AGENDA

CODE ENFORCEMENT SPECIAL MAGISTRATE

CITY OF PORT ORANGE

Meeting Date: Wednesday, May 8, 2024 **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 - April 24, 2024

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 24-0039
   Respondent: Larry C. Martin, Trustee
   Martin Grantor Trust
   Address of Violation: 3738 Nova Road, Port Orange, FL 32129
   Code Officer: Bailey Hornbuckle
   First Notified: 1/16/2024

   Compliance: Yes

   Cited for violation(s) - Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), (c) (Maintenance of commercial and industrial zoned lots) of the City of Port Orange Code of Ordinances (h) Abutting property owner maintenance of parkages.
   City of Port Orange Land Development Code, Chapter 15 (Signs), Section Maintenance, (b) (1)

4. **CEB Case No.:** 24-0335
   Respondent: Stephen Stewart
   Address of Violation: 717 Dove Avenue, Port Orange, FL 32129
   Code Officer: Sherry Schimizzi
   First Notified: 3/19/2024

   Compliance: No

   Cited for violation(s) - Chapter 42, (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of property generally - duty of owner), (d)

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

5. **CEB Case No.:** 24-0332
   Respondent: Stephen Stewart
   Address of Violation: 717 Dove Avenue, Port Orange, FL 32129
   Code Officer: Sherry Schimizzi
   First Notified: 3/19/2024

Compliance: No

Cited for violation(s) - Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.13 (Window, skylight and door frames), 304.15 (Doors), and 304.6 (Exterior Walls) of the 2024 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.
Chapter 5 (Plumbing Facilities and Fixture Requirements), Section 505 (Water System), 505.1 (General) and 505.3 (Supply), of the 2024 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of the Port Orange Code of Ordinances.

6. **CEB Case No.:** 24-239
   Respondent: Kaley Kinsler
   Address of Violation: 107 Cambridge Drive, Port Orange, FL 32127
   Code Officer: Scott Allman
   First Notified: 3/11/2024

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.

7. **CEB Case No.:** 24-0208
   Respondent: Lawrence Johnson
   Peggy Johnson
   Address of Violation: 1209 Harbour Point Drive, Port Orange, FL 32127
   Code Officer: Dennis Boehmer
   First Notified: 2/28/2024

Compliance: No

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

C. ORDER IMPOSING FINE/LIEN

8. **CEB Case No.:** 24-0009
   Respondent: Jason Arnold
   Derek Arnold
   Address of Violation: 706 Marshall Circle, Port Orange, FL 32127
   Code Officer: Dennis Boehmer
   First Notified: 1/5/2024

Compliance: No

Cited for violation(s) - Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-32 (Storage of vehicles, furniture, etc.), of the City of Port Orange Code of Ordinances.
City of Port Orange Land Development Code, Chapter 16 (Miscellaneous Regulations), Section 3 (Fences and Walls), (b) General Provisions, (4) Design and Maintenance, (b) All fences shall be maintained in their original upright condition & (d) Missing boards, pickets, or posts shall be replaced in a timely manner with material of the same type and quality.

9. **CEB Case No.:** 23-1271
   Respondent: Amy E. Riggle
   Address of Violation: 5714 Riverside Drive, Port Orange, FL 32127
   Code Officer: Scott Allman
   First Notified: 11/9/2023

Compliance: No

Cited for violation(s) - Chapter 3 (General Requirements), Section 303 (Swimming Pools, Spas and Hot Tubs), 303.1 (Swimming pools), of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.
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.
City of Port Orange Land Development Code, Chapter 16 (Miscellaneous Regulations), Section 3 (Fences and Walls), (b) General Provisions, (4) Design and Maintenance, (b) All fences shall be maintained in their original upright condition & (d) Missing boards, pickets, or posts shall be replaced in a timely manner with material of the same type and quality.

D. ADJOURNMENT

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

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

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

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

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

CODE ENFORCEMENT SPECIAL MAGISTRATE
MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
APRIL 24, 2024

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:	Bailey Hornbuckle, Code Enforcement Officer Scott Allman, Code Enforcement Officer Dennis Boehmer, Code Enforcement Officer Tracee Cody, Deputy City Clerk

Oaths

Code Enforcement Officers Bailey Hornbuckle, Scott Allman, and Dennis Boehmer were sworn in by Special Magistrate Fuller.

CALL TO ORDER

1. Attorney Overview of Special Magistrate Code Enforcement Process

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

2. Consideration of Minutes - March 27, 2024

Special Magistrate Fuller approved the March 27, 2024 meeting minutes as presented.

FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 24-79
   Respondent: Ophelia Rebecca Steele
   Jerrica Allena Avery
   Address of Violation: 401 Leslie Drive, Port Orange, FL 32127
   Code Officer: Scott Allman
   First Notified: 1/24/2024

   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.
City of Port Orange Land Development Code, Chapter 16 (Miscellaneous Regulations),

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

Scott Allman was sworn in by Special Magistrate Fuller and testified as to the condition of the property, as well as the notice provided to the property owner. Photos were submitted into evidence and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected by April 1, 2024 by removing all outdoor stored items from the driveway, and on the side of the home and side yard, and by properly storing them in an enclosed building. The items include but are not limited to buckets, bins, tarps, water jugs and carpet. It was noted that a re-inspection on April 8, 2024 which showed that the yard had been mowed and the fence repaired.

