
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. 21-1294

Name	Activity	Activity_Date	Status	Cost
Cally M. Dawber-Baker	Cost to mail Notice of Violation/Notice of Hearing	09/23/2021	Certified mail returned signed, illegible	\$7.86
Clerk of Courts	Fee to record Finding of Fact, Conclusion of Law & Order	11/10/2021		\$29
Cally M. Dawber-Baker	Cost to mail Finding of Fact, Conclusion of Law & Order	11/10/2021		\$7.86

Total: 44.72



NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

CITY OF PORT ORANGE,

Petitioner

CASE NO. 21-1294

To: Cally M. Dawber-Baker
Property Owner
1201 Harbour Point Drive
Port Orange, FL 32127

Re: 1201 Harbour Point Drive
Port Orange, FL 32127
Parcel ID: 6314-01-00-1201

LEGAL DESCRIPTION: PART OF BLK A HARBOR POINT SUB MB 11 PG 91 LYING 1342.32 FTS & APPROX 205 FT E OF NE COR BLK A ALLANDALE MEAS ON EXT WR/W RIVERSIDE DR & BEING 89.67 FT ON S/L & 23.33 FT ON W/L EXC E 51 FT OF S 3.33 FT AKA UNIT 1201 HARBOR POINT PER OR 3719 PG 2703 PER D/C PER OR 5262 PGS 4847-4849 INC PER OR 5773 PGS 3589-3591 INC PER OR 7868 PG 1845 PER OR 7868 PG 1849 PER OR 7972 PG 3108 Volusia County Public Records Volusia County, FL

An inspection of the premises on July 15, 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 September 20, 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:**

A permit by a certified building contractor is required to be obtained from the City of Port Orange Building Department and all associated fees must be paid, by October 10, 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, 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.

- Initial inspection found new posts and railings on the upper roof structure (deck) that were installed without a 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 November 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 \$ 2,866 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **November 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 January 12, 2022, 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 22nd day of September, 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 Cally M. Dawber-Baker, Property Owner, 1201 Harbour Point Drive, Port Orange, FL 32127, RE: 1201 Harbour Point Drive, Port Orange, FL 32127, was

- ☐ Hand-delivered
☐ Posted at the property

Recipient of hand delivered documents: _____

this 22nd day of September, 2021.

Time: approx. 3:15 PM


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 Cally M. Dawber-Baker, Property Owner, 1201 Harbour Point Drive, Port Orange, FL 32127, RE: 1201 Harbour Point Drive, Port Orange, FL 32127, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 23 day of September, 2021.

Time: approx. 11:25am


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. 21-1375

Name	Activity	Activity_Date	Status	Cost
Stacey L. Algieri	Cost to mail Notice of Violation/Notice of Hearing	09/20/2021	Certified mail returned "no mail receptacle"	\$7.86
Clerk of Courts	Fee to record Finding of Fact, Conclusion of Law & Order	11/10/2021		\$29.00
Stacey L. Algieri	Cost to mail Finding of Fact, Conclusion of Law & Order	11/10/2021		\$7.86

Total: 44.72



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

CITY OF PORT ORANGE, FLORIDA

CITY OF PORT ORANGE,

Petitioner

CASE NO. 21-1375

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

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

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

Volusia County Public Records
Volusia County, FL

An inspection of the premises on 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:

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): 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. **(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, 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 July 14, 2021 under Case No. 21-0979.

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 November 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 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 \$ 786 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 **November 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 **January 12, 2022, 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 17th day of September, 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 Stacey L. Algieri, 5245 Sydney Street, Port Orange, FL, 32127, RE: 5245 Sydney Street, Port Orange, FL, 32127, was

- ☐ Hand-delivered
☒ Posted at the property

Recipient of hand delivered documents: _____

Time: approx. 11:35 AM

this 17th day of September, 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 Stacey L. Algieri, 5245 Sydney Street, Port Orange, FL, 32127, RE: 5245 Sydney Street, Port Orange, FL, 32127, was

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

this 20 day of September, 2021.

Time: approx. 10:15 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. 21-1319

Name	Activity	Activity_Date	Status	Cost
Daniel Alex Newth	Cost to mail Notice of Violation/Notice of Hearing	09/28/2021	Certified mail returned signed "L Newth" 9/30/21	\$7.86
Leah Smith Newth	Cost to mail Notice of Violation/Notice of Hearing	09/28/2021	Certified mail returned signed "L Newth" 9/30/21	\$7.86
Clerk of Courts	Fee to record Finding of Fact, Conclusion of Law & Order	11/10/2021		\$29.00
Daniel Alex Newth	Cost to mail Finding of Fact, Conclusion of Law & Order	11/10/2021		\$7.86
Leah Smith Newth	Cost to mail Finding of Fact, Conclusion of Law & Order	11/10/2021		\$7.86

Total: 60.44



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

CITY OF PORT ORANGE,

Petitioner

CASE NO. 21-1319

To: Daniel Alex Newth
Leah Smith Newth
826 Banbury Drive
Port Orange, FL 32129

Re: 826 Banbury Drive
Port Orange, FL 32129
Parcel ID: 6337-14-00-0090

LEGAL DESCRIPTION: LOT 9 BANBURY SUB MB 37 PG 8 PER OR 2511 PG 1406 PER OR 7620 PGS 4275-4276
Volusia County Public Records
Volusia County, FL

An inspection of the premises on July 19, 2021, indicates that certain violation(s) of the City of Port Orange Code exists.

Re-inspections completed on July 23, 2021, August 26, 2021, and again on September 23, 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: 1.) The over-sized R.V. must be properly stored or removed from the property by October 1, 2021.**

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

1. **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 Port Orange Code of Ordinances:**
(d) No recreational vehicle or equipment greater than 24 feet in length shall be parked or stored on any residential lot or the right-of-way adjoining the residential lot except for the following: **(1)** In an enclosed building or a completely enclosed garage. **(2)** Behind the front plane of a dwelling unit. **(3)** Anywhere on residential premises for a period not to exceed 72 hours in any continuous 30-day period for the purpose of maintenance, loading or unloading. The recreational vehicle or equipment shall be measured along the centerline from the front to the rear of the vehicle or equipment and shall include all appurtenances, accessories and attachments, including, but not limited to, the trailer tongue, inboard and/or outboard engine, and engine trailer assembly.
 - The initial inspection of this property found an over-sized recreational vehicle parked in the driveway.

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 November 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 \$ 15.72 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **November 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 **January 12, 2022, 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 24 day of September, 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 Daniel Alex Newth, Leah Smith Newth, 826 Banbury Drive, Port Orange, FL 32129, RE: 826 Banbury Drive, Port Orange, FL 32129, was

☐ Hand-delivered

☒ Posted at the property

Recipient of hand delivered documents: _____

this 23 day of September, 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 Daniel Alex Newth, Leah Smith Newth, 826 Banbury Drive, Port Orange, FL 32129, RE: 826 Banbury Drive, Port Orange, FL 32129, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 28 day of September, 2021.

Time: approx. 2:30pm


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. 21-1415

Name	Activity	Activity_Date	Status	Cost
Lilly H. Ogden	Cost to mail Notice of Violation/Notice of Hearing	10/01/2021	Certified mail returned signed "Lily Ogden" dated 10/6/21	\$15.72
Rose C. Ogden	Cost to mail Notice of Violation/Notice of Hearing	10/01/2021	Certified mail not yet returned	\$7.86
Clerk of Courts	Fee to record Finding of Fact, Conclusion of Law & Order	11/10/2021		\$29.00
Lilly H. Ogden	Cost to mail Finding of Fact, Conclusion of Law & Order	11/10/2021		\$15.72
Rose C. Ogden	Cost to mail Finding of Fact, Conclusion of Law & Order	11/10/2021		\$7.86

Total: 76.16



NOTICE OF VIOLATION AND NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

CITY OF PORT ORANGE,

Petitioner

CASE NO. 21-1415

To: Lilly H. Ogden
Rose C. Ogden
18694 Carriage Hill Dr.
San Jose, CA 95120

Lilly H. Ogden
1865 University Way
San Jose, CA 95126

Re: 44 Springwood Square
Port Orange, FL 32129
Parcel ID: 6337-15-00-0440
LEGAL DESCRIPTION: LOT 44 SPRINGWOOD SQUARE MB 36 PG 178 PER OR 2356 PG 0495
Volusia County Public Records
Volusia County, FL

An inspection of the premises on August 17, 2021, indicates that certain violation(s) of the City of Port Orange Code exists.

Contact was made with the property manager Steve Multane on August 20, 2021. Steve was notified of the alleged violations and he stated that he would have them corrected. A re-inspection was conducted on September 24, 2021. On this date myself and Code Officer Dena Joseph met with the tenant and inspected the unit to find non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by doing the following by November 1, 2021:

1) Any damage to the roof causing leaks inside the unit must be repaired. All missing shakes and shingles on the mansard roof must be replaced.

2) All holes in the ceiling must be repaired and painted accordingly. All areas with mold and mildew must be properly cleaned and painted.

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 2021 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 roof which is causing leaks inside the unit.

2. **Chapter 3 (General Requirements), Section 305 (Interior Structure), Section 305.3 (Interior surfaces) of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances:** Interior surfaces, including windows and doors, shall be maintained in good, clean, and sanitary condition. Peeling, chipping, flaking, or abraded paint shall be repaired, removed, or covered. Cracked or loose plaster, decayed wood and their defective surface conditions shall be corrected.

- The initial inspection of this property found holes in the ceiling and also mold and mildew on the ceiling inside the unit.

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 November 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 \$ 23.58 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **November 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 January 12, 2022, 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 30 day of September, 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 Lilly H. Ogden, Rose C. Ogden, 18694 Carriage Hill Dr., San Jose, CA 95120, RE: 44 Springwood Square Port Orange, FL 32129, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

this 1 day of October, 2021.

Time: approx. 10:25 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 Lilly H. Ogden, 1865 University Way, San Jose, CA 95126, RE: 44 Springwood Square, Port Orange, FL 32129, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 1 day of October, 2021.

Time: approx. 11:00 am

Shelly Feild
Secretary, Special Magistrate

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Lilly H. Ogden, Rose C. Ogden, 18694 Carriage Hill Dr., San Jose, CA 95120, RE: 44 Springwood Square Port Orange, FL 32129, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 1 day of October, 2021.

Time: approx. 11:00 am

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.

Case Cost Sheet Log

Case No. 21-1354

Name	Activity	Activity_Date	Status	Cost
Susan Lovell	Cost to mail Notice of Violation/Notice of Hearing	09/28/2021	Certified mail returned signed "Russell Turnan"	\$7.86
Clerk of Courts	Fee to record Finding of Fact, Conclusion of Law & Order	11/10/2021		\$29.00
Susan Lovell	Cost to mail Finding of Fact, Conclusion of Law & Order	11/10/2021		\$7.86

Total: 44.72



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

CITY OF PORT ORANGE,

Petitioner

CASE NO. 21-1354

To: Susan Lovell
717 Tarry Town Trail
Port Orange, FL 32127

Re: 717 Tarry Town Trail
Port Orange, FL 32127
Parcel ID: 6309-04-01-0090

LEGAL DESCRIPTION: LOT 9 SLEEPY HOLLOW SUB UNIT I MB 34 PG 130 PER OR 3740 PG 1477 PER OR 7914 PG 1759

Volusia County Public Records
Volusia County, FL

An inspection of the premises on July 26, 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 7 days to correct. A re-inspection was done on September 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 October 18, 2021:**

1.) The property needs to be mowed and all high weeds trimmed. 2.) All flat tires on the covered vehicles must be repaired or the vehicles removed.

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

- Chapter 42, (Nuisances), Article II (Garbage, junk, and undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), (d) (Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances:** The owner of an improved lot in a residential zone shall keep such lot free and clear of all fallen trees and limbs. All weeds, grass and undergrowth shall be cut to a height not exceeding ten inches. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than ten inches within such natural areas. **(h) Abutting property owner maintenance of parkages:** It shall be the duty of every owner of real property within the city to at all times cause to be cut and mowed the grass and weeds, and to cause to be cut and trimmed the flowers, vines, shrubbery, and trees not exceeding six feet in height, in a manner that protects and promotes the public health, safety and welfare and presents an aesthetically pleasing appearance in those areas of the parkage most nearly abutting their properties. Parkages abutting improved residential or commercial lots shall be maintained as provided in subsection (d) of this section for improved residential lots. 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, grass, and undergrowth.

