



AGENDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF PORT ORANGE

Meeting Date: Wednesday, June 28, 2023

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 - June 14, 2023

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 23-0531

Respondent: 2017-2 IH Borrower LP, Property Owner
2017-2 IH Borrower LP, Property Owner, c/o: Corporation Service Company

Address of Violation: 3855 Sunset Cove Drive, Port Orange, FL 32129

Code Officer: Bailey Hornbuckle

First Notified: 5/10/2023

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, (h) Abutting property owner maintenance of parkages.

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

4. **CEB Case No.:** 23-0282

Respondent: Larry C. Martin, Trustee of Martin Grantor Trust

Address of Violation: 3738 Nova Road, Port Orange, FL 32129

Code Officer: Dena Joseph

First Notified: 3/3/2023

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), (c) (Maintenance of commercial and industrial zones lots) of the City of Port Orange Code of Ordinances, (h) Abutting property owner maintenance of parkages.

C. ADJOURNMENT

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



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



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

IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA), IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS AN ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT THE CITY CLERK FOR THE CITY OF PORT ORANGE, 1000 CITY CENTER CIRCLE, PORT ORANGE, FLORIDA 32129, TELEPHONE NUMBER 386-506-5563, CITYCLERK@PORT-ORANGE.ORG, AS FAR IN ADVANCE AS POSSIBLE, BUT PREFERABLY WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING OR HEARING DATE. IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 7-1-1 or 1-800-955-8771.

UPON REQUEST BY A QUALIFIED INDIVIDUAL WITH A DISABILITY, THIS DOCUMENT WILL BE MADE AVAILABLE IN AN ALTERNATE FORMAT. IF YOU NEED TO REQUEST THIS DOCUMENT IN AN ALTERNATE FORMAT, PLEASE CONTACT THE CITY CLERK WHOSE CONTACT INFORMATION IS PROVIDED ABOVE.

CODE ENFORCEMENT SPECIAL MAGISTRATE
MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
JUNE 14, 2023

THE CODE ENFORCEMENT SPECIAL MAGISTRATE MEETING of the City of Port Orange was called to order by Special Magistrate David Fuller at 8:55 a.m.

PRESENT: David Fuller, Special Magistrate

ALSO PRESENT: Dena Joseph, Code Enforcement Officer
Bailey Hornbuckle, Code Enforcement Officer
Dennis Boehmer, Jr., Code Enforcement Officer
Amanda Bonin, Code Enforcement Manager
Tracee Cody, Deputy City Clerk

Oaths

Code Enforcement Officers Dena Joseph, Bailey Hornbuckle, Dennis Boehmer, Jr. and Amanda Bonin, Code Enforcement Manager were sworn in by Special Magistrate Fuller.

CALL TO ORDER

1. 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.

2. Consideration of Minutes - May 24, 2023

Special Magistrate Fuller approved the May 24, 2023 meeting minutes as presented.

FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 22-1374

Respondent: Lauren Sanso

Bank of England/Lender

Heritage Insurance

Nationstar Mortgage LLC dba Mr. Cooper

Nationstar Mortgage LLC/Mr. Copper/Corelogic

Nationstar MTG LLC dba Mr. Cooper

All Unknown Occupants/Tenants

Address of Violation: 826 Sugar House Boulevard, Port Orange, FL 32129

Code Officer: Dena Joseph

First Notified: 10/2/2022

Compliance: No

Cited for violation(s) - Chapter 1 Scope and Administration, Section 111 Unsafe Structures and Equipment of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances, 111.1 Unsafe Conditions, 111.1.1 Unsafe Structures, 111.1.3 Structure unfit for human occupancy, 111.1.5 Dangerous structure or premises
Chapter 3 General Requirements, Section 304 Exterior Structure of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances 304.1 General, Section 305 Interior Structure, 305.1 General
Chapter 42 (Nuisances), Article V (Unsafe conditions) Section 42-108 (Unsafe conditions; nuisance), Article II (garbage, junk, and undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), (f) garbage, waste, trash, etc., Article II (garbage, junk, and undergrowth), Section 42-32 (Storage of vehicles, furniture, etc.) of the City of Port Orange Code of Ordinances.