Mr. Allman recommended the property owners be found in violation of the above referenced codes with the violations to be corrected by May 8, 2024 by removing all outdoor stored items from the driveway, and on the side of the home and side yard, and by properly storing them in an enclosed building. The items include but are not limited to buckets, bins, tarps, water jugs and carpet. In the event the property is not brought into compliance on or before the compliance date, and/or not maintained in a state of compliance, a daily fine in the amount of $100.00 per day shall be imposed. Accused should be further ordered to contact the Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the order. Mr. Allman requested any future violations under this ordinance be considered repeat. The cost sheet in the amount of $66.57 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Ophelia Rebecca Steele, property owner, was sworn in by Special Magistrate Fuller and testified as to the condition of the property. Ms. Steele stated she ended up in the hospital and then rehabilitation but said the violations are being corrected.

Special Magistrate Fuller granted the recommendation as presented. The property owner has until May 8, 2024 to remove all outdoor stored items from the driveway, and on the side of the home and side yard, and properly store them in an enclosed building. The items include but are not limited to buckets, bins, tarps, water jugs and carpet or a daily fine in the amount of $100.00 per day shall be imposed. Costs in the amount of $66.57 were awarded to the City.

4. **CEB Case No.:** 24-0217
   Respondent: Gil Lichtenstein
   Address of Violation: 907 Second Street, Port Orange, FL 32129
   Code Officer: Sherry Schimizzi
   First Notified: 3/1/2024

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 and (h) Abutting property owner maintenance of parkages.
Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-32 (Storage of vehicles, furniture, etc.) of the City of Port Orange Code of Ordinances.
City of Port Orange Land Development Code, Chapter 16 (Miscellaneous Regulations), Section 3 (Fences and Walls), (b) General Provisions, (4) Design and Maintenance, (b) All fences shall be maintained in their original upright condition & (d) Missing boards, pickets, or posts shall be replaced in a timely manner with material of the same type and quality.

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

5. **CEB Case No.:** 24-0421
   Respondent: Kathy L. Ratley
   Beverly McClure
   Tracy Seagle
   Address of Violation: 5196 Pineland Avenue, Port Orange, FL 32127
   Code Officer: Bailey Hornbuckle
   First Notified: 3/15/2024

   Compliance: No

Cited for violation(s) - Chapter 3 (General Requirements), Section 309 (Pest Elimination), 309.1 (Infestation), of the 2024 International Property Maintenance Code, as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.
Chapter 3 (General Requirements), Section 302 (Exterior Property Areas), 302.5 (Rodent Harborage)

Bailey Hornbuckle was sworn in by Special Magistrate Fuller and testified as to the condition of the property, as well as the notice provided to the property owner. Photos were submitted into evidence and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected by April 22, 2024 by eradicating all rats and rodents inside and outside of the property.

Tracy Seagle, sister of Kathy Ratley the property owner, was sworn in by Special Magistrate Fuller and testified as to the condition of the property. She explained that her sister is deceased and Ms. Seagle's son is currently trying to fix the violations by tenting the home.

Ms. Hornbuckle recommended the property owners be found in violation of the above referenced codes with the violations to be corrected by April 29, 2024 by eradicating all

rats and rodents inside and outside of 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 violations, as they are a serious threat to the public health, safety and welfare, in that, the rat/rodent population is growing and spreading to neighboring properties. Abatement shall consist of eradicating all rats and rodents from the entire property, including the interior of the home or structure. Accused should be further ordered to contact the Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the order. Ms. Hornbuckle requested any future violations under this ordinance be considered repeat, and that the property be deemed a serious threat to the public as a health and safety concern. The cost sheet in the amount of $85.23 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 April 29, 2024 to eradicate all rats and rodents from the entire property including the interior of the home or structure. Costs in the amount of $85.23 were awarded to the City.

ORDER IMPOSING FINE/LIEN

6. **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. Hornbuckle requested a continuation of the case until June 12, 2024. Special Magistrate Fuller granted the continuation request.

7. **CEB Case No.:** 24-0019
   Respondent: Peter J. Renko
   Address of Violation: 150 Howes Street, Port Orange, FL 32127
   Code Officer: Dennis A. Boehmer
   First Notified: 1/8/2024

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 of the City of Port Orange Code of Ordinances.

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

Dennis A. Boehmer, Code Enforcement Officer, was sworn in by Special Magistrate Fuller and requested an Order Setting Fine/Lien as the property was not in compliance by mowing the yard of all high weeds/grass, blowing all debris back into the yard, and by picking up/removing all trash and debris on the front of the property, as ordered in the previous hearing on March 13, 2024 by the Special Magistrate. The City retained vendor Yellowstone Landscape, who abated the violation(s) at the cost of $150.00. A cost sheet for mailing and recording costs in the amount of $103.49 was tendered and submitted into evidence without objection.

Special Magistrate Fuller found the property in non-compliance and awarded abatement costs of $150.00 and mailing and recording costs to date of $103.49. A lien in the amount of $253.49 shall be imposed.

ADJOURNMENT – 9:46 a.m.

_____
Special Magistrate David Fuller

Case Cost Sheet Log

Case No. 24-0039

Name	Activity	Activity_Date	Status	Cost
Larry C. Martin, Trustee	Cost to mail Notice of Violation and Notice of Hearings	03/26/2024	Certified receipt signed "J. Potter" on 4/2/2024	$9.33
Martin Grantor Trust	Cost to mail Notice of Violation and Notice of Hearings	03/26/2024	Certified receipt signed "J. Potter" on 4/2/2024	$9.33

Total: $18.66

NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

CITY OF PORT ORANGE,

Petitioner

CASE NO. 24-0039

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

Re: 3738 Nova Road
Port Orange, FL 32129
Parcel ID: 6337-01-25-0015
LEGAL DESCRIPTION: 37-16-33 N 118.23 FT OF S 259.25 FT AS MEAS ALONG W/L OF E 1/2 LOT 1 BLK 25 MAP OF DUNLAWTON DB M PG 187 MB 14 PGS 82 & 83 PER OR 6933 PG 0148 PER OR 7188 PG 4662 PER OR 7017 PG 1900 PER OR 7922 PG 1497

An inspection of the premises on January 16, 2024, indicates that certain violation(s) of the City of Port Orange Code exists.

The property owner was notified of the violations noted below and given 10 days to correct. Re-inspection completed on February 22, 2024, and on March 12, 2024, resulted in non-compliance.

This correspondence will serve as official notification that the below-stated violation(s) **must be corrected by April 14, 2024**, by doing the following: The entire property needs to be mowed, weed-eated, and all debris blown back onto the property. All commercial properties are required to maintain the right of way area in front of the businesses per city code. The right of way in front of this vacant lot is severely overgrown and not being maintained. The leaning real estate sign needs to be repaired or removed.

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

The burden shall rest upon the Respondent to request a re-inspection by the Code Enforcement Officer to determine whether the property is in compliance. Briefly stated, the property is in violation of the following:

1. **Chapter 42 (Nuisances), Article II (Garbage, junk, and undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), (c) (Maintenance of commercial and industrial zoned lots) of the City of Port Orange Code of Ordinances:** The owner of every improved lot, piece and parcel of land located within a commercial or industrial zone within the city shall keep each such lot, piece or parcel of land free and clear of all fallen trees and limbs and undergrowth exceeding 12 inches in height. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than 12 inches within such natural areas. Owners of unimproved vacant parcels in such zones shall similarly maintain such p ortion of their property as lies within ten feet of any improved property, any sidewalk, roadway or bicycle path. **(h) Abutting property owner maintenance of parkages:** It shall be the duty of every owner of real property within the city to at all times cause to be cut and mowed the grass and weeds, and to cause to be cut and trimmed the flowers, vines, shrubbery, and trees not exceeding six feet in height, in a manner that protects and promotes the public health, safety and welfare and presents an aesthetically pleasing appearance in those areas of the parkage most nearly abutting their properties.

Parkages abutting improved residential or commercial lots shall be maintained as provided in subsection (d) of this section for improved residential lots. Parkages abutting unimproved residential lots shall be maintained as provided in subsection (e) of this section for the maintained portion of unimproved residential lots. "Parkage" is that space between the private property lot or survey line of the property owner and the paved or graded portion of the public street adjacent thereto and includes that area between a sidewalk and street. Every property owner shall also have the duty of removing any refuse or other debris existing within the adjacent parkage, but the placement of refuse for collection in a manner and in containers specified by other provisions of this Code is not prohibited.

- The initial inspection of this commercial property found high weeds and grass exceeding 12 inches in height, including the right of way.

2. **City of Port Orange Land Development Code, Chapter 15 (Signs), Section [13] Maintenance, (b)** All signs and sign structures shall be maintained in good condition, in compliance with this section and in accordance with the following: **(1)** A sign or sign structure that is broken, torn, bent, has a broken, bent, or damaged support, or is not vertical, level and plumb, shall be repaired or reinstalled.

   - The initial inspection of this commercial property found a leaning real estate sign installed 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 May 8, 2024, 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 $ 18.CeCe as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **May 8, 2024,** enters a Final Order finding a violation as alleged, pursuant to Chapter 2, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Special Magistrate on **June 26, 2024 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 26th day of March, 2024.

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: Larry C. Martin, Trustee, Martin Grantor Trust, 201 Broad Street, Suite 200, Rome, GA 30161, RE: 3738 Nova Road, Port Orange, FL 32129, was

☐ Hand-delivered Recipient of hand delivered documents: _____
☑ Posted at the property 3/26/24 (date)
☑ Posted at City Hall 3/26/24 (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: Larry C. Martin, Trustee, Martin Grantor Trust, 201 Broad Street, Suite 200, Rome, GA 30161, RE: 3738 Nova Road, Port Orange, FL 32129, was sent via certified and regular mail this 26 day of March, 2024

_____
Secretary, Special Magistrate

☑ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to: Martin Grantor Trust, 201 Broad Street, Suite 200, Rome, GA 30161, RE: 3738 Nova Road, Port Orange, FL 32129, was sent via certified and regular mail this 26 day of March, 2024

_____
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. 24-0335

Name	Activity	Activity_Date	Status	Cost
Stephen Stewart - 41 Seaview	Cost to mail Notice of Violation and Notice of Hearings	03/27/2024	Certified receipt signed	$9.33
Stephen Stewart - 717 Dove	Cost to mail Notice of Violation and Notice of Hearings	03/27/2024		$9.33
Clerk of Court	Cost to record Finding of Fact	05/08/2024		$29.25
Stephen Stewart - 41 Seaview	Cost to mail Finding of Fact	05/08/2024		$9.33
Stephen Stewart - 717 Dove	Cost to mail Finding of Fact	05/08/2024		$9.33

Total: $66.57

NOTICE OF REPEAT VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

CITY OF PORT ORANGE,

Petitioner

CASE NO. 24-0335

To: Stephen Stewart
41 Seaview Drive
Ormond Beach, FL 32176

Re: 717 Dove Avenue
Port Orange, FL 32129

Parcel ID: 6305-05-05-0080
LEGAL DESCRIPTION: LOT 8 LAURELWOOD MOBILE EST UNIT 5 MB 35 PG 15 PER OR 3734 PG 1122 PER OR 6586 PG 2251 PER OR 7455 PGS 0789-0791 INC PER OR 7821 PG 3394
Volusia County Public Records
Volusia County, FL

An inspection of the premises on March 19, 2024, indicates that certain violation(s) of the City of Port Orange Code exist. This correspondence will serve as official notification that the below-stated violation(s) must be **corrected immediately**, by doing the following:
1.) All high weeds and grass must be trimmed, and debris blown back onto property.
2.) All items stored at rear of house are to be stored in an enclosed building or removed from the property.

You have previously (within the past five years) been found by the Special Magistrate to have violated the above-referenced code section(s) on December 8, 2021 under Case No. 21-1777.

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

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

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

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

survey line of the property owner and the paved or graded portion of the public street adjacent thereto and includes that area between a sidewalk and street. Every property owner shall also have the duty of removing any refuse or other debris existing within the adjacent parkage, but the placement of refuse for collection in a manner and in containers specified by other provisions of this Code is not prohibited.

- The initial inspection of this property found high weeds and grass.

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

   - The initial inspection of this property found various items stored outside, including but not limited to buckets, car seat, and shopping carts.

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

NOTICE OF HEARING AS TO REPEAT VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate May 8, 2024, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged in the notice of repeat violation above, and shall issue a Final Order affording the proper relief which may include a per diem fine of up to $5,000 for each day the repeat violation continues, beginning with the date the repeat violation is found to have occurred by the code enforcement officer (code inspector). A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Officer. Please govern yourself accordingly.

A certified copy of the order imposing a fine may be recorded in the public records of the county and once recorded, it SHALL CONSTITUTE A LIEN against the property upon which the violation(s) was found to exist and upon any other real or personal property owned by the violator. If said lien remains unpaid for more than ninety days, the City may seek to foreclose on said lien.

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are $ 18.66 as indicated on the cost sheet submitted into evidence. The respondent shall be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **May 8, 2024,**, enters a Final Order finding a violation as alleged, pursuant to Chapter 2, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Special Magistrate on **June 12, 2024, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Special Magistrate will consider setting the fine lien on the above-referenced case at said PUBLIC HEARING. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Officer. Please govern yourself accordingly.

For further information regarding this matter, you may contact the undersigned Code Enforcement Officer at **(386) 506- 5640**.

DATED this 27th day of March, 2024.

CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT OFFICER

By: Sherry Schimizzi
Sherry Schimizzi, 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 Stewart, 41 Seaview Drive, Ormond Beach, FL 32176, RE: 717 Dove Avenue, Port Orange, FL 32129, was

☐ Hand-delivered Recipient of hand delivered documents: _____
☑ Posted at the property 3/27/2024 (date)
☑ Posted at City Hall 3/27/2024 (date)

Sherry Schimizzi
Sherry Schimizzi, 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 Stewart, 41 Seaview Drive, Ormond Beach, FL 32176, RE: 717 Dove Avenue, Port Orange, FL 32129, was sent via certified and regular mail this 27 day of March, 2024.

JCady
Secretary, Special Magistrate

☑ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Stephen Stewart, 717 Dove Avenue, Port Orange, FL 32129, RE: 717 Dove Avenue, Port Orange, FL 32129, was sent via certified and regular mail this 27 day of March, 2024.

JCady
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. 24-0332

Name	Activity	Activity_Date	Status	Cost
Stephen Stewart - 41 Seaview	Cost to mail Notice of Violation and Notice of Hearings	03/27/2024	Certified receipt signed	$9.33
Stephen Stewart - 717 Dove	Cost to mail Notice of Violation and Notice of Hearings	03/27/2024		$9.33
Clerk of Court	Cost to record Finding of Fact	05/08/2024		$29.25
Stephen Stewart - 41 Seaview	Cost to mail Finding of Fact	05/08/2024		$9.33
Stephen Stewart - 717 Dove	Cost to mail Finding of Fact	05/08/2024		$9.33

Total: $66.57

NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

CITY OF PORT ORANGE,

Petitioner

CASE NO. 24-0332

To: Stephen Stewart
41 Seaview Drive
Ormond Beach, FL 32176

Re: 717 Dove Avenue
Port Orange, FL 32129

Parcel ID: 6305-05-05-0080
LEGAL DESCRIPTION: LOT 8 LAURELWOOD MOBILE EST UNIT 5 MB 35 PG 15 PER OR 3734 PG 1122 PER OR 6586 PG 2251 PER OR 7455 PGS 0789-0791 INC PER OR 7821 PG 3394
Volusia County Public Records
Volusia County, FL

An inspection of the premises on March 19, 2024, indicates that certain violation(s) of the City of Port Orange Code exists.

The property owner was notified of the violations noted below and given 10 days to correct. A re-inspection was done on March 29, 2024, resulting in non-compliance.

This correspondence will serve as official notification that the below-stated violation(s) **must be corrected by March 29, 2024** by doing the following: **1.)** Replace all broken windows, this may require you to obtain a permit with the City of Port Orange building department. **2.)** The damaged screen door must be repaired or replaced. **3.)** The damage siding/ exterior wall needs to be replaced. **4.)** Have water connection reestablished through City Hall.

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, Sherry Schimizzi, 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), 304.13 (Window, skylight and door frames) of the 2024 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances:** Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

   - The initial inspection of this property found broken windows.

2. **Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.15 (Doors), of the 2024 International Property Maintenance Code, as adopted by the City of Port Orange Code of Ordinances:** Exterior Doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition.

Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall have a self-closing device in good working condition.

- The initial inspection of this property found a damaged screened door which is hanging off the hinges.

3. **Chapter 3, Section 304 (Exterior Structure), 304.6 (Exterior Walls), of the 2024 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 damaged siding on the exterior walls of the home.

4. **Chapter 5 (Plumbing Facilities and Fixture Requirements), Section 505 (Water System), 505.1 (General), of the 2024 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of the Port Orange Code of Ordinances:** Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. Kitchen sinks, lavatories, laundry facilities, bathtubs, and showers shall be supplied with hot or tempered and cold running water in accordance with the International Plumbing Code.