2. **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 an inoperable motor vehicle in the driveway.

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 November 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 \$ 7.86 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **November 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 January 12, 2022, 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 23 day of September, 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 Susan Lovell, 717 Tarry Town Trail, Port Orange, FL 32127, RE: 717 Tarry Town Trail, Port Orange, FL 32127, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

this 23 day of September, 2021.

Time: approx. 10:22 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 Susan Lovell, 717 Tarry Town Trail, Port Orange, FL 32127, RE: 717 Tarry Town Trail, Port Orange, FL 32127, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 28 day of September, 2021.

Time: approx. 2:30pm

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. 21-1066

Name	Activity	Activity_Date	Status	Cost
Geneva M. Wynter	Cost to mail Notice of Violation/Notice of Hearing	10/08/2021	Certified mail returned unclaimed, marked "Vac"	\$7.86
Clerk of Courts	Fee to record Finding of Fact, Conclusion of Law & Order	11/10/2021		\$29.00
Geneva M. Wynter	Cost to mail Finding of Fact, Conclusion of Law & Order	11/10/2021		\$7.86

Total: 44.72



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

CITY OF PORT ORANGE,

Petitioner

CASE NO. 21-1066

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 June 4, 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 approximately four months to correct. Re-inspections completed on July 15, 2021, July 20, 2021, October 5, 2021 and again on October 8, 2021 all resulted in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) **must be corrected by doing the following by November 5, 2021: All damaged portions of the roof must be repaired or replaced. If the roof is replaced, an approved permit will be required.**

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 2021 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 roof with missing shingles and damaged decking.

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 November 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 \$ 7.86 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **November 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 **January 12, 2022, 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 8 day of October, 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 8 day of October, 2021.

Time: approx. 3:25 pm.

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 8 day of October, 2021.

Time: approx. 4:00 pm


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. 21-1684

Name	Activity	Activity_Date	Status	Cost
Geneva M. Wynter	Cost to mail Notice of Violation/Notice of Hearing	10/08/2021	Certified mail returned unclaimed, marked "Vac"	\$7.86
Clerk of Courts	Fee to record Finding of Fact, Conclusion of Law & Order	11/10/2021		\$29.00
Geneva M. Wynter	Cost to mail Finding of Fact, Conclusion of Law & Order	11/10/2021		\$7.86

Total: 44.72



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

CITY OF PORT ORANGE, FLORIDA

CITY OF PORT ORANGE,

Petitioner

CASE NO. 21-1684

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 October 8, 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 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. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.
 - The initial inspection of this property found an unsanitary pool. The pool must be kept in a clean and sanitary condition.

You have previously (within the past five years) been found by the Special Magistrate to have violated the above referenced code section(s) on June 23, 2021 under Case No. 21-837.

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 November 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 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 \$ 7.87 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 **November 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 **January 12, 2022, 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 8 day of OCTOBER, 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

Time: approx. 3:35

this 8 day of October, 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 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

Time: approx. 4:00pm

this 8 day of October, 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.

Case Cost Sheet Log

Case No. 21-1651

Name	Activity	Activity_Date	Status	Cost
Geneva M. Wynter	Cost to mail Notice of Violation/Notice of Hearing	10/08/2021	Certified mail returned unclaimed	\$7.86
Clerk of Courts	Fee to record Finding of Fact, Conclusion of Law & Order	11/10/2021		\$29.00
Geneva M. Wynter	Cost to mail Finding of Fact, Conclusion of Law & Order	11/10/2021		\$7.86

Total: 44.72



NOTICE OF VIOLATION AND NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

CITY OF PORT ORANGE,

Petitioner

CASE NO. 21-1651

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 October 5, 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 following by October 20, 2021: The entire property must be mowed, maintained and all high weeds trimmed**

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

Chapter 42, (Nuisances), Article II (Garbage, junk, and undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), (d) (Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances: The owner of an improved lot in a residential zone shall keep such lot free and clear of all fallen trees and limbs. All weeds, grass and undergrowth shall be cut to a height not exceeding ten inches. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than ten inches within such natural areas. **(h) Abutting property owner maintenance of parkages:** It shall be the duty of every owner of real property within the city to at all times cause to be cut and mowed the grass and weeds, and to cause to be cut and trimmed the flowers, vines, shrubbery, and trees not exceeding six feet in height, in a manner that protects and promotes the public health, safety and welfare and presents an aesthetically pleasing appearance in those areas of the parkage most nearly abutting their properties. Parkages abutting improved residential or commercial lots shall be maintained as provided in subsection (d) of this section for improved residential lots. 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, 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.

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 November 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 \$ 7.36 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **November 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 **January 12, 2022, 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 8 day of OCTOBER, 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 8 day of October, 2021.

Time: approx. 3:25 pm

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 8 day of October, 2021.

Time: approx. 4:00 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.

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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	Certified mail returned unclaimed	\$7.47
Cecelia Kay Degnan	Cost to mail Finding of Fact, Conclusion of Law & Order	09/22/2021	Certified mail returned unclaimed	\$7.47
Clerk of Courts	Fee to record Order Imposing Fine/Lien	11/10/2021		\$46.00
Mark E. Davison	Cost to mail Order Imposing Fine/Lien	11/10/2021		\$7.86
Cecelia Kay Degnan	Cost to mail Order Imposing Fine/Lien	11/10/2021		\$7.86

Total: 120.60



**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

**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 \$ 14.54 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 Kay Degnan, 310 Grant Street, Port Orange, FL 32127, RE: 310 Grant Street, Port Orange, FL 32127, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

this 19 day of August, 2021.

Time: approx. 10:20 A.M.



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 Kay Degnan, 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 20th 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.

**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 21-1394**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

MARK E. DAVISON & CECELIA K. DEGNAN
310 GRANT STREET
PORT ORANGE, FL 32127
PARCEL ID : 6341-04-01-0190

Respondent.

_____ /

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

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on September 22, 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, MARK E. DAVISON & CECELIA K. DEGNAN, whose mailing address is 310 GRANT STREET, PORT ORANGE, FL 32127, is the owner of the property located at 310 GRANT STREET, PORT ORANGE, FL 32127, and more particularly described as:

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

B. The violation was to be corrected by mowing the entire property, by trimming all high weeds, removing all undergrowth and by blowing all debris back onto the property. This condition was first observed at the real property described above on August 12, 2021; re-inspection was conducted on September 20, 2021. Respondent received notice via posting at City Hall and certified and regular mail on August 20, 2021, as well as posted on the property on August 19, 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), (d) (Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances and was to be corrected by immediately as it is a repeat violation.

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

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

CONCLUSION OF LAW:

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

ORDER:

A. Respondent(s) shall correct the aforesaid violation by mowing the entire property, by trimming all high weeds, removing all undergrowth and by blowing all debris back onto the property immediately. ("Compliance Date"). In the event that the property is not brought into compliance on or before the Compliance Date, and/or not maintained in a state of compliance, a one-time fine in the amount of \$3,000.00 shall be imposed. If paragraph D. above is checked and the Respondent(s) has/have not abated the condition by the Compliance Date, then notice of the violation will be given to the City Council. The City Council may repair the condition and charge the Respondent(s) with the reasonable costs of the repairs. Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the Special Magistrate may impose additional fines to cover all costs incurred by the city in enforcing its codes and all costs or repairs pursuant to sub section (a)." The cost to date is \$58.88 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 22nd day of September, 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.

T. S. D. Wilson
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), Mark E. Davison & Cecelia K. Degnan, 310 Grant Street, Port Orange, FL 32127 by Certified and Regular Mail this 22 day of September, 2021.

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 not been redacted pursuant to Florida Law.
This 22 day of September, 2021.
By: Shelly Field



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	Certified mail returned unclaimed	\$7.47
Cecelia K. Davison	Cost to mail Finding of Fact, Conclusion of Law & Order	09/22/2021	Certified mail returned unclaimed	\$7.47
Clerk of Courts	Fee to record Order Imposing Fine/Lien	11/10/2021		\$46.00
Mark E. Davison	Cost to mail Order Imposing Fine/Lien	11/10/2021		\$7.86
Cecelia K. Davison	Cost to mail Order Imposing Fine/Lien	11/10/2021		\$7.86

Total: 120.60



**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.

**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 21-1395**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

MARK E. DAVISON & CECILIA K. DAVISON
312 GRANT STREET
PORT ORANGE, FL 32127
PARCEL ID : 6341-04-01-0170

Respondent.

_____ /

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

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on September 22, 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, MARK E. DAVISON & CECILIA K. DAVISON, whose mailing address is 310 GRANT STREET, PORT ORANGE, FL 32127, is the owner of the property located at 312 GRANT STREET, PORT ORANGE, FL 32127, and more particularly described as:

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

B. The violation was to be corrected by mowing the entire property, by trimming all high weeds, removing all undergrowth and by blowing all debris back onto the property. This condition was first observed at the real property described above on August 12, 2021; re-inspection was conducted on September 20, 2021. Respondent received notice via posting at City Hall and certified and regular mail on August 20, 2021, as well as posted on the property on August 19, 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), (d) (Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances and was to be corrected by immediately as it is a repeat violation.

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

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

CONCLUSION OF LAW:

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

ORDER:

A. Respondent(s) shall correct the aforesaid violation by mowing the entire property, by trimming all high weeds, removing all undergrowth and by blowing all debris back onto the property immediately. ("Compliance Date"). In the event that the property is not brought into compliance on or before the Compliance Date, and/or not maintained in a state of compliance, a one-time fine in the amount of \$3,000.00 shall be imposed. If paragraph D. above is checked and the Respondent(s) has/have not abated the condition by the Compliance Date, then notice of the violation will be given to the City Council. The City Council may repair the condition and charge the Respondent(s) with the reasonable costs of the repairs. Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the Special Magistrate may impose additional fines to cover all costs incurred by the city in enforcing its codes and all costs or repairs pursuant to sub section (a)." The cost to date is \$58.88 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 22nd day of September, 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.

C. S. Davidson
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), Mark E. Davison & Cecelia K. Davison, 310 Grant Street, Port Orange, FL 32127 by Certified and Regular Mail this 22 day of September, 2021.

Shelly Feild
Secretary, Code Enforcement Special Magistrate

CITY OF PORT ORANGE, FLORIDA
I HEREBY CERTIFY the foregoing is a true copy
of the original filed in this office.
This document has not been redacted pursuant to Florida Law.
By: Shelly Feild This 22 day of September, 2021.



Case Cost Sheet Log

Case No. 20-1954

Name	Activity	Activity_Date	Status	Cost
Catherine M. Thomas	Cost to mail Notice of Violation/Notice of Hearing	04/15/2021	Certified mail returned vacant	\$7.47
Lori Thomas	Cost to mail Notice of Violation/Notice of Hearing	04/15/2021	Certified mail returned singed, illegible	\$7.47
Breonna Thomas	Cost to mail Notice of Violation/Notice of Hearing	04/15/2021	Certified mail returned signed, illegible	\$7.47
Kristen Thomas	Cost to mail Notice of Violation/Notice of Hearing	04/15/2021	Certified mail returned unsigned	\$7.47
Danielle Thomas	Cost to mail Notice of Violation/Notice of Hearing	04/15/2021	Certified mail returned unclaimed	\$7.47
Pamela M. Field	Cost to mail Notice of Violation/Notice of Hearing	04/15/2021	Certified mail returned signed "Pamela Field" Dated 4-21-21	\$14.94
Michele Garron	Cost to mail Notice of Violation/Notice of Hearing	04/15/2021	Certified mail not yet returned	\$7.47
Edward A. Thomas	Cost to mail Notice of Violation/Notice of Hearing	04/15/2021	Certified mail returned signed "Covid 19" dated 4/16/21	\$7.47
Clerk of Courts	Fee to record Finding of Fact, Conclusion of Law & Order	05/26/2021		\$29.00
Catherine M. Thomas	Cost to mail Finding of Fact, Conclusion of Law & Order	05/26/2021	Certified mail returned vacant	\$7.47
Lori Thomas	Cost to mail Finding of Fact, Conclusion of Law & Order	05/26/2021	Certified mail retuned signed, illegible	\$7.47
Breonna Thomas	Cost to mail Finding of Fact, Conclusion of Law & Order	05/26/2021	Certified mail returned signed "B"	\$7.47
Kristen Thomas	Cost to mail Finding of Fact, Conclusion of Law & Order	05/26/2021	Certified mail returned unsigned	\$7.47
Danielle Thomas	Cost to mail Finding of Fact, Conclusion of Law & Order	05/26/2021	Certified mail returned unclaimed	\$7.47
Michele Garron	Cost to mail Finding of Fact, Conclusion of Law & Order	05/26/2021	Certified mail returned unclaimed	\$7.47