Dena Joseph, Code Enforcement Officer, was sworn in by Special Magistrate Fuller and testified as to the condition of the property, as well as the notice provided to the property owner. Photos, newspaper publications and reports for mosquito control were submitted into evidence and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected by (1.) The home which has been destroyed by fire and is uninhabitable is considered a safety hazard. All occupants residing inside the structure were to exit the property immediately. The property must remain vacated until the City deems the property safe and any placard remain posted and intact. (2.) All trash, debris, junk and outside items were to be removed from the property no later than May 3, 2023. Trash, debris, junk and items remain on the property. (3.) The home, which has been destroyed by fire and is uninhabitable, requires demolition which will require a permit to be obtained through the City of Port Orange Building Department. A permit to demolish said structure was to be applied for no later than May 5, 2023. The permit was also to be obtained, to include payment of all associated fees and the demolition completed, no later than June 5, 2023. Following demolition, 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.

Amanda Bonin, Code Enforcement Manager, was sworn in by Special Magistrate Fuller and testified to taking photos of the condition of the property. Al Tischler, City of Port Orange Building Official, was sworn in by Special Magistrate Fuller and testified his recommendation that the building be demolished. Lauren Sanso, property owner, was sworn in by Special Magistrate Fuller and testified as to the condition of the property and agreed that the building should be demolished and received an estimate from Samsula Demolition. Karl Mueller, neighbor, was sworn in by Special Magistrate Fuller and testified that the separate unit that originally caught fire, 828 Sugar House, has brought down property values.

Ms. Joseph recommended the property owners be found in violation of the above

referenced codes with the violations to be corrected by July 17, 2023 by (1.) demolishing the structure/home, which has been destroyed by fire and is uninhabitable. Prior to demolition a permit must be obtained through the city of Port Orange Building Department to include payment of all associated fees. (2.) Once the permit is obtained, the structure must be demolished to include the removal of all trash, junk, debris, and personal items on the property. (3.) Following demolition, 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. Additionally, (4.) the property must remain vacated and any electricity shut off within 72 hours of the hearing. If this is not completed within the timeframe specified, the City shall have the right to immediately have FPL turn off the power to the location. The property shall remain vacated with the electricity shut off until all codes are complied with as determined by the City. (5.) The utilities shall be shut off within 72 hours of the hearing. If this is not completed within the timeframe specified, the City shall have the right to immediately turn off utilities to the location. (6.) All Danger postings, listing the building/units as unsafe/uninhabitable, must remain as placed by the City. (7.) It shall be unlawful for any person to enter the premises except to safely demolish the structure and safely remove any hazardous conditions. The City may enforce this by any remedy it has pursuant to law. In the event the property is not brought into compliance on or before the compliance date, and/or not maintained in a state of compliance, a daily fine in the amount of \$250.00 per day shall be 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, and that the property be deemed a health and safety concern for the surrounding neighbors in that, the Building Official has found that the structure on this property was substantially damaged by a fire and that the structure is damaged, dangerous, structurally unsafe and uninhabitable. The cost sheet in the amount of \$2652.45 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; however, a daily fine was not imposed. The property owner has until July 17, 2023 to (1.) demolish the structure/home, which has been destroyed by fire and is uninhabitable. Prior to demolition a permit must be obtained through the city of Port Orange Building Department to include payment of all associated fees. (2.) Once the permit is obtained, the structure must be demolished to include the removal of all trash, junk, debris, and personal items on the property. (3.) Following demolition, 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. Costs in the amount of \$2652.45 were awarded to the City.

4. CEB Case No.: 22-1393

Respondent: James V. Kloos

Itala M. Kloos

Mr. Cooper

Nationstar Mortgage LLC

Nationstar Mortgage LLC/Mr. Cooper

Federal National Mortgage Association

Bank of America, NA

Nationstar MTG LLC

All Unknown Occupants/Tenants

Address of Violation: 828 Sugar House Boulevard, Port Orange, FL 32129

Code Officer: Dena Joseph

First Notified: 10/2/2022

Compliance: No

Cited for violation(s) - Chapter 1 Scope and Administration, Section 111 Unsafe Structures and Equipment of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances, 111.1 Unsafe Conditions, 111.1.1 Unsafe Structures, 111.1.3 Structure unfit for human occupancy, 111.1.5 Dangerous structure or premises

Chapter 3 General Requirements, Section 304 Exterior Structure of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances, 304.1 General, 305.1 General

Chapter 42 (Nuisances), Article V (Unsafe Conditions) Section 42-108 (Unsafe conditions; nuisance), of the City of Port Orange Code of Ordinances

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

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

Ms. Joseph testified as to the condition of the property, as well as the notice provided to the property owner. Photos were submitted into evidence and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected by (1.) the home which has been destroyed by fire and is uninhabitable is considered a safety hazard. All occupants residing inside the structure were to exit the property immediately. The property must remain vacated until the City deems the property safe and any placard remain posted and intact. (2.) All trash, debris, junk, and outside items were to be removed from the property no later than May 5, 2023. Trash, debris, junk and items remain on the property. (3.) The home, which has been destroyed by fire and is uninhabitable, requires demolition which will require a permit to be obtained through the City of Port Orange Building Department. A permit to demolish said structure was to be applied for no later than May 7, 2023. The permit was also to be obtained, to include payment of all associated fees and the demolition completed, no later than June 7, 2023. Following demolition, 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.

Ms. Joseph submitted the fire report and stated that this property owner was responsible for the original fire and resided in the building until recently. Mr. Tischler testified that that the structure should be demolished. Ms. Joseph said Mr. Kloos has made no efforts. Geri Nehall, neighbor directly in back, was sworn in and testified about the mosquitos, rats, etc. and that the area is dangerous for kids. Shelby Ann Carroway, neighbor, was sworn in and testified that Mr. Kloos starts fires with garbage in the back yard, the mosquito problem, and that he possibly has a mental disorder.

Ms. Joseph recommended the property owners be found in violation of the above referenced codes with the violations to be corrected by July 17, 2023 by (1.) demolishing the structure/home, which has been destroyed by fire and is uninhabitable. Prior to demolition, a permit must be obtained through the City of Port Orange Building Department to include payment of all associated fees. (2.) Once the permit is obtained, the structure must be demolished to include the removal of all trash, junk, debris and personal items on the property. (3.) Following demolition, the property shall 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. Additionally, (4.) The property must remain vacated and any electricity shut off within 72 hours of the hearing. If this is not completed within the timeframe specified, the City shall have the right to immediately have FPL turn off the power to the location. The property shall remain vacated with the electricity shut off until all codes are complied with as determined by the City. (5.) The utilities shall be shut off within 72 hours of the hearing. If this is not completed within the timeframe specified, the City shall have the right to immediately turn off utilities to the location. (6.) All Danger postings, listing the building/units as unsafe/uninhabitable, must remain as placed by the City. (7.) It shall be unlawful for any person to enter the premises except to safely demolish the structure and safely remove any hazardous conditions. The City may enforce this by any remedy it has pursuant to law. In the event the property is not brought into compliance on or before the compliance date, and/or not maintained in a state of compliance, a daily fine in the amount of \$250.00 per day shall be 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, and that the property be deemed a health and safety concern for the surrounding neighbors in that, the Building Official has found that the structure on this property was substantially damaged by a fire and that the structure is damaged, dangerous, structurally unsafe and uninhabitable. The cost sheet in the amount of \$2760.93 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Special Magistrate Fuller granted the recommendation as presented and deemed the property a health and safety violation. The property owner has until July 17, 2023 to (1.) demolish the structure/home, which has been destroyed by fire and is uninhabitable. Prior to demolition a permit must be obtained through the city of Port Orange Building

Department to include payment of all associated fees. (2.) Once the permit is obtained, the structure must be demolished to include the removal of all trash, junk, debris, and personal items on the property. (3.) Following demolition, 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. or a daily fine in the amount of \$250.00 per day shall be imposed. Costs in the amount of \$2760.93 were awarded to the City.

5. **CEB Case No.:** 22-1394

Respondent: Fair Value Homebuyers, LLC

Fair Value Homebuyers, LLC c/o: Paul Aneseviche

Fair Value Homebuyers, LLC c/o: United States Corporation Agents, Inc.

Fair Value Homebuyers, LLC c/o: Delaware Business Incorporators, Inc.

Flagler Insurance

Maria Coroneos

All Unknown Tenants/Occupants

Address of Violation: 830 Sugar House Boulevard, Port Orange, FL 32129

Code Officer: Dena Joseph

First Notified: 10/2/2022

Compliance: No

Cited for violation(s) - Chapter 1 Scope and Administration, Section 111 Unsafe Structures and Equipment of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances, 111.1 Unsafe Conditions, 111.1.1 Unsafe Structures, 111.1.3 Structure unfit for human occupancy, 111.1.5 Dangerous structure or premises

Chapter 3 General Requirements, Section 304 Exterior Structure of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances, 304.1 General, 305.1 General

Chapter 42 (Nuisances), Article V (Unsafe Conditions) Section 42-108 (Unsafe conditions; nuisance), of the City of Port Orange Code of Ordinances

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

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

Ms. Joseph, Code Enforcement Officer, testified as to the condition of the property, as well as the notice provided to the property owner. Photos and newspaper publications were submitted into evidence and accepted by Special Magistrate Fuller with no

objections. The violation was to be corrected by (1.) The home which has been destroyed by fire and is uninhabitable is considered a safety hazard. All occupants residing inside the structure were to exit the property immediately. The property must remain vacated until the City deems the property safe and any placard remain posted and intact. (2.) All trash, debris, junk and outside items were to be removed from the property no later than May 5, 2023. Trash, debris, junk and items remain on the property. (3.) The home, which has been destroyed by fire and is uninhabitable, requires demolition which will require a permit to be obtained through the City of Port Orange Building Department. A permit to demolish said structure was to be applied for no later than May 7, 2023. The permit was also to be obtained, to include payment of all associated fees and the demolition completed, no later than June 7, 2023. Following demolition, 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.

Ms. Joseph stated that James Kloos previously owned this property and sold it a week prior to Hurricane Ian. Mr. Tischler testified that the structure needs to be demolished.

Ms. Joseph recommended the property owners be found in violation of the above referenced codes with the violations to be corrected by July 17, 2023 by (1.) demolishing the structure/home, which has been destroyed by fire and is uninhabitable. Prior to demolition a permit must be obtained through the city of Port Orange Building Department to include payment of all associated fees. (2.) Once the permit is obtained, the structure must be demolished to include the removal of all trash, junk, debris, and personal items on the property. (3.) Following demolition, 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. Additionally, (4.) the property must remain vacated and any electricity shut off within 72 hours of the hearing. If this is not completed within the timeframe specified, the City shall have the right to immediately have FPL turn off the power to the location. The property shall remain vacated with the electricity shut off until all codes are complied with as determined by the City. (5.) The utilities shall be shut off within 72 hours of the hearing. If this is not completed within the timeframe specified, the City shall have the right to immediately turn off utilities to the location. (6.) All Danger postings, listing the building/units as unsafe/uninhabitable, must remain as placed by the City. (7.) It shall be unlawful for any person to enter the premises except to safely demolish the structure and safely remove any hazardous conditions. The City may enforce this by any remedy it has pursuant to law. In the event the property is not brought into compliance on or before the compliance date, and/or not maintained in a state of compliance, a daily fine in the amount of \$250.00 per day shall be 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, and that the property be deemed a health and safety concern for the surrounding neighbors in that, the Building Official has found that the structure on this property was substantially damaged by a fire and that the structure is damaged, dangerous, structurally unsafe

and uninhabitable. The cost sheet in the amount of \$2,720.61 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; however, a daily fine was not imposed. The property owner has until July 17, 2023 to (1.) demolish the structure/home, which has been destroyed by fire and is uninhabitable. Prior to demolition a permit must be obtained through the city of Port Orange Building Department to include payment of all associated fees. (2.) Once the permit is obtained, the structure must be demolished to include the removal of all trash, junk, debris, and personal items on the property. (3.) Following demolition, 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. Costs in the amount of \$2,720.61 were awarded to the City.

6. **CEB Case No.:** 22-1377

Respondent: Marlene Prouty Estate

Marlene Prouty

Vincent Prouty

PNC Mortgage

Cardinal Financial Company

Universal Property & Casualty Insurance Company c/o: Vetra Harrison

All Unknown Occupants/Tenants

Address of Violation: 832 Sugar House Boulevard, Port Orange, FL 32129

Code Officer: Dena Joseph

First Notified: 10/2/2022

Compliance: No

Cited for violation(s) - Chapter 1 Scope and Administration, Section 111 Unsafe Structures and Equipment of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances, 111.1 Unsafe Conditions, 111.1.1 Unsafe Structures, 111.1.3 Structure unfit for human occupancy, 111.1.5 Dangerous structure or premises

Chapter 3 General Requirements, Section 304 Exterior Structure of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances, 304.1 General, 305.1 General

Chapter 42 (Nuisances), Article V (Unsafe Conditions) Section 42-108 (Unsafe conditions; nuisance), of the City of Port Orange Code of Ordinances

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

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

Ms. Joseph testified as to the condition of the property, as well as the notice provided to the property owner. Photos, newspaper publications and reports for mosquito control were submitted into evidence and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected by (1.) The home which has been destroyed by fire and is uninhabitable is considered a safety hazard. All occupants residing inside the structure were to exit the property immediately. The property must remain vacated until the City deems the property safe and any placard remain posted and intact. (2.) The home, which has been destroyed by fire and is uninhabitable, requires demolition which will require a permit to be obtained through the City of Port Orange Building Department. A permit to demolish said structure was to be applied for no later than May 7, 2023. The permit was also to be obtained, to include payment of all associated fees and the demolition completed, no later than June 7, 2023. Following demolition, 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.

Vincent Prouty, beneficiary of the Estate, was sworn in by Special Magistrate Fuller via Zoom by providing identification and testified that his unit has water damage. Mr. Tischler testified that the structure needs to be demolished. Even though Mr. Prouty agrees to the demolition, he stated he has kept up with his unit by drying it out and continuing with pest control.

Ms. Joseph recommended the property owners be found in violation of the above referenced codes with the violations to be corrected by July 17, 2023 by (1.) demolishing the structure/home, which has been destroyed by fire and is uninhabitable. Prior to demolition a permit must be obtained through the city of Port Orange Building Department to include payment of all associated fees. (2.) Once the permit is obtained, the structure must be demolished to include the removal of all trash, junk, debris, and personal items on the property. (3.) Following demolition, 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. In the event the property is not brought into compliance on or before the compliance date, and/or not maintained in a state of compliance, a daily fine in the amount of \$250.00 per day shall be 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, and that the property be deemed a health and safety concern for the surrounding neighbors in that, the Building Official has found that the structure on this property was substantially damaged by a fire and that the structure is damaged, dangerous, structurally unsafe and uninhabitable. The cost sheet in the amount of \$2,690.69 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; however, a daily fine was not imposed. The property owner has until July 17, 2023 to (1.) demolish the structure/home, which has been destroyed by fire and is uninhabitable. Prior to demolition a permit must be obtained through the city of Port Orange Building Department to include payment of all associated fees. (2.) Once the permit is obtained, the structure must be demolished to include the removal of all trash, junk, debris, and personal items on the property. (3.) Following demolition, 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. Costs in the amount of \$2,690.69 were awarded to the City.

7. **CEB Case No.:** 23-071

Respondent: Christal L. Caso

Address of Violation: 437 Greenleaf Square, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 1/17/2023

Compliance: Yes

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

Chapter 70 (Traffic), Article II (Stopping standing and parking), Section 70-48 (Parking of recreational vehicles and equipment on residential premises), (a),(c), (1), (3), (f).

Chapter 16 (Miscellaneous Regulations), Section 1 (Accessory Uses & Structures), (d) Size Limitations, of the City of Port Orange Land Development Code: Any residential accessory structure in a residential zoning district shall be required to comply with the following conditions: (4), (5).

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

8. **CEB Case No.:** 23-0373

Respondent: Stephen Stewart

Address of Violation: 717 Dove Avenue, Port Orange, FL 32129

Code Officer: Bailey Hornbuckle

First Notified: 3/27/2023

Compliance: No

Cited for violation(s) - Chapter 6 (Mechanical and Electrical Requirements), Section 601 (General), 601.2 (Responsibility), of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of the Port Orange Code of Ordinances.

Bailey Hornbuckle, Code Enforcement Officer, was sworn in by Special Magistrate Fuller and 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 April 30, 2023 by reconnecting the electricity to the property.

Rodney Tilton, HOA President, was sworn in by Special Magistrate Fuller and testified that the property has no electricity. Mr. Tilton also stated that occupants in the house were caught stealing power from nearby sources. Mr. Tilton further stated this is an alleged drug house and an occupant was arrested last week.

Ms. Hornbuckle recommended the property owners be found in violation of the above referenced codes with the violations to be corrected by June 17, 2023 by reconnecting the electricity to the property. In the event the property is not brought into compliance on or before the compliance date, and/or not maintained in a state of compliance, a daily fine in the amount of \$150.00 per day shall be imposed. Accused should be further ordered to contact the Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the order. Ms. Hornbuckle requested any future violations under this ordinance be considered repeat. The cost sheet in the amount of \$46.65 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Special Magistrate Fuller granted the recommendation as presented. The property owner has until June 17, 2023 to reconnect electricity to the property or a daily fine in the amount of \$150.00 per day shall be imposed. Costs in the amount of \$46.65 were awarded to the City.

ORDER IMPOSING FINE/LIEN

9. **CEB Case No.:** 23-0078

Respondent: Patsy J. Richardson

Address of Violation: 3633 S. Peninsula Drive, Port Orange, FL 32127

Code Officer: Dennis Boehmer, Jr.

First Notified: 1/19/2023

Compliance: No

Cited for violation(s) - City of Port Orange Code of Ordinances, Chapter 42 (Nuisances), Article III (Sanitary Conditions), Sec. 42-59 (Location of vehicles used for human occupancy)

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.

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

Dennis Boehmer, Jr., Code Enforcement Officer, was sworn in by Special Magistrate Fuller and requested an Order Setting Fine/Lien as the property was not in compliance by May 20, 2023, as ordered in the previous hearing on May 10, 2023 by the Special Magistrate. He requested a daily fine in the amount of \$100.00 per day beginning May 21, 2023 for each and every day the violation exists as ordered in the Finding of Fact, Conclusion of Law & Order. A cost sheet for mailing and recording costs in the amount of \$92.90 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 beginning May 21, 2023 for each and every day the violation exists and mailing and recording costs to date of \$92.90. A lien in the amount of \$92.90 shall be imposed.

ADJOURNMENT – 11:22 a.m.

Special Magistrate David Fuller

Case Cost Sheet Log

Case No. 23-0531

Name	Activity	Activity_Date	Status	Cost
2017-2 IH Borrower LP, Property Owner	Cost to mail Notice of Violation and Notice of Hearings	05/23/2023	Certified receipt signed	\$8.70
2017-2 IH Borrower LP, Property Owner, c/o: Corporation Service Company	Cost to mail Notice of Violation and Notice of Hearings	05/23/2023	Certified receipt signed by Monica Gross	\$8.70
Clerk of Court	Cost to record Finding of Fact	06/28/2023		\$29.25
2017-2 IH Borrower LP, Property Owner	Cost to mail Finding of Fact	06/28/2023		\$8.70
2017-2 IH Borrower LP, Property Owner, c/o: Corporation Service Company	Cost to mail Finding of Fact	06/28/2023		\$8.70

Total: \$64.05



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

CITY OF PORT ORANGE,

Petitioner

CASE NO. 23-0531

To: 2017-2 IH Borrower LP
Property Owner
1717 Main Street, STE 2000
Dallas, TX 75201

2017-2 IH Borrower LP
Property Owner
C/O: Corporation Service Company
Registered Agent
1201 Hays Street
Tallahassee, FL 32301-2525

Re: 3855 Sunset Cove Drive
Port Orange, FL 32129
Parcel ID: 6307-17-00-0440
LEGAL DESCRIPTION: LOT 44 SUNSET COVE PHASE II MB 54 PGS 24-27 INC PER OR 6158
PG 1930 PER OR 6821 PG 1819 PER OR 7055 PG 0497 PER OR 7471
PG 1227
Volusia County Public Records
Volusia County, FL

An inspection of the premises on May 10, 2023, indicates that certain violation(s) of the City of Port Orange Code exists.

Property owner was notified of the violations noted below and given 3 days to correct. Re-inspections completed on May 15, 2023 and May 18, 2023, 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 June 8, 2023:**

- 1. The entire property needs to be mowed, weed-eated, all undergrowth removed, and all debris blown back onto the property.**
- 2. Properly store trash containers behind the front plane 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 per violation for a first violation, \$5,000.00 per day per violation for a repeat violation, and up to \$15,000.00 per day per violation if the code enforcement board or special magistrate finds the violation to present an imminent threat to the public, health, safety or welfare and/or 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.

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.
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.
 - The initial inspection of this property found multiple trashcans being stored in front of the garage.