   Chapter 5 (Plumbing Facilities and Fixture Requirements), Section 505 (Water System), 505.3 (Supply), of the 2024 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of the Port Orange Code of Ordinances: The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices, and appurtenances in sufficient volume and at pressures adequate to enable the fictures to function properly, safely, and free from defects and leaks.

   - The initial inspection of this property found that the water account has been terminated. It is against city ordinance to reside in a residence without connection to an approved water system.

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate May 8, 2024 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 $ 18.66 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **May 8, 2024** enters a Final Order finding a violation as alleged, pursuant to Chapter 2, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Special Magistrate on **June 12, 2024 at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Special Magistrate will consider setting the fine lien on the above-referenced case at said PUBLIC HEARING. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Officer. Please govern yourself accordingly.

For further information regarding this matter, you may contact the undersigned Code Enforcement Officer at (386) 506-5640.

DATED this 27th day of March, 2024.

CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT OFFICER

By: _____
Sherry Schimizzi, 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 Stewart, 41 Seaview Drive, Ormond Beach, FL 32176, RE: 717 Dove Avenue, Port Orange, FL 32129, was

☐ Hand-delivered Recipient of hand delivered documents: _____
☒ Posted at the property 3/27/2024 (date)
☒ Posted at City Hall 3/27/2024 (date)

_____
Sherry Schimizzi, 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 Stewart, 41 Seaview Drive, Ormond Beach, FL 32176, RE: 717 Dove Avenue, Port Orange, FL 32129, was sent via certified and regular mail this 27 day of March, 2024.

_____
Secretary, Special Magistrate

☑ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Stephen Stewart, 717 Dove Avenue, RE: 717 Dove Avenue, Port Orange, FL 32129, was sent via certified and regular mail this 27 day of March, 2024.

_____
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. 24-239

Name	Activity	Activity_Date	Status	Cost
Kaley Kinsler	Cost to mail Notice of Violation and Notice of Hearings	04/02/2024	Certified receipt signed 4/6/2024	$9.33
Clerk of Court	Cost to record Finding of Fact	05/08/2024		$29.25
Kaley Kinsler	Cost to mail Finding of Fact	05/08/2024		$9.33

Total: $47.91

NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

CITY OF PORT ORANGE,

Petitioner

CASE NO. 24-239

To: Kaley Kinsler
107 Cambridge Drive
Port Orange, FL 32127

Re: 107 Cambridge Drive
Port Orange, FL 32127
Parcel ID: 6321-01-01-0040
LEGAL DESCRIPTION: LOT 4 CAMBRIDGE SUB UNIT 1 MB 32 PG 4 PER OR 4843 PG 1232 PER OR 5809 PG 0190 PER OR 7630 PG 1641 PER OR 8425 PG 1138
Volusia County Public Records
Volusia County, FL

An inspection of the premises on March 11, 2024, indicates that certain violation(s) of the City of Port Orange Code exists.

The property owner was notified of the violations noted below and given 5 days to correct. A re-inspection was done on March 28, 2024, resulting in non-compliance.

This correspondence will serve as official notification that the below-stated violation(s) **must be corrected by April 11, 2024**, by doing the following: The entire property needs to be mowed, and all high weeds trimmed.

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 J. Scott Allman the case shall be presented to the Special Magistrate on the date set forth below, even if the violation has been corrected prior to this scheduled hearing.

The burden shall rest upon the Respondent to request a re-inspection by the Code Enforcement Officer to determine whether the property is in compliance. Briefly stated, the property is in violation of the following:

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

survey line of the property owner and the paved or graded portion of the public street adjacent thereto and includes that area between a sidewalk and street. Every property owner shall also have the duty of removing any refuse or other debris existing within the adjacent parkage, but the placement of refuse for collection in a manner and in containers specified by other provisions of this Code is not prohibited.

- The initial inspection of this property found high weeds and grass.

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate May 8, 2024, 2024 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 $ 9.33 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **May 8, 2024, 2024** enters a Final Order finding a violation as alleged, pursuant to Chapter 2, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Special Magistrate on **June 26, 2024, 2024 at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Special Magistrate will consider setting the fine lien on the above-referenced case at said PUBLIC HEARING. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Officer. Please govern yourself accordingly.

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

DATED this 9 day of April, 2024.

CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT OFFICER

By: _____
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: Kaley Kinsler, 107 Cambridge Drive, Port Orange, FL 32127, RE: 107 Cambridge Drive, was

☐ Hand-delivered Recipient of hand delivered documents: _____
☒ Posted at the property 4-2-24 (date)
☒ Posted at City Hall 4-2-24 (date)

C. 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: Kaley Kinsler, 107 Cambridge Drive, Port Orange, FL 32127, RE: 107 Cambridge Drive, was sent via certified and regular mail this 2 day of April, 2024.

Jcady
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. 24-0208

Name	Activity	Activity_Date	Status	Cost
Lawrence Johnson - Chicago, IL	Cost to mail Notice of Violation and Notice of Hearings	04/04/2024		$9.33
Peggy Johnson - Chicago, IL	Cost to mail Notice of Violation and Notice of Hearings	04/04/2024		$9.33
Lawrence Johnson - Port Orange, FL	Cost to mail Notice of Violation and Notice of Hearings	04/04/2024	Certified receipt signed "S. Johnson" on 4/9/2024	$9.33
Peggy Johnson - Port Orange, FL	Cost to mail Notice of Violation and Notice of Hearings	04/04/2024	Certified receipt signed "S. Johnson" on 4/9/2024	$9.33
Clerk of Court	Cost to record Finding of Fact	05/08/2024		$29.25
Lawrence Johnson - Chicago, IL	Cost to mail Finding of Fact	05/08/2024		$9.33
Peggy Johnson - Chicago, IL	Cost to mail Finding of Fact	05/08/2024		$9.33
Lawrence Johnson - Port Orange, FL	Cost to mail Finding of Fact	05/08/2024		$9.33
Peggy Johnson - Port Orange, FL	Cost to mail Finding of Fact	05/08/2024		$9.33

Total: $103.89

NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

CITY OF PORT ORANGE,

Petitioner

CASE NO. 24-0208

To: Lawrence Johnson
Peggy Johnson
6614 N Onarga
Chicago, IL 60631-1434

Re: 1209 Harbour Point Drive
Port Orange, FL 32127
Parcel ID: 6314-01-00-1209
LEGAL DESCRIPTION: PART OF BLK A HARBOR POINT SUB MB 11 PG 91 LYING APPROX 1492 FT S & 233 FT E OF NE COR BLK A ALLANDALE MEAS ON EXT W R/W RIVERSIDE DR & BEING 92.17 FT ON S/L & 23.33 FT ON W/L EXC E 53.5 FT OF S 3.33 FT AKA UNIT 1209 HARBOR POINT PER OR 3629 PG 0990
Volusia County Public Records
Volusia County, FL

An inspection of the premises on February 28, 204, indicates that certain violation(s) of the City of Port Orange Code exists.

The property owner was notified of the violations noted below and given several opportunities to correct. A re-inspection completed on April 2, 2024, resulted in non-compliance.

This correspondence will serve as official notification that the below-stated violation(s) **must be corrected by April 24, 2024**, by doing the following: Park the Ford Expedition in the garage, cover it with an approved car cover, or obtain current vehicle registration for it.

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 Dennis A. Boehmer 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 70-49 (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/inoperable motor vehicle parked in the driveway.

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate May 8, 2024 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 $ 37.32 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 **May 8, 2024** enters a Final Order finding a violation as alleged, pursuant to Chapter 2, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Special Magistrate on **June 12, 2024 at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Special Magistrate will consider setting the fine lien on the above-referenced case at said PUBLIC HEARING. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Officer. Please govern yourself accordingly.

For further information regarding this matter, you may contact the undersigned Code Enforcement Officer at (386) 506-5643.

DATED this 4TH day of APRIL, 2024.

CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT OFFICER

By: D. C.
Dennis A. Boehmer, Code Enforcement Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to: Lawrence Johnson, Peggy Johnson, 6614 N Onarga, Chicago, IL 60631-1434, Re: 1209 Harbour Point Drive Port Orange, FL 32127, was

☐ Hand-delivered Recipient of hand delivered documents: _____
☒ Posted at the property 1209 Harbour Point Drive, Port Orange, FL 32127 4 APR 2024 (date)
☒ Posted at City Hall 4 APR 2024 (date)

D. C.
Dennis A. Boehmer, Code Enforcement Officer

☑ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to: Lawrence Johnson, 6614 N Onarga, Chicago, IL 60631-1434, Re: 1209 Harbour Point Drive, Port Orange, FL 32127, was sent via certified and regular mail this 4 day of April, 2024.

JCody
Secretary, Special Magistrate

☑ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to: Peggy Johnson, 6614 N Onarga, Chicago, IL 60631-1434, Re: 1209 Harbour Point Drive, Port Orange, FL 32127, was sent via certified and regular mail this 4 day of April, 2024.

JCody
Secretary, Special Magistrate

☑ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to: Lawrence Johnson, 1209 Harbour Point Drive, Port Orange, FL 32127, Re: 1209 Harbour Point Drive, Port Orange, FL 32127, was sent via certified and regular mail this 4 day of April, 2024.

JCody
Secretary, Special Magistrate

☑ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to: Peggy Johnson, 1209 Harbour Point Drive, Port Orange, FL 32127, Re: 1209 Harbour Point Drive, Port Orange, FL 32127, was sent via certified and regular mail this 4 day of April, 2024.

JCody
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. 24-0009

Name	Activity	Activity_Date	Status	Cost
Jason Arnold - 5345 Dubois Ave	Cost to mail Notice of Violation and Notice of Hearings	02/20/2024	Certified mail returned Unclaimed/Unable to Forward	$9.33
Derek Arnold - 5345 Dubois Ave	Cost to mail Notice of Violation and Notice of Hearings	02/20/2024	Certified mail returned Unclaimed/Unable to Forward	$9.33
Jason Arnold - 706 Marshall Cir	Cost to mail Notice of Violation and Notice of Hearings	02/20/2024		$0.64
Derek Arnold - 706 Marshall Cir	Cost to mail Notice of Violation and Notice of Hearings	02/20/2024		$0.64
Jason Arnold - 706 Marshall Cir	Cost to mail Notice of Violation and Notice of Hearings	02/28/2024	Certified mail returned Unclaimed/Unable to Forward	$8.69
Derek Arnold - 706 Marshall Cir	Cost to mail Notice of Violation and Notice of Hearings	02/28/2024	Certified mail returned Unclaimed/Unable to Forward	$8.69
Clerk of Court	Cost to record Finding of Fact	03/27/2024		$29.25
Jason Arnold - 5345 Dubois Ave	Cost to mail Finding of Fact	03/27/2024	Certified mail returned Unclaimed/Unable to Forward	$9.33
Derek Arnold - 5345 Dubois Ave	Cost to mail Finding of Fact	03/27/2024	Certified mail returned Unclaimed/Unable to Forward	$9.33
Jason Arnold - 706 Marshall Cir	Cost to mail Finding of Fact	03/27/2024	Certified mail returned Unclaimed/Unable to Forward	$9.33
Derek Arnold - 706 Marshall Cir	Cost to mail Finding of Fact	03/27/2024	Certified mail returned Unclaimed/Unable to Forward	$9.33
Clerk of Court	Fee to record Order Imposing/Fine and Lien	05/08/2024		$46.25
Jason Arnold - 5345 Dubois Ave	Cost to mail Order Imposing/Fine and Lien	05/08/2024		$9.33
Derek Arnold - 5345 Dubois Ave	Cost to mail Order Imposing/Fine and Lien	05/08/2024		$9.33

Jason Arnold - 706 Marshall Cir	Cost to mail Order Imposing/Fine and Lien	05/08/2024		$9.33
Derek Arnold - 706 Marshall Cir	Cost to mail Order Imposing/Fine and Lien	05/08/2024		$9.33

Total: $187.46

NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

CITY OF PORT ORANGE,

Petitioner

CASE NO. 24-0009

To: Jason Arnold
Derek Arnold
5345 Dubois Avenue
Port Orange, FL 32127

Re: 706 Marshall Circle
Port Orange, FL 32127
Parcel ID: 6315-04-11-0700
LEGAL DESCRIPTION: LOT 70 BLK 11 COMMONWEALTH MOBILE ESTS FIRST ADD MB 29 PG 47
PER OR 4317 PG 2417 PER OR 7763PG 1519
Volusia County Public Records
Volusia County, FL

An inspection of the premises on January 5, 2024, indicates that certain violation(s) of the City of Port Orange Code exists.

The property owner was notified of the violations noted below and given 10 days to correct. A re-inspection was done on February 19, 2024, resulting in non-compliance.

This correspondence will serve as official notification that the below-stated violation(s) **must be corrected by March 1, 2024**, by doing the following:
1.) All outside stored items (consisting of the loose wood in the front yard, yard tools, push-mower, brick pavers, loose water hose, and hand truck) are to be removed/relocated to an enclosed space.
2.) The wooden fence is to be repaired with new pickets including the picket fence and wood privacy fence surrounding the property. The wood gate on the back of the property is to be rehung or removed. It cannot be left leaning up against the back of the home.

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

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

The burden shall rest upon the Respondent to request a re-inspection by the Code Enforcement Officer to determine whether the property is in compliance. Briefly stated, the property is in violation of the following:

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

    - The initial inspection of this property found various items stored outside.

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

   - The initial inspection of this property found a fence in disrepair with missing and broken pickets.

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate March 27, 2024, 2024 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 $ 18.66 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **March 27, 2024** enters a Final Order finding a violation as alleged, pursuant to Chapter 2, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Special Magistrate on **May 8, 2024 at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Special Magistrate will consider setting the fine lien on the above-referenced case at said PUBLIC HEARING. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Officer. Please govern yourself accordingly.

For further information regarding this matter, you may contact the undersigned Code Enforcement Officer at **(386) 506-5643**.

DATED this 20TH day of FEBRUARY, 2024.

CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT OFFICER

By: _____
Dennis A. Boehmer, Code Enforcement Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to: Jason Arnold, Derek Arnold, 5345 Dubois Avenue, Port Orange, FL 32127, RE: 706 Marshall Circle, Port Orange, FL 32127, was

☐ Hand-delivered Recipient of hand delivered documents: _____
☒ Posted at the property 2/20/2024 (date)
☒ Posted at City Hall 2/20/2024 (date)

_____
Dennis A. Boehmer, Code Enforcement Officer

☑ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to: Jason Arnold, Derek Arnold, 5345 Dubois Avenue, Port Orange, FL 32127, RE: 706 Marshall Circle, Port Orange, FL 32127, was sent via certified and regular mail this 20 day of February, 2024.

_____
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. 24-0009

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

JASON ARNOLD
DEREK ARNOLD
706 MARSHALL CIRCLE
PORT ORANGE, FL 32127
PARCEL ID: 6315-04-11-0700

Respondent.
_____/

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

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on March 27, 2024 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, JASON ARNOLD AND DEREK ARNOLD, whose mailing address is 5345 DUBOIS AVENUE, PORT ORANGE, FL 32127 are the owners of the property located at 706 MARSHALL CIRCLE, PORT ORANGE, FL 32127, and more particularly described as:

LOT 70 BLK 11 COMMONWEALTH MOBILE ESTS FIRST ADD MB 29 PG 47 PER OR 4317 PG 2417 PER OR 7763 PG 1519

B. The violation was to be corrected by 1.) removing all outside stored items (consisting of the loose wood in the front yard, yard tools, push-mower, brick pavers, loose water hose, and hand truck) are to be removed/relocated to an enclosed space and 2.) the wooden fence is to be repaired with new pickets including the picket fence and wood privacy surrounding the property. The wood gate on the back of the property is to be rehung or removed. It cannot be left leaning up against the back of the home. This condition was first observed at the real property described above on January 5, 2024; re-inspection was conducted on March 19, 2024 and confirmed the condition as being the same. Respondent received notice via posting at City Hall and regular and certified mail on February 20, 2024, as well as posted on the property on February 20, 2024 that the aforesaid conditions constituted a violation of 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 and City of Port Orange Land Development Code, Chapter 16 (Miscellaneous Regulations), Section 3 (Fences and Walls), (b) General Provisions, (4) Design and Maintenance: (b) All fences shall be maintained in their original upright condition. (d) Missing boards, pickets, or posts shall be replaced in a timely manner with material of the same type and quality and was to be corrected by March 1, 2024.

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 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 removing all outside stored items in the front yard (consisting of the loose wood in the front yard, yard tools, push-mower, brick pavers, loose water hose, and hand truck) and removing/relocating items to an enclosed space and either repairing, replacing or removing the wood fence and picket fence surrounding the property. If the property owners decide to replace the wood fence/picket fence with a new fence and picket fence, they are to obtain a permit for the replacement of said fence before the start of any replacement of said fence, on or before March 31, 2024. ("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 $100.00 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 $103.89 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 March, 2024.

Attest: _____
Secretary, Code Enforcement Special Magistrate

By: _____
David Fuller, 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), 5345 DUBOIS AVENUE, PORT ORANGE, FL 32127 and 706 MARSHALL CIRCLE, PORT ORANGE, FL 32127 by Certified and Regular Mail this 27 day of MARCH, 2024.

_____
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 March, 2024
By: _____

Case Cost Sheet Log

Case No. 23-1271

Name	Activity	Activity_Date	Status	Cost
Amy E. Riggle	Cost to mail Notice of Violation and Notice of Hearings	02/15/2024	Certified mail returned Unclaimed/Unable to Forward	$9.33
Clerk of Court	Cost to record Finding of Fact	03/27/2024		$29.25
Amy E. Riggle	Cost to mail Finding of Fact	03/27/2024	Certified mail returned Unclaimed/Unable to Forward	$9.33
Clerk of Court	Fee to record Order Imposing/Fine and Lien	05/08/2024		$46.25
Amy E. Riggle	Cost to mail Order Imposing/Fine and Lien	05/08/2024		$9.33

Total: $103.49

NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

CITY OF PORT ORANGE,

Petitioner

CASE NO. 23-1271

To: Amy E Riggle
5714 Riverside Drive
Port Orange, FL 32127

Re: 5714 Riverside Drive
Port Orange, FL 32127
Parcel ID: 6314-03-05-0070
LEGAL DESCRIPTION: LOTS 7 & 8 BLK 5 HARBOR OAKS UNIT 1 PER OR 5190 PG 1715
Volusia County Public Records
Volusia County, FL

An inspection of the premises on November 9, 2023, indicates that certain violation(s) of the City of Port Orange Code exists.

The property owner was notified of the violations noted below and given 30 days to correct. Re-inspections completed on December 11, 2023, and again on January 5, 2024, resulted in non-compliance.

This correspondence will serve as official notification that the below-stated violation(s) **must be corrected by March 18, 2024**, by doing the following:
1.) The pool must be maintained in a clean and sanitary condition, and in good repair.
2.) All outdoor stored items around the pool and in the side yard must be removed or properly stored in an enclosed building.
3.) The damaged chain link fence must be repaired and maintained in its original and upright condition.

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. **Chapter 3 (General Requirements), Section 303 (Swimming Pools, Spas and Hot Tubs), 303.1 (Swimming pools), of the 2024 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances:** Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.
   - The initial inspection of this property found an unkept pool in the back yard.
2. **Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-32 (Storage of vehicles, furniture, etc.), of the City of Port Orange Code of Ordinances:** No owner of property within the city shall permit the storage of vehicles or parts of vehicles, furniture, appliances or other personal property upon the premises, except in an enclosed building.
   - The initial inspection of this property found various items stored outside in the side and rear yard.

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

   - The initial inspection of this property found a damaged chain link fence.

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate March 27, 2024 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 $ 9.33 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **March 27, 2024** enters a Final Order finding a violation as alleged, pursuant to Chapter 2, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Special Magistrate on **May 8, 2024 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 15 day of February, 2024.

CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT OFFICER

By: _____
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: Amy E Riggle, 5714 Riverside Drive, Port Orange, FL 32127, Re: 5714 Riverside Drive, Port Orange, FL 32127, was

☐ Hand-delivered Recipient of hand delivered documents: _____
☒ Posted at the property 2-15-24 (date)
☒ Posted at City Hall 2-15-24 (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: Amy E Riggle, 5714 Riverside Drive, Port Orange, FL 32127, Re: 5714 Riverside Drive, Port Orange, FL 32127, was sent via certified and regular mail this 15 day of February, 2024.

DCody

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. 23-1271

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

AMY E. RIGGLE
5714 RIVERSIDE DRIVE
PORT ORANGE, FL 32127
PARCEL ID: 6314-03-05-0070

Respondent.
_____/

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

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on March 27, 2024 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. Respondent(s), AMY E. RIGGLE, whose mailing address is 5714 RIVERSIDE DRIVE, PORT ORANGE, FL 32127 is the owner of the property located at 5714 RIVERSIDE DRIVE, PORT ORANGE, FL 32127, and more particularly described as:

LOTS 7 & 8 BLK 5 HARBOR OAKS UNIT 1 PER OR 5190 PG 1715

B. The violation was to be corrected by cleaning the pool so that it's in a sanitary condition and in good repair and by removing or properly storing all outdoor stored items by the pool and side yard. This condition was first observed at the real property described above on November 9, 2023; re-inspection was conducted on March 20, 2024 and confirmed the condition as being the same except the damaged chain-link fence which has been repaired. Respondent received notice via posting at City Hall and regular and certified mail on February 15, 2024, as well as posted on the property on February 15, 2024 that the aforesaid conditions constituted a violation of Chapter 3 (General Requirements), Section 303 (Swimming Pools, Spas and Hot Tubs), 303.1 (Swimming pools), of the 2024 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances and 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 and was to be corrected by March 18, 2024.

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 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 cleaning the pool so that it's in a sanitary condition and in good repair and by removing all outdoor stored items from the property or by properly storing them in an enclosed building, on or before April 26, 2024. ("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 $10.00 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 $47.91 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 March, 2024.

Attest: _____
Secretary, Code Enforcement Special Magistrate

By: _____
David Fuller, 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), AMY E. RIGGLE, PORT ORANGE, FL 32127 by Certified and Regular Mail this 27 day of MARCH, 2024.

_____
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 March, 2024
By: _____