Pamela M. Field	Cost to mail Finding of Fact, Conclusion of Law & Order	05/26/2021	Certified mail returned signed "Pamela Field 6/1/21"	\$14.94
Edward A. Thomas	Cost to mail Finding of Fact, Conclusion of Law & Order	05/26/2021	Certified mail returned COVID 19 5/29/21	\$7.47
Clerk of Courts	Fee to record Order Imposing Fine/Lien	07/14/2021		\$46.0
Catherine M. Thomas	Cost to mail Order Imposing Fine/Lien	07/14/2021		\$7.47
Lori Thomas	Cost to mail Order Imposing Fine/Lien	07/14/2021		\$7.47
Breonna Thomas	Cost to mail Order Imposing Fine/Lien	07/14/2021		\$7.47
Kristen Thomas	Cost to mail Order Imposing Fine/Lien	07/14/2021		\$7.47
Danielle Thomas	Cost to mail Order Imposing Fine/Lien	07/14/2021		\$7.47
Pamela M. Field	Cost to mail Order Imposing Fine/Lien	07/14/2021		\$14.94
Michele Garron	Cost to mail Order Imposing Fine/Lien	07/14/2021		\$7.47
Edward A. Thomas	Cost to mail Order Imposing Fine/Lien	07/14/2021		\$7.47

Total: 276.69



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

CITY OF PORT ORANGE,

Petitioner

CASE NO. 20-1954

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

Lori Thomas
641 Bridgeton Avenue
Bridgeton, NJ 08302

Breonna Thomas
641 Bridgeton Avenue
Bridgeton, NJ 08302

Ryan Thomas
No record found

Kristen Thomas
5 Harris Street
Bridgeton, NJ 08302

Danielle Thomas
472 Richards Street
Bridgeton, NJ 08302

Pamela M. Field
P.O. Box 1237
East Hampstead, NH 03077

Pamela M. Field
7 Paradise Drive
Raymond, NH 03077

Michele Garron
883 Grakyn Ln., Unit 1A
Philadelphia, PA 19128

Edward A. Thomas
1814 Orange Tree Dr.
Edgewater, FL 32132

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

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

Volusia County Public Records
Volusia County, FL

I, Dena Joseph, Code Enforcement Officer, have been designated by Johnnie M. Green, Assistant Building Official for Case 20-1954, to determine the condition of this structure.

This property has been deemed an unsafe structure by the Assistant Building Official Johnnie M. Green.
The relief sought is demolition of the unsafe structure.

An inspection of the premises on December 17, 2020 indicates that certain violation(s) of the City of Port Orange Code exists.

A re-inspection was done on April 7, 2021 resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by **demolishing the mobile home in its entirety**. A permit must be obtained through the City of Port Orange Building Department. 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, by **May 16, 2021**.

Briefly stated, the following conditions exist which cause the structure to be unsafe and the property in violation of the following:

1. **Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment), 108.1 (General), 108.1.1 (Unsafe Structures), 108.1.3 (Structure Unfit for Human Occupancy), 108.1.5 (Dangerous Structure or Premises), (1), (2), (3), (4), (5), (6), (7), (8), (10), (11), 108.6 (Abatement Methods), Section 109 (Emergency Measures), 109.1 (Imminent Danger)** of the 2018 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances (see attached ordinances).
 - The initial inspection found a mobile home that has been exposed to the elements for numerous years and is now considered an unsafe, inhabitable, and dangerous structure. To correct the violation, the mobile home must be demolished in its entirety. A permit will need to be obtained through the City of Port Orange Building Department. 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.
2. **Chapter 42 (Nuisances), Article V (Unsafe Conditions), Division 3 (Abatement of Unsafe Structures), 42-108 (Unsafe Conditions-Nuisance), (a) 1, 2, 3, 4, 5, 6 & (b)** of the City of Port Orange Code of Ordinances (see attached ordinances).
 - The initial inspection found a mobile home that has been exposed to various weather conditions over many years due to the structure's roof caving in and windows being open. The structure is so dilapidated, decayed, unsafe, insanitary, or so utterly fails to provide the amenities essential to decent living that it is unfit for human habitation or is likely to cause sickness or disease so as to injure the health, safety, or general welfare. To correct the violation, the home must be demolished. A permit must be obtained through the City of Port Orange Building Department. 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.

Attachments: ☒ Copy of code

☒ Copy of Deed

☒ Copy of Tax Roll

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.

Failure to comply after this date may also result in an order vacating the property and requiring the property owner to, or permitting the city to, secure, repair and/or demolish the structure(s) on the property with any and all costs therefor being assessed against the property and constituting a lien thereon.

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, Dena Joseph, 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 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 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." **THIS INCLUDES BUT IS NOT LIMITED TO ALL COSTS TO REPAIR, SECURE AND/OR DEMOLISH THE STRUCTURE.** The costs incurred to date are \$ 67.23 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 **May 26, 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 Code Enforcement Special Magistrate on **July 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 Inspector/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 15th day of April, 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 Catherine M. Thomas Life Estate, Heirs, and All Interested Parties, 717 Marshall Circle, Port Orange, FL 32127, Re: 717 Marshall Circle, Port Orange, FL, 32127, was:

☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

this 15th day of April, 2021.

Time: approx. 10:15 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 Lori Thomas, 641 Bridgeton Avenue, Bridgeton, NJ 08302, Re: 717 Marshall Circle, Port Orange, FL, 32127, was:

☒ Posted at City Hall

☒ Sent via certified and regular

this 15 day of April, 2021

Time: approx. 12:30 pm

Shelly Feile
Secretary, Special Magistrate

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Breonna Thomas, 641 Bridgeton Avenue, Bridgeton, NJ 08302, Re: 717 Marshall Circle, Port Orange, FL, 32127, was:

☒ Posted at City Hall

☒ Sent via certified and regular

this 15 day of April, 2021.

Time: approx. 12:30 pm

Shelly Feile
Secretary, Special Magistrate

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Kristen Thomas, 5 Harris Street, Bridgeton, NJ 08302, Re: 717 Marshall Circle, Port Orange, FL, 32127, was:

☒ Posted at City Hall

☒ Sent via certified and regular

this 15 day of April, 2021.

Time: approx. 12:30 pm

Shelly Feile
Secretary, Special Magistrate

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Danielle Thomas, 472 Richards Street, Bridgeton, NJ 08302, Re: 717 Marshall Circle, Port Orange, FL, 32127, was:

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

Time: approx. 12:30pm

this 15 day of April, 2021.

Shelly Field
Secretary, Special Magistrate

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Pamela M. Field, P.O. Box 1237, East Hampstead, NH 03077, Re: 717 Marshall Circle, Port Orange, FL, 32127, was:

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

Time: approx. 12:30pm

this 15 day of April, 2021.

Shelly Field
Secretary, Special Magistrate

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Pamela M. Field, 7 Paradise Drive, Raymond, NH 03077, Re: 717 Marshall Circle, Port Orange, FL, 32127, was:

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

Time: approx. 12:30pm

this 15 day of April, 2021.

Shelly Field
Secretary, Special Magistrate

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Michele Garron, 883 Grakyn Ln., Unit 1A, Philadelphia, PA 19128, RE: 717 Marshall Circle, Port Orange, FL, 32127, was:

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

Time: approx. 12:30pm

this 15 day of April, 2021.

Shelly Field
Secretary, Special Magistrate

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Edward A. Thomas, 1814 Orange Tree Dr., Edgewater, FL 32132, RE: 717 Marshall Circle, Port Orange, FL, 32127, was:

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

Time: approx. 12:30pm

this 15 day of April, 2021.

Shelly Field
Secretary, Special Magistrate

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

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

Time: approx. 12:30pm

this 15 day of April, 2021.

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.

**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 20-1954**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

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

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 26, 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, CATHERINE M. THOMAS LIFE ESTATE, whose mailing address is 717 MARSHALL CIRCLE, PORT ORANGE, FL 32127, is the owner of the property located at 717 MARSHALL CIRCLE, PORT ORANGE, FL 32127, and more particularly described as:

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

B. The violation was to be corrected by demolishing the mobile home in its entirety. A permit must be obtained through the City of Port Orange Building Department. The property was 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. This condition was first observed at the real property described above on December 17, 2020; re-inspection was conducted on May 25, 2021. Respondent received notice via posting at City Hall and certified and regular mail on April 15, 2021, as well as posted on the property on April 15, 2021 that the aforesaid conditions constituted a violation of Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment), 108.1 (General), 108.1.1 (Unsafe Structures), 108.1.3 (Structure Unfit for Human Occupancy), 108.1.5 (Dangerous Structure or Premises), (1), (2), (3), (4), (5), (6), (7), (8), (10), (11), 108.6 (Abatement Methods), Section 109 (Emergency Measures), 109.1 (Imminent Danger) of the 2018 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances. Chapter 42

(Nuisances), Article V (Unsafe Conditions), Division 3 (Abatement of Unsafe Structures), 42-108 (Unsafe Conditions-Nuisance), (a) 1, 2, 3, 4, 5, 6 & (b) of the City of Port Orange Code of Ordinances and was to be corrected by May 16, 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 demolishing the mobile home in its entirety. A permit must be obtained through the City of Port Orange Building Department. 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 on or before June 27, 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 property remains in noncompliance. 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 \$163.46 as indicated on the cost sheet submitted into evidence and the publication costs to date are \$1,737.32. The Respondent(s) will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion. Any future violations under this ordinance shall be considered repeat violations.

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

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

DONE AND ORDERED this 26th day of May, 2021.

Attest: Shelly Feild
Secretary, Code Enforcement Special Magistrate

By: [Signature]
Code Enforcement Special Magistrate

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

[Signature]
Code Compliance Inspector

I HEREBY CERTIFY that a true and correct copy of the foregoing Findings of Fact, Conclusion of Law, and Order have been furnished to Respondent(s), Catherine M. Thomas Life Estate, 717 Marshall Circle, Port Orange, FL 32127 by Certified and Regular Mail this 26 day of May, 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/has not been redacted pursuant to Florida Law.
By: Shelly Feild This 26 day of May, 2021.

Shelly Feild
Secretary, Code Enforcement Special Magistrate



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 returned unclaimed	\$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
Clerk of Courts	Fee to record Order Imposing Fine/Lien	11/10/2021		\$46.00
Mark H. Schofield	Cost to mail Order Imposing Fine/Lien	11/10/2021		\$7.86

Total: 97.80



**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: [Signature]
Dena Joseph, Code Enforcement Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to 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

[Signature]
Dena Joseph, Code Enforcement Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to 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.

**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 21-0117**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

MARK H. SCHOFIELD
5058 RIVERSIDE DRIVE
PORT ORANGE, FL 32127
PARCEL ID : 6310-12-02-0030

Respondent.

_____ /

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

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on September 22, 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, MARK H. SCHOFIELD, whose mailing address is 5056 RIVERSIDE DRIVE, PORT ORANGE, FL 32127, is the owner of the property located at 5058 RIVERSIDE DRIVE, PORT ORANGE, FL 32127, and more particularly described as:

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

B. The violation was to be corrected by removing the dilapidated motor home on site, repairing/replacing the 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 was 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. Repairs/replacements 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. This condition was first observed at the real property described above on January 25, 2021; re-inspection was conducted on August 2, 2021 and September 14, 2021. Respondent received notice via posting at City Hall and certified and regular mail on July 1, 2021, as well as posted on the property on June 30, 2021 that the aforesaid

conditions constituted a violation of 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 and was to be corrected by July 31, 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 repeat violation by removing the dilapidated motor home on site, repairing/replacing the 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. 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 on or before October 31, 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. 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 22nd day of September, 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), Mark H. Schofield, 5056 Riverside Drive, Port Orange, FL 32127 by Certified and Regular Mail this 22 day of September, 2021.

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 22 day of September, 2021.
By: Shelly Field



Case Cost Sheet Log**Case No. 21-1302**

Name	Activity	Activity_Date	Status	Cost
Audrey E. Aiuto Vanbuskirk - Hoge	Cost to mail Notice of Violation/Notice of Hearing	08/02/2021	Certified mail not yet returned	\$7.47
Clerk of Courts	Fee to record Finding of Fact, Conclusion of Law & Order	09/08/2021		\$29.00
Audrey E. Aiuto Vanbuskirk - Hoge	Cost to mail Finding of Fact, Conclusion of Law & Order	09/08/2021	Certified mail returned "no mail receptacle"	\$7.47
Clerk of Courts	Fee to record Order Imposing Fine/Lien	10/13/2021		\$46.00
Audrey E. Aiuto Vanbuskirk-Hoge	Cost to mail Order Imposing Fine/Lien	10/13/2021		\$7.86

Total: 97.80



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

CITY OF PORT ORANGE,

Petitioner

CASE NO. 21-1302

To: Audrey E. Aiuto Vanbuskirk-Hoge
158 Dunnelleon Ave.
Piscataway, NJ 08854

Re: 407 N. Willow Ave.
Port Orange, FL 32127
Parcel ID: 6340-03-14-0280
LEGAL DESCRIPTION: LOT 28 BLK N BAYWOOD REPLAT MB 23 PGS 44-45 INC
Volusia County Public Records
Volusia County, FL

An inspection of the premises on July 20, 2021, indicates that certain violation(s) of the City of Port Orange Code exists.

A re-inspection was done on July 27, 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 owner shall keep that portion of the property abutting and within ten 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 shall be cut to a height not exceeding 12 inches within such area, by August 15, 2021.

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), (e) Maintenance of unimproved residential lots) of the City of Port Orange Code of Ordinances: The owner of an unimproved lot in a residential zone shall keep that portion of his property abutting and within ten 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 shall be cut to a height not exceeding 12 inches within such area.

- The initial inspection of this property found an overgrown undeveloped lot at this location.

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 September 8, 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 **September 8, 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 13, 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 July, 2021.

CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT OFFICER

By: [Signature]
Dena Joseph, Code Enforcement Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Audrey E. Aiuto Vanbuskirk-Hoge, 158 Dunnelleon Ave., Piscataway, NJ 08854, RE: 407 N. Willow Ave., Port Orange, FL 32127, was

☐ Hand-delivered

☒ Posted at the property

Recipient of hand delivered documents: _____

Time: approx. 9:35AM

this 30th day of July, 2021.

[Signature]
Dena Joseph, Code Enforcement Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Audrey E. Aiuto Vanbuskirk-Hoge, 158 Dunnelleon Ave., Piscataway, NJ 08854, RE: 407 N. Willow Ave., Port Orange, FL 32127, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 2 day of August, 2021.

Time: approx. 10:00am


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. 21-1302**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

AUDREY E. AIUTO VANBUSKIRK-HOGE
407 N. WILLOW AVENUE
PORT ORANGE, FL 32127
PARCEL ID : 6340-03-14-0280

Respondent.

_____ /

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

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on September 8, 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, AUDREY E. AIUTO VANBUSKIRK-HOGE, whose mailing address is 158 DUNNELLEON AVENUE, PSCATAWAY NJ 08854, is the owner of the property located at 407 N. WILLOW AVENUE, PORT ORANGE, FL 32127, and more particularly described as:

LOT 28 BLK N BAYWOOD REPLAT MB 23 PGS 44-45 INC

B. The violation was to be corrected 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. This condition was first observed at the real property described above on July 20, 2021; re-inspection was conducted on August 19, 2021. Respondent received notice via posting at City Hall and certified and regular mail on August 2, 2021, as well as posted on the property on July 30, 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), (e) Maintenance of unimproved residential lots of the City of Port Orange Code of Ordinances and was to be corrected by August 15, 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 repeat violation 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 on or before September 15, 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. 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.

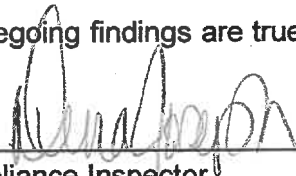
C. A certified copy of this Order may be recorded in the public records of Volusia County, Florida, and shall thereafter constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property. The findings in this Order shall be binding upon Respondent(s) 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 8TH day of September, 2021.

Attest: Shelly Feiler
Secretary, Code Enforcement Special Magistrate

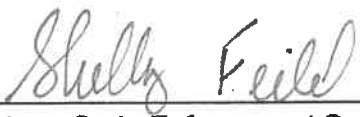
By: [Signature]
Code Enforcement Special Magistrate

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



Code Compliance Inspector

I HEREBY CERTIFY that a true and correct copy of the foregoing Findings of Fact, Conclusion of Law, and Order have been furnished to Respondent(s), Audrey E. Aiuto Vanbuskirk-Hoge, 158 Dunnelleon Avenue, Piscataway, NJ 08854 by Certified and Regular Mail this 8 day of September, 2021.



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.
By: Shelly Feild This 8 day of September, 2021.



Case Cost Sheet Log**Case No. 21-1012**

Name	Activity	Activity_Date	Status	Cost
J. Plummer Sherbino	Cost to mail Notice of Violation/Notice of Hearing	06/25/2021	Certified mail returned signed "J. P. Sherbino 7/6/21"	\$7.47
J. Plummer Sherbino Rev. Living Trust	Cost to mail Notice of Violation/Notice of Hearing	06/25/2021	Certified mail returned signed "J. P. Sherbino 7/6/21"	\$7.47
Clerk of Courts	Fee to record Finding of Fact, Conclusion of Law & Order	07/28/2021		\$29.00
J. Plummer Sherbino	Cost to mail Finding of Fact, Conclusion of Law & Order	07/28/2021	Certified mail returned signed "J. Plummer 8/5/21"	\$7.47
J. Plummer Sherbino Rev. Living Trust	Cost to mail Finding of Fact, Conclusion of Law & Order	07/28/2021	Certified mail returned signed "J. Plummer 8/5/21"	\$7.47
Clerk of Courts	Fee to record Order Imposing Fine/Lien	09/08/2021		\$46.00
J. Plummer Sherbino	Cost to mail Order Imposing Fine/Lien	09/08/2021		\$7.47
J. Plummer Sherbino Rev. Living Trust	Cost to mail Order Imposing Fine/Lien	09/08/2021		\$7.47

Total: 119.82



NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

CITY OF PORT ORANGE,

Petitioner

Plummer

CASE NO. 21-1012

To: J. Plumber Sherbino
J. Plumber Sherbino Rev. Living Trust
115 Fleming Ave.
Port Orange, FL 32127

Re: 115 Fleming Avenue
Port Orange, FL 32127
Parcel ID: 6310-20-02-0014

LEGAL DESCRIPTION: W 60 FT OF LOT 1 ON N SIDE BLK 2 FLEMINGS PORT ORANGE MB 1 PG 100 PER OR 5133
PG 0194 PER OR 5631 PG 2905 PER OR 6380 PG 2607 PER OR 6424 PGS 0435-0436 PER OR 6736 PG 1868 PER OR
6842 PG 0280 PER OR 6845 PG 3457
Volusia County Public Records
Volusia County, FL

An inspection of the premises on May 26, 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 fifteen days to correct. A re-inspection was done on June 10, 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: **Permits will need to be obtained for all work that has been done as listed below and all associated fees paid in obtaining the permits through the City of Port Orange Building Department, by July 21, 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, 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.
- The initial inspection found a large amount of work that has been on the property to include the following:
 - 1) An 8 to 12-foot fence has been installed on the property.
 - 2) There was an existing upper deck with stairs that was there when owner purchased the property. The stairs leading to the upper deck have been altered/repared.
 - 3) A new deck was constructed at the back side of the home.
 - 4) French doors were installed in the front of the home.
 - 5) Carport structure has been enclosed and windows added.

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 July 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 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 \$ 14.94 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **July 28, 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 8, 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 21st 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 J. Plumber Sherbino, J. Plumber Sherbino Rev. Living Trust, 115 Fleming Ave., Port Orange, FL 32127, RE: 115 Fleming Ave., Port Orange, FL 32127, was

- ☒ Hand-delivered
- ☐ Posted at the property

Recipient of hand delivered documents: J. Plumber Sherbino

this 21st day of June, 2021.

Time: approx. 3:20 PM

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 J. Plumber Sherbino, J. Plumber Sherbino Rev. Living Trust, 115 Fleming Ave., Port Orange, FL 32127, RE: 115 Fleming Ave., Port Orange, FL 32127, was

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

this 25 day of June, 2021.

Time: approx. 2:15 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.

**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 21-1012**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

J. PLUMMER SHERBINO
J. PLUMMER SHERBINO REV. LIVING TRUST
115 FLEMING AVENUE
PORT ORANGE, FL 32127
PARCEL ID : 6310-20-02-0014

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 July 28, 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, J. PLUMMER SHERBINO, whose mailing address is 115 FLEMING AVENUE, PORT ORANGE, FL 32127, is the owner of the property located at 115 FLEMING AVENUE, PORT ORANGE, FL 32127, and more particularly described as:

W 60 FT OF LOT 1 ON N SIDE BLK 2 FLEMINGS PORT ORANGE MB 1 P G 100 PER OR 5133 PG 0194 PER OR 5631 PG 2905 PER OR 6380 PG 2607 PER OR 6424 PGS 0435-0436 PER OR 6736 PG 1868 PER OR 6842 PG 0280 PER OR 6845 PG 3457

B. The violation was to be corrected by obtaining permits for all the work that has been done at this location and by paying all fees associated with obtaining those permits. If permits were not obtained, structures, etc. that were installed or constructed were to be removed and placed back in original condition when the home was purchased by the respondent. This condition was first observed at the real property described above on May 26, 2021; re-inspection was conducted on July 22, 2021. Respondent received notice via posting at City Hall and certified and regular mail on June 25, 2021, as well as posted on the property and hand delivered on June 21, 2021 that the aforesaid conditions constituted a violation of 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 and was to be corrected by July 21, 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 obtaining permits for all the work that has been done at this location and by paying all fees associated with obtaining those permits. If permits are not obtained, structures, etc. that were installed or constructed must be removed and placed back in original condition when the home was purchased by the respondent on or before August 31, 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 \$50.00 per day shall be imposed for each day the violation continues past the compliance date. If paragraph D. above is checked and the Respondent(s) has/have not abated the condition by the Compliance Date, then notice of the violation will be given to the City Council. The City Council may repair the condition and charge the Respondent(s) with the reasonable costs of the repairs. Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the Special Magistrate may impose additional fines to cover all costs incurred by the city in enforcing its codes and all costs or repairs pursuant to sub section (a)." The cost to date is \$58.88 as indicated on the cost sheet submitted into evidence. The Respondent(s) will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion. Any future violations under this ordinance shall be considered repeat violations.

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

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

DONE AND ORDERED this 28th day of July, 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), J. Plummer Sherbino & J. Plummer Sherbino Rev. Living Trust, 115 Fleming Avenue, Port Orange, FL 32127 by Certified and Regular Mail this 28 day of July, 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 28 day of July, 2021.

Shelly Field
Secretary, Code Enforcement Special Magistrate