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 June 28, 2023, 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 \$ 17.40 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 **June 28, 2023**, 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 **August 9, 2023, 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) 506-5616**.

DATED this 23rd day of May, 2023.

CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT OFFICER

By: [Signature]
Bailey Hornbuckle, 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: 2017-2 IH Borrower LP, Property Owner, 1717 Main Street, STE 2000, Dallas, TX 75201, RE: 3855 Sunset Cove Drive, Port Orange, FL 32129, was

- ☐ Hand-delivered Recipient of hand-delivered documents: _____
☒ Posted at the property 5/23/2023 (date)
☒ Posted at City Hall 5/23/2023 (date)

[Signature]
Bailey Hornbuckle, 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 2017-2 IH Borrower LP, Property Owner, C/O: Corporation Service Company, Registered Agent, 1201 Hays Street, Tallahassee, FL 32301-2525, RE: 3855 Sunset Cove Drive, Port Orange, FL 32129, was

- ☐ Hand-delivered Recipient of hand-delivered documents: _____
☒ Posted at the property 5/23/2023
☒ Posted at City Hall 5/23/2023

[Signature]
Bailey Hornbuckle, 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 2017-2 IH Borrower LP, Property Owner, 1717 Main Street, STE 2000, Dallas, TX 75201, RE: 3855 Sunset Cove Drive, Port Orange, FL 32129, was sent via certified and regular mail this 23 day of May, 2023.

[Signature]
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 2017-2 IH Borrower LP, Property Owner, C/O: Corporation Service Company, Registered Agent, 1201 Hays Street, Tallahassee, FL 32301-2525, RE: 3855 Sunset Cove Drive, Port Orange, FL 32129, was sent via certified and regular mail this 23 day of May, 2023.


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. 23-0282

Name	Activity	Activity_Date	Status	Cost
Larry C. Martin, Trustee of Martin Grantor Trust	Cost to mail Notice of Violation and Notice of Hearings	05/24/2023	Certified signed by H. Bauer	\$8.70
Clerk of Court	Cost to record Finding of Fact	06/28/2023		\$29.25
Larry C. Martin, Trustee of Martin Grantor Trust	Cost to mail Finding of Fact	06/28/2023		\$8.70

Total: \$46.65



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

CITY OF PORT ORANGE,

Petitioner

CASE NO. 23-0282

To: Larry C. Martin, Trustee
Martin Grantor Trust
201 Broad Street, Suite 200
Rome, GA 30161

Re: 3738 Nova Road
Port Orange, FL 32129
Parcel ID: 6337-01-25-0015

LEGAL DESCRIPTION: 37-16-33 N 118.23 FT OF S 259.25 FT AS MEAS ALONG W/L OF E 1/2 LOT 1 BLK 25 MAP OF DUNLAWTON DB M PG 187 MB 14 PGS 82 & 83 PER OR 6933 PG 0148 PER OR 7188 PG 4662 PER OR 7017 PG 1900 PER OR 7922 PG 1497

An inspection of the premises on March 3, 2023, 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. Re-inspections completed on March 31, 2023 and May 23, 2023, 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 June 4, 2023**. **The entire property needs to be mowed, weed-eated, and all debris blown back onto the property. All commercial properties are required to maintain the right of way area in front of the businesses per city code. The right of way in front of this vacant lot is severely overgrown and not being maintained.**

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 per violation for a first violation, \$5,000.00 per day per violation for a repeat violation, and up to \$15,000.00 per day per violation if the code enforcement board or special magistrate finds the violation to present an imminent threat to the public, health, safety or welfare and/or 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.

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

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 June 28, 2023, 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 \$ 8.70 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 **June 28, 2023**, 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 **August 9, 2023, 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 24th day of May, 2023.

CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT OFFICER

By: 
Dena Joseph, Code Enforcement Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Larry C. Martin, Trustee, Martin Grantor Trust, 201 Broad Street, Suite 200, Rome, GA 30161, RE: 3738 Nova Road Port Orange, FL 32129, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property May 24, 2023 (date)

☒ Posted at City Hall May 24, 2023 (date)


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 Larry C. Martin, Trustee, Martin Grantor Trust, 201 Broad Street, Suite 200, Rome, GA 30161, RE: 3738 Nova Road Port Orange, FL 32129, was, was sent via certified and regular mail this 24 day of May, 2023.


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.

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