



AGENDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF PORT ORANGE

Meeting Date: Wednesday, June 12, 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 - May 22, 2024

B. ORDER IMPOSING FINE/LIEN

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: 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.
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.

4. **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.

5. **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.

6. **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)

7. **CEB Case No.:** 24-0208

Respondent: Lawrence Johnson

Peggy Johnson

Address of Violation: 1209 Harbour Point Drive, Port Orange, FL 32127

Code Officer: Amanda Bonin

First Notified: 2/28/2024

Compliance: Yes

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.

8. **CEB Case No.:** 24-0009

Respondent: Jason Arnold

Derek Arnold

Address of Violation: 706 Marshall Circle, Port Orange, FL 32127

Code Officer: Amanda Bonin

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.

C. ADJOURNMENT

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



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



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

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

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

CODE ENFORCEMENT SPECIAL MAGISTRATE
MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
MAY 22, 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: Amanda Bonin, Code Enforcement Manager
Dena Joseph, Code Enforcement Officer
Tracee Cody, Deputy City Clerk

Oaths

Code Enforcement Officer Dena Joseph and Amanda Bonin Code Enforcement Manager were sworn in by Special Magistrate Fuller.

CALL TO ORDER

1. Attorney Overview of Special Magistrate Code Enforcement Process

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

2. Consideration of Minutes - May 8, 2024

Special Magistrate Fuller approved the May 8, 2024 meeting minutes as presented.

FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 24-0035
Respondent: Ronald E. Klenk
Address of Violation: 5727 Stewart Avenue, Port Orange, FL 32127
Code Officer: Dena Joseph
First Notified: 1/12/2024

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), (f) Garbage, waste, trash, etc., and (h) Abutting property owner maintenance of parkages 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)

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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 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.

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

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

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

Chapter 70 (Traffic), Article II (Stopping standing and parking), Section 70-48 (Parking of recreational vehicles and equipment on residential premises), (c), (1), (2), (3), (4), (5), (h) and (d), (1), (2), (3), of the Port Orange Code of Ordinances.

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

Chapter 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.

Mrs. Joseph was sworn in by Special Magistrate Fuller and testified as to the condition of the property, as well as the notice provided to the property owner. Photos were submitted into evidence and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected by April 30, 2024 by 1) mowing and maintaining the entire property to include weed eating of all high weeds on site, 2) repairing, replacing, or removing the downed fencing. If a new fence is to be installed, a permit will be required through the City of Port Orange Building., 3) removing all trash from the property, 4) removing all unregistered/inoperable vehicles from the property, 5) storing all outside stored items on the property in an enclosed building, 6) any persons residing in an accessory structure (shed, tents, etc.) must cease immediately, 7) no recreational vehicle shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot, 8) all recreational vehicles must be properly stored behind the front plane of the home, 9) all recreational vehicles to include campers, boats, etc. must be properly registered and licensed to be stored on the property, 10) all vehicles must be stored in a driveway or on a driveway extension, and 11) the property must be treated for any rodent or insect infestations.

Mrs. Joseph recommended the property owners be found in violation of the above referenced codes with the violations to be corrected by June 9, 2024 by 1) mowing and maintaining the entire property to include weed eating of all high weeds on site, 2) removing all trash from the property, 3) removing all unregistered/inoperable vehicles from the property, 4) storing all outside stored items on the property in an enclosed building, 5) any persons residing in an accessory structure (shed, tents, etc.) must

cease immediately, 6) no recreational vehicle shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot, 7) all recreational vehicles to include campers, boats, etc. must be properly registered and licensed to be stored on the property, 8) all vehicles must be stored in a driveway or on a driveway extension, and 9) the property must be treated for any rodent or insect infestations. In the event the property is not brought into compliance on or before the compliance date, and/or not maintained in a state of compliance, a daily fine in the amount of \$250.00 per day shall be imposed. Accused should be further ordered to contact the Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the order. Mrs. Joseph requested any future violations under this ordinance be considered repeat, and that the property be deemed a health and safety concern for the surrounding neighbors in that the overgrowth, trash, and outside stored items, vehicles, etc. could be a haven for vermin, snakes, mosquitos, and other wildlife. The cost sheet in the amount of \$48.87 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Rob Klenke, brother of the property owner, was sworn in by Special Magistrate and testified to the condition of the property. He explained Ronald Klenke, property owner, has been in the hospital and that Rob is trying to correct the violations; however, the property owner's son kicks him off the property.

Special Magistrate Fuller granted the recommendation as presented and deemed the property a health and safety violation. The property owner has until June 9, 2024 to 1) mow and maintain the entire property to include weed eating of all high weeds on site, 2) remove all trash from the property, 3) remove all unregistered/inoperable vehicles from the property, 4) store all outside stored items on the property in an enclosed building, 5) any persons residing in an accessory structure (shed, tents, etc.) must cease immediately, 6) no recreational vehicle shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot, 7) all recreational vehicles to include campers, boats, etc. must be properly registered and licensed to be stored on the property, 8) all vehicles must be stored in a driveway or on a driveway extension, and 9) the property must be treated for any rodent or insect infestations or a daily fine in the amount of \$250.00 per day shall be imposed. Costs in the amount of \$48.87 were awarded to the City.

4. CEB Case No.: 24-344

Respondent: Laura Sika

Address of Violation: 5807 Southport Drive, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 3/22/2024

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

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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. 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.

Dena Joseph, Code Enforcement Officer, requested a dismissal of the case as it is in compliance. Special Magistrate Fuller granted the dismissal request.

ORDER IMPOSING FINE/LIEN

5. **CEB Case No.:** 23-1261

Respondent: Matthew Hill

Address of Violation: 4309 S. Ridgewood Avenue, Port Orange, FL 32127

Code Officer: Amanda Bonin

First Notified: 11/12/2023

Compliance: No

Cited for violation(s) - 2020 Florida Building Code, 7th Edition, Section 105 (Permits), Section 105.1 (Required) as adopted per Chapter 8, Article I of the City of Port Orange Code of Ordinances: Failure to Obtain a Building Permit. Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-32 (Storage of vehicles, furniture, etc.), of the City of Port Orange Code of Ordinances.

Amanda Bonin, Code Enforcement Manager, was sworn in by Special Magistrate Fuller and requested an Order Setting Fine/Lien as the property was not in compliance by May 10, 2024, as ordered in the previous hearing on March 27, 2024 by the Special Magistrate. Ms. Bonin requested a daily fine in the amount of \$100.00 per day beginning May 11, 2024 for each and every day the violation exists as ordered in the Finding of Fact, Conclusion of Law & Order. A cost sheet for mailing and recording costs in the amount of \$94.16 was tendered and submitted into evidence without objection.

Special Magistrate Fuller found the property in non-compliance and awarded a daily fine in the amount of \$100.00 per day beginning May 11, 2024 for each and every day the violation exists and mailing and recording costs to date of \$94.16. A lien in the amount of \$94.16 shall be imposed.

ADJOURNMENT – 9:40 a.m.

Special Magistrate David Fuller

Case Cost Sheet Log**Case No. 24-79**

Name	Activity	Activity_Date	Status	Cost
Ophelia Rebecca Steele	Cost to mail Notice of Violation and Notice of Hearings	03/12/2024		\$9.33
Jerrica Allena Avery	Cost to mail Notice of Violation and Notice of Hearings	03/12/2024	Certified mail returned Unclaimed/Unable to Forward	\$9.33
Clerk of Court	Cost to record Finding of Fact	04/24/2024		\$29.25
Ophelia Rebecca Steele	Cost to mail Finding of Fact	04/24/2024	Certified receipt signed "Jerrica Avery" