



**AGENDA**  
**CODE ENFORCEMENT SPECIAL MAGISTRATE**  
**CITY OF PORT ORANGE**

**Meeting Date:** Wednesday, November 8, 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 - October 25, 2023

**B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)**

3. **CEB Case No.:** 23-0919

**Respondent:** Catherine A. Bair

**Address of Violation:** 705 Charles Street, Port Orange, FL 32129

**Code Officer:** Bailey Hornbuckle

**First Notified:** 8/22/2023

Compliance: Yes

**Cited for violation(s)** - Chapter 70 (Traffic), Article II (Stopping, standing, and parking), Section 70-36 (Stopping, standing or parking prohibited in specified places), (a) (1) (k) (1), (2) & (3) of the City of Port Orange Code of Ordinances. Chapter 70 (Traffic), Article II (Stopping, Standing, and Parking), Section 70-49 (Restrictions on abandoned or disabled vehicles), (c) Restrictions, (1) (a), (b) and (2) of the City of Port Orange Code of Ordinances.

4. **CEB Case No.:** 23-0843

**Respondent:** Stephen M. Harridge

**Address of Violation:** 3533 Forest Branch Drive #B, Port Orange, FL 32129

**Code Officer:** Dena Joseph

**First Notified:** 8/8/2023

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.

5. **CEB Case No.:** 23-0498

**Respondent:** Douglas Wayne Brewer

**Address of Violation:** 634 Sweetwood Drive, Port Orange, FL 32127

**Code Officer:** Dena Joseph

**First Notified:** 7/26/2023

Compliance: No

**Cited for violation(s)** - Chapter 3, 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.

6. **CEB Case No.:** 23-0912

**Respondent:** Mario Longo

**Address of Violation:** 6105 Jasmine Vine Drive, Port Orange, FL 32128

**Code Officer:** Dena Joseph

**First Notified:** 8/23/2023

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.  
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.

7. **CEB Case No.:** 22-1438

**Respondent:** Frederick A. Ingerson

**Address of Violation:** 6208 Yellowstone Drive, Port Orange, FL 32127

**Code Officer:** Scott Allman

**First Notified:** 11/1/2022

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.

8. **CEB Case No.:** 23-229

**Respondent:** Peggy A. Brandt

**Address of Violation:** 6114 Palmas Drive, Port Orange, FL 32127

**Code Officer:** Scott Allman

**First Notified:** 2/16/2023

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.

### **C. ORDER IMPOSING FINE/LIEN**

9. **CEB Case No.:** 23-781

**Respondent:** Marc Anthony Cinicola

Tasha Smith

**Address of Violation:** 109 Wimbledon Court, Port Orange, FL 32127

**Code Officer:** Scott Allman

**First Notified:** 7/25/2023

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) 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.

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

### **D. ADJOURNMENT**

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



Code Enforcement Special Magistrate Meeting

Wednesday, November 8, 2023

Page 4 of 4

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](mailto: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  
OCTOBER 25, 2023

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

PRESENT: David Fuller, Special Magistrate

ALSO PRESENT: Dena Joseph, Code Enforcement Officer  
Meghan Meyer, Administrative Assistant

Oaths

Code Enforcement Officer Dena Joseph was sworn in by Special Magistrate Fuller.

CALL TO ORDER

1. Attorney Overview of Special Magistrate Code Enforcement Process

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

2. Consideration of Minutes - September 27, 2023

*Special Magistrate Fuller approved the September 27, 2023 meeting minutes as presented.*

FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 23-0976

**Respondent:** Robert A. Costa

**Address of Violation:** 719 Hawks Ridge Road, Port Orange, FL 32127

**Code Officer:** Dena Joseph

**First Notified:** 9/5/2023

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.

*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 October 1,*

*2023 by mowing the entire property to include weed eating all high weeds on site and blowing all yard debris back onto the property.*

*Ms. Joseph recommended the property owners be found in violation of the above referenced codes with the violations to be corrected by November 5, 2023 by mowing the entire property to include weed eating all high weeds on site and blowing all yard debris back onto the property. In the event the property is not brought into compliance on or before the compliance date, and/or not maintained in a state of compliance, the City of Port Orange shall have the option to abate the violation as this is a health and safety concern and a daily fine in the amount of \$100.00 per day shall be imposed. Accused should be further ordered to contact the Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the order. Ms. Joseph requested any future violations under this ordinance be considered repeat, and that the property be deemed a health and safety concern. The cost sheet in the amount of \$47.57 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 November 5, 2023 to mow the entire property to include weed eating all high weeds on site and blow all yard debris back onto the property or a daily fine in the amount of \$100.00 per day shall be imposed. Costs in the amount of \$47.57 were awarded to the City.*

4. **CEB Case No.:** 23-0498

**Respondent:** Douglas Wayne Brewer

**Address of Violation:** 634 Sweetwood Drive, Port Orange, FL 32127

**Code Officer:** Dena Joseph

**First Notified:** 7/26/2023

Compliance: No

**Cited for violation(s)** - Chapter 3, 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.

*Dena Joseph, Code Enforcement Officer, was sworn in by Special Magistrate Fuller and requested a continuation of the case until November 8, 2023. Special Magistrate Fuller granted the continuation request.*

5. **CEB Case No.:** 23-0851

**Respondent:** John T. Reilly

Julie D. Hardbarger

**Address of Violation:** 5787 Sweetwater Blvd., Port Orange, FL 32127

**Code Officer:** Dena Joseph

**First Notified:** 8/14/2023

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), (d) (Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances. (h) Abutting property owner maintenance of parkages.

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

6. **CEB Case No.:** 23-0912

**Respondent:** Mario Longo

**Address of Violation:** 6105 Jasmine Vine Drive, Port Orange, FL 32128

**Code Officer:** Dena Joseph

**First Notified:** 8/23/2023

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

*Ms. Joseph requested a continuation of the case until November 8, 2023. Special Magistrate Fuller granted the continuation request.*

7. **CEB Case No.:** 23-0926

**Respondent:** Joan C. Flamm Estate

Catherine G. Swain, P.A.

**Address of Violation:** 5237 Pineland Avenue, Port Orange, FL 32127

**Code Officer:** Benjamin Elkinton

**First Notified:** 8/25/2023

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), (d) (Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances.(h) Abutting property owner maintenance of parkages.

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

8. **CEB Case No.:** 23-1008

**Respondent:** Stacey Louise Algieri Estate

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

**Code Officer:** Benjamin Elkinton

**First Notified:** 9/13/2023

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.

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

9. **CEB Case No.:** 23-229

**Respondent:** Peggy A. Brandt

**Address of Violation:** 6114 Palmas Drive, Port Orange, FL 32127

**Code Officer:** Scott Allman

**First Notified:** 2/16/2023

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 until November 8, 2023. Special Magistrate Fuller granted the continuation request.*

ORDER IMPOSING FINE/LIEN

10. **CEB Case No.:** 23-0626

**Respondent:** Geraldine Jones Life Estate

**Address of Violation:** 1237 Edna Drive, Port Orange, FL 32129

**Code Officer:** Bailey Hornbuckle

**First Notified:** 6/8/2023

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), (h) (Abutting property owner maintenance of parkages) and (f) Garbage, waste, trash, etc. of the City of Port Orange Code of Ordinances.

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

*Ms. Joseph requested a continuation of the case until December 13, 2023. Special Magistrate Fuller granted the continuation request.*

ADJOURNMENT – 9:13 a.m.

---

Special Magistrate David Fuller

## Case Cost Sheet Log

Case No.

23-0919

| Name              | Activity                                                | Activity_Date | Status                                         | Cost    |
|-------------------|---------------------------------------------------------|---------------|------------------------------------------------|---------|
| Catherine A. Bair | Cost of mail Notice of Violation and Notice of Hearings | 10/02/2023    | Certified returned Unclaimed/Unable to Forward | \$9.16  |
| Clerk of Court    | Cost to record Finding of Fact                          | 11/08/2023    |                                                | \$29.25 |
| Catherine A. Bair | Cost to Mail Finding of Fact                            | 11/08/2023    |                                                | \$9.16  |

Total: \$47.57



**NOTICE OF VIOLATION  
AND  
NOTICE OF HEARINGS**

---

**CITY OF PORT ORANGE, FLORIDA**

CITY OF PORT ORANGE,

Petitioner

CASE NO. 23-0919

To: Catherine A Bair  
705 Charles Street  
Port Orange, FL 32129

Re: 705 Charles Street  
Port Orange, FL 32129  
Parcel ID: 6304-02-07-0170  
LEGAL DESCRIPTION: 4 16 33 LOT 17 BLK 7 PORTONA MB 10 PG 107 PER OR 4035 PG 2153  
Volusia County Public Records  
Volusia County, FL

An inspection of the premises on August 22, 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 7 days to correct. Re-inspections completed on August 29, 2023, and September 27, 2023, resulted in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) **must be corrected by October 16, 2023**, by doing the following: 1.) All vehicles must be removed from the front yard and properly parked. 2.) The unregistered vehicle must be removed from the front yard and properly tagged or covered with an approved car cover.

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 70 (Traffic), Article II (Stopping standing and parking), Section 70-36 (Stopping, standing or parking prohibited in specified places), (a) (1) (k) (1), (2) & (3) of the City of Port Orange Code of Ordinances: (a)** Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic device, no person shall: **(1)** Stop, stand or park a motor vehicle or trailer: **(k)** On any other portion of the front yard of a residential lot, except on approved driveways. As used in this section, driveways shall be constructed of the following materials: **(1)** Concrete or paved materials; **(2)** Nonpaved materials, excluding grass and dirt, provided that loose materials such as gravel, bark or cypress mulch are effectively contained within a border of concrete, railroad ties, or other rigid materials; or **(3)** Concrete paver strips, paver blocks, or other semi-pervious materials.
  - The initial inspection of this property found more than one motor vehicles parked in the front yard of the residence.
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 unregistered motor vehicle stored on the property.

#### **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 8, 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 \$ 9.16 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**

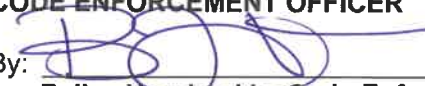
In the event the **Special Magistrate**, during the hearing on **November 8, 2023**, enters a Final Order finding a violation as alleged, pursuant to Chapter 2, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2<sup>nd</sup> PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate on December 13, 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 2nd day of October, 2023.

CITY OF PORT ORANGE, FLORIDA  
**CODE ENFORCEMENT OFFICER**

By:   
**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 Catherine A Bair, 705 Charles Street, Port Orange, FL 32129, Re: 705 Charles Street, Port Orange, FL 32129, was

☐ Hand-delivered

Recipient of hand delivered documents: \_\_\_\_\_

☒ Posted at the property 10/2/2023 (date)

☒ Posted at City Hall 10/2/2023 (date)

  
**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 Catherine A Bair, 705 Charles Street, Port Orange, FL 32129, Re: 705 Charles Street, Port Orange, FL 32129, was sent via certified and regular mail this 2 day of October, 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.

23-0843

| Name                | Activity                                                | Activity_Date | Status                           | Cost    |
|---------------------|---------------------------------------------------------|---------------|----------------------------------|---------|
| Stephen M. Harridge | Cost of mail Notice of Violation and Notice of Hearings | 10/02/2023    | Certified receipt signed on 10/4 | \$9.16  |
| Clerk of Court      | Cost to record Finding of Fact                          | 11/08/2023    |                                  | \$29.25 |
| Stephen M. Harridge | Cost to Mail Finding of Fact                            | 11/08/2023    |                                  | \$9.16  |

Total: \$47.57



## NOTICE OF VIOLATION AND NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

CITY OF PORT ORANGE,

Petitioner

CASE NO. 23-0843

To: Stephen M Harridge  
3533 Forest Branch Drive #B  
Port Orange FL 32129-8949

Re: 3533 Forest Branch Drive, Unit B  
Port Orange, FL 32129

Parcel ID: 5331-10-00-0120

LEGAL DESCRIPTION: LOT 12 TOWNHOMES NORTH AT PORT ORANGE MB 42 PG 36 PER OR 5222 PG 3697 PER D/C 6280 PG 4641 PER OR 6280 PG 4642 PER OR 7390 PG 4021

Volusia County Public Records  
Volusia County, FL

An inspection of the premises on August 8, 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 15 days to correct. A re-inspection was done on September 25, 2023, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) **must be corrected by October 15, 2023**, by doing the following: The roof must be repaired/replaced, and the gutters must be cleaned out to avoid obstruction of water and its proper discharge. Note: If the roof on the porch is to be replaced, a permit will be required along with the payment of all associated permit fees.

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 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 roof on the rear porch that has areas that have lifted and could be admitting rain into the unit. In addition, the gutters are clogged with weeds and debris.

**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 8, 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 \$ 9.16 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 8, 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 2<sup>nd</sup> PUBLIC HEARING will be conducted in the above-styled cause by the Special Magistrate on **December 13, 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 27th day of September, 2023.

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 Stephen M Harridge, 3533 Forest Branch Drive #B, Port Orange FL 32129-8949, Re: 3533 Forest Branch Drive, Unit B, Port Orange, FL 32129, was

☐ Hand-delivered

Recipient of hand delivered documents: \_\_\_\_\_

☒ Posted at the property Sept. 27, 2023 (date)

☐ Posted at City Hall \_\_\_\_\_ (date)

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 Stephen M Harridge, 3533 Forest Branch Drive #B, Port Orange FL 32129-8949, Re: 3533 Forest Branch Drive, Unit B, Port Orange, FL 32129, was sent via certified and regular mail this 2 day of October, 2023.

Codey  
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.

23-0498

| Name                 | Activity                                                | Activity_Date | Status                       | Cost    |
|----------------------|---------------------------------------------------------|---------------|------------------------------|---------|
| Douglas Wayne Brewer | Cost of mail Notice of Violation and Notice of Hearings | 09/21/2023    | Certified returned Unclaimed | \$9.16  |
| Clerk of Court       | Cost to record Finding of Fact                          | 11/08/2023    |                              | \$29.25 |
| Douglas Wayne Brewer | Cost to Mail Finding of Fact                            | 11/08/2023    |                              | \$9.16  |

Total: \$47.57



NOTICE OF VIOLATION  
AND  
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

CITY OF PORT ORANGE,

Petitioner

To: Douglas Wayne ~~Bewer~~ *DWS* *Brewer*  
10916 215<sup>th</sup> Avenue SE  
Snohomish, WA 98290

CASE NO. 23-0498

Re: 634 ~~Sweetwater~~ *Sweetwood* *DWS* Drive  
Port Orange, FL 32127  
Parcel ID: 6320-05-03-0220

LEGAL DESCRIPTION: LOT 22 BLK 3 SWEETWATER HILLS UNIT III MB 37 PG 187 PER OR 5  
102 PG 4327 PER OR 6917 PG 2674 PER OR 8184 PG 4361  
Volusia County Public Records  
Volusia County, FL

An inspection of the premises on July 26, 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 15 days to correct. A re-inspection was done on September 15, 2023, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) **must be corrected by October 8, 2023**, by doing the following: The siding on the exterior wall of the home must be re-installed where missing.

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 3, 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, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.
  - The initial inspection of this property found missing/damaged siding on the exterior walls of the home.

**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 October 25, 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 \$ 2.16 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 **October 25, 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 2<sup>nd</sup> PUBLIC HEARING will be conducted in the above-styled cause by the Special Magistrate on **December 13, 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 20th day of September, 2023.

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 Douglas Wayne Bower, 10916 215th Avenue SE, Snohomish, WA 98290, Re: 634 Sweetwater Drive, Port Orange, FL 32127, was Brewer Wood

- ☐ Hand-delivered Recipient of hand delivered documents: \_\_\_\_\_  
☒ Posted at the property September 20, 2023 (date)  
☒ Posted at City Hall 9/21/2023 (date)

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 Douglas Wayne Bower, 10916 215th Avenue SE, Snohomish, WA 98290, Re: 634 Sweetwater Drive, Port Orange, FL 32127, was sent via certified and regular mail this 21 day of September, 2023.

Scady  
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.

23-0912

| Name           | Activity                                               | Activity_Date | Status | Cost    |
|----------------|--------------------------------------------------------|---------------|--------|---------|
| Mario Longo    | Hand Delivery of Notice of Violation/Notice of Hearing | 10/02/2023    |        | \$0.00  |
| Rose Longo     | Hand Delivery of Notice of Violation/Notice of Hearing | 10/02/2023    |        | \$0.00  |
| Clerk of Court | Cost to record Finding of Fact                         | 11/08/2023    |        | \$29.25 |
| Mario Longo    | Cost to Mail Finding of Fact                           | 11/08/2023    |        | \$9.16  |
| Rose Longo     | Cost to Mail Finding of Fact                           | 11/08/2023    |        | \$9.16  |

Total: \$47.57



NOTICE OF VIOLATION  
AND  
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

CITY OF PORT ORANGE,

Petitioner

CASE NO. 23-0912

To: Mario Longo  
Rose Longo  
6105 Jasmine Vine Drive  
Port Orange, FL 32128

Re: 6105 Jasmine Vine Drive  
Port Orange, FL 32128

Parcel ID: 6330-06-00-1100

LEGAL DESCRIPTION: LOT 110 THE SANCTUARY ON SPRUCE CREEK PHASE I MB 45 PGS 48-51 INC PER OR 4946  
PG 4735 PER OR 5565 PG 2893 PER OR 5917 PG 0001 PER OR 6124 PG 1290

Volusia County Public Records  
Volusia County, FL

An inspection of the premises on August 23, 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 15 days to correct. A re-inspection was done on September 15, 2023, resulting in non-compliance.

This correspondence will serve as official notification that the below-stated violation(s) **must be corrected by October 20, 2023**, by doing the following: **1.) A permit must be obtained through the city's building department to include payment of all associated fees; and 2.) All items being stored on the outside of the home and around the shed must be removed and stored in an enclosed building.**

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

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

1. **2020 Florida Building Code, 7<sup>th</sup> 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 of this property found a shed installed without a permit.

2. **Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-32 (Storage of vehicles, furniture, etc.), of the City of Port Orange Code of Ordinances:** No owner of property within the city shall permit the storage of vehicles or parts of vehicles, furniture, appliances or other personal property upon the premises, except in an enclosed building.

- The initial inspection of this property found various items stored (including but not limited to containers, wheel burrow, etc.) outside.

**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** **October 25, 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 \$ 0 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

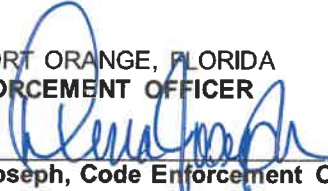
**NOTICE OF HEARING SETTING FINE AND LIEN**

In the event the **Special Magistrate**, during the hearing on **October 25, 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 2<sup>nd</sup> PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate** on **December 13, 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 2nd day of October, 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 Mario Longo, Rose Longo, 6105 Jasmine Vine Drive, Port Orange, FL 32128, Re: 6105 Jasmine Vine Drive, Port Orange, FL 32128, was

☒ Hand-delivered

Recipient of hand delivered documents: Mario Longo - owner

☐ Posted at the property

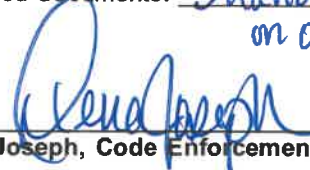
(date)

☒ Posted at City Hall

10/4/2023

(date)

on October 2, 2023

  
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 Mario Longo, Rose Longo, 6105 Jasmine Vine Drive, Port Orange, FL 32128, Re: 6105 Jasmine Vine Drive, Port Orange, FL 32128, was sent via certified and regular mail this \_\_\_\_\_ day of \_\_\_\_\_, 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](mailto: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.

22-1438

| Name                  | Activity                                                | Activity_Date | Status                                       | Cost    |
|-----------------------|---------------------------------------------------------|---------------|----------------------------------------------|---------|
| Frederick A. Ingerson | Cost of mail Notice of Violation and Notice of Hearings | 09/29/2023    | Certified receipt signed F. Ingerson on 10/2 | \$9.16  |
| Clerk of Court        | Cost to record Finding of Fact                          | 11/08/2023    |                                              | \$29.25 |
| Frederick A. Ingerson | Cost to Mail Finding of Fact                            | 11/08/2023    |                                              | \$9.16  |

Total: \$47.57



**NOTICE OF VIOLATION  
AND  
NOTICE OF HEARINGS**

**CITY OF PORT ORANGE, FLORIDA**

CITY OF PORT ORANGE,

Petitioner

CASE NO. 22-1438

To: Frederick A. Ingerson  
6208 Yellowstone Drive  
Port Orange, FL 32127-6745

Re: 6208 Yellowstone Drive  
Port Orange, FL 32127  
Parcel ID: 6338-05-00-0160  
LEGAL DESCRIPTION: LOT 16 RIVERWOOD PHASE II MB 39 PG 64 PER OR PER OR 4431 PG  
0880  
Volusia County Public Records  
Volusia County, FL

An inspection of the premises on November 1, 2022, indicates that certain violation(s) of the City of Port Orange Code exists.

Property owner was notified of the violations noted below and originally given 10 days to correct. To date, there have been 9 re-inspections on the property. The most recent one was on July 24, 2023. The property remains in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) **must be corrected by October 27, 2023**, by doing the following: 1.) All fallen trees and limbs must be removed from the property. 2.) The entire property needs to be mowed, all high weeds trimmed, 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 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.

- The initial inspection of this property found a downed tree in the backyard of the property.

2. **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.

**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 8, 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 \$ 9,116 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 8, 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 2<sup>nd</sup> PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate on December 13, 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) 506-5641**.

DATED this 28 day of September, 2023.

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 Frederick A Ingerson, 6208 Yellowstone Drive, Port Orange, FL 32127-6745, RE: 6208 Yellowstone Drive, Port Orange, FL, 32127, was

☐ Hand-delivered Recipient of hand delivered documents: \_\_\_\_\_  
☒ Posted at the property 9-28-23 (date)  
☒ Posted at City Hall 9-28-23 (date)

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 Frederick A Ingerson, 6208 Yellowstone Drive, Port Orange, FL 32127-6745, RE: 6208 Yellowstone Drive, Port Orange, FL, 32127, was sent via certified and regular mail this 29 day of September, 2023.

J. Cody  
**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.

23-229

| Name            | Activity                                                | Activity_Date | Status                                  | Cost    |
|-----------------|---------------------------------------------------------|---------------|-----------------------------------------|---------|
| Peggy A. Brandt | Cost to mail Notice of Violation and Notice of Hearings | 06/05/2023    | Certified receipt signed by Rick Brandt | \$8.70  |
| Clerk of Court  | Cost to record Finding of Fact                          | 11/08/2023    |                                         | \$29.25 |
| Peggy A. Brandt | Cost to mail Finding of Fact                            | 11/08/2023    |                                         | \$9.16  |

Total: \$47.11



NOTICE OF VIOLATION  
AND  
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

CITY OF PORT ORANGE,

Petitioner

CASE NO. 23-229

To: Peggy A Brandt  
6114 Palmas Drive  
Port Orange, FL 32127-6751

Re: 6114 Palmas Drive  
Port Orange, FL 32127  
Parcel ID: 6338-03-00-0530

LEGAL DESCRIPTION: LOT 53 PALMS DEL MAR MB 35 PGS 94-95 INC PER OR 2699 PG 0292 PER OR 7635 PG 1276  
Volusia County Public Records  
Volusia County, FL

An inspection of the premises on February 16, 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 15 days to correct. Re-inspections completed on March 10, 2023, and May 16, 2023, resulting in non-compliance.

This correspondence will serve as official notification that the below-stated violation(s) **must be corrected by July 5, 2023**, by doing the following: **A permit must be applied for and obtained for the two un-permitted sheds on 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.

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

1. **2020 Florida Building Code, 7<sup>th</sup> 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 of this property found 2 sheds installed on the property without approved permits.

**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 12, 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 **July 12, 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 2<sup>nd</sup> PUBLIC HEARING will be conducted in the above-styled cause by the Special Magistrate on **August 23, 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) 506-5641**.

DATED this 5th day of June, 2023.

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 Peggy A Brandt, 6114 Palmas Drive, Port Orange, FL 32127-6751, Re: 6114 Palmas Drive, Port Orange, FL 32127, was

☐ Hand-delivered Recipient of hand-delivered documents: \_\_\_\_\_  
☒ Posted at the property 6-5-23 (date)  
☒ Posted at City Hall 6-5-23 (date)

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 Peggy A Brandt, 6114 Palmas Drive, Port Orange, FL 32127-6751, Re: 6114 Palmas Drive, Port Orange, FL 32127, was sent via certified and regular mail this 5 day of June, 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](mailto: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.

23-781

| Name                  | Activity                                                | Activity_Date | Status                                       | Cost    |
|-----------------------|---------------------------------------------------------|---------------|----------------------------------------------|---------|
| Marc Anthony Cinicola | Cost to mail Notice of Violation and Notice of Hearings | 08/28/2023    | Certified Unclaimed/Unable to forward        | \$9.16  |
| Tasha Smith           | Cost to mail Notice of Violation and Notice of Hearings | 08/28/2023    | Certified Unclaimed/Unable to forward        | \$9.16  |
| Clerk of Court        | Cost to record Finding of Fact                          | 09/27/2023    |                                              | \$29.25 |
| Marc Anthony Cinicola | Cost to mail Finding of Fact                            | 09/27/2023    | Certified receipt signed by "Marc C" on 9/29 | \$9.16  |
| Tasha Smith           | Cost to mail Finding of Fact                            | 09/27/2023    | Certified receipt signed "Marc C" on 9/29    | \$9.16  |

Total: \$65.89



**NOTICE OF VIOLATION  
AND  
NOTICE OF HEARINGS**

**CITY OF PORT ORANGE, FLORIDA**

CITY OF PORT ORANGE,

Petitioner

CASE NO. 23-781

To: Marc Anthony Cinicola  
Tasha Smith  
109 Wimbledon Court  
Port Orange, FL 32127

Re: 109 Wimbledon Court  
Port Orange, FL 32127

Parcel ID: 6321-01-05-0180

LEGAL DESCRIPTION: LOT 18 CAMBRIDGE SUB UNIT V MB 33 PG 140 PER OR 1870 PG 0946 PER OR 3760 PG 0506  
PER OR 7420 PGS 4808-4809

Volusia County Public Records  
Volusia County, FL

An inspection of the premises on July 25, 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. A re-inspection was done on August 21, 2023, 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 September 18, 2023:** The R.V. must be properly parked behind the front plane of the home or removed from the property. Additionally, the R.V. must be removed from the front yard.

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. **City of Port Orange Code of Ordinances, Chapter 70 (Traffic), Article II (Stopping standing and parking), Section 70-48 (Parking of recreational vehicles and equipment on residential premises), (d) 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 RV parked in the front yard.
2. **Chapter 70 (Traffic), Article II (Stopping standing and parking), Section 70-36 (Stopping, standing or parking prohibited in specified places), (a) (1) (k) (1), (2) & (3) of the City of Port Orange Code of Ordinances: (a)** Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic device, no person shall: **(1)** Stop, stand or park a motor vehicle or trailer: **(k)** On any other portion of the front yard of a residential lot, except on approved driveways. As used in this section, driveways shall be constructed of the following materials: **(1)** Concrete or paved materials; **(2)** Nonpaved materials, excluding grass and dirt, provided that loose materials such as gravel, bark or cypress mulch are effectively contained within a border of concrete, railroad ties, or other rigid materials; or **(3)** Concrete paver strips, paver blocks, or other semi-pervious materials.
- The initial inspection of this property found an RV parked in the front yard.

#### **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 27, 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 \$ 10.32 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 27, 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 2<sup>nd</sup> PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate on November 8, 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) 506-5641.

DATED this 28 day of August, 2023.

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 Marc Anthony Cinicola, Tasha Smith, 109 Wimbledon Court, Port Orange, FL 32127, RE: 109 Wimbledon Court, Port Orange, FL 32127, was

☐ Hand-delivered Recipient of hand delivered documents: \_\_\_\_\_  
☒ Posted at the property 8-28-23 (date)  
☒ Posted at City Hall 8-28-23 (date)

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 Marc Anthony Cinicola, Tasha Smith, 109 Wimbledon Court, Port Orange, FL 32127, RE: 109 Wimbledon Court, Port Orange, FL 32127, was sent via certified and regular mail this 28 day of August, 2023.

J. Cedy  
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. 23-781**

CITY OF PORT ORANGE,  
a Florida municipal corporation,

**Petitioner,**

MARC ANTHONY CINICOLA  
TASHA SMITH  
109 WIMBLEDON COURT  
PORT ORANGE, FL 32127  
PARCEL ID:6321-01-05-0180

**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 27, 2023 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, MARC ANTHONY CINICOLA AND TASHA SMITH, whose mailing address is 109 WIMBLEDON COURT, PORT ORANGE, FL 32127 is the owner of the property located at 109 WIMBLEDON COURT, PORT ORANGE, FL 32127, and more particularly described as:

LOT 18 CAMBRIDGE SUB UNIT V MB 33 PG 140 PER OR 1870 PG 0946 PER OR 3760 PG 0506 PER OR 7420 PGS 4808-4809

**B.** The violation was to be corrected by properly parking the R.V and by removing the R.V. from the front yard. This condition was first observed at the real property described above on July 25, 2023; re-inspection was conducted on September 19, 2023 and September 25, 2023 confirmed the condition as being the same. Respondent received notice via posting at City Hall and regular and certified mail on August 28, 2023, as well as posted on the property on August 28, 2023 that the aforesaid conditions constituted a violation of Chapter 70 (Traffic), Article II (Stopping, standing and parking) Section 70-48 (Parking of recreational vehicles and equipment on residential premises.), (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),(2),(3) and Chapter 70 (Traffic), Article II (Stopping, standing and parking), Section 70-36 (Stopping, standing or parking prohibited in specified places), (a)(1)(k)(1),(2)&(3) of the City of Port Orange Code of Ordinances. and was to be corrected by September 18,2023.

C. At the time of the hearing, the violations cited above: ☒ continued to exist, or ☐ remained non-compliant 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 as stated in the notice of violation and is/are 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 properly parking or storing the R.V. and by removing the R.V. from the front yard, on or before October 9,2023. ("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 of \$250.00 per day will be assessed for each day the property is in violation beyond the Compliance Date. If paragraph D. above is checked and the Respondent(s) has/have not abated the condition by the Compliance Date, then notice of the violation will be given to the City Council. The City Council may repair the condition and charge the Respondent(s) with 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 subsection (a)." The cost to date is \$65.89 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. 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 and 2-213. 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 27 day of September, 2023.

Attest: *Jody*  
Secretary, Code Enforcement Special Magistrate

By: *[Signature]*  
Code Enforcement Special Magistrate

**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), MARC ANTHONY CINICOLA AND TASHA SMITH, 109 WIMBLEDON COURT PORT ORANGE, FL 32127 by Certified and Regular Mail this 27 day of September, 2023.

*Jody*  
Secretary, Code Enforcement Special Magistrate

**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.**



**CITY OF PORT ORANGE, FLORIDA**  
I HEREBY CERTIFY the foregoing is a true copy  
of the original filed in this office.  
This document has/has not been redacted pursuant to Florida Law.  
This 27 day of September, 2023  
By: *Jody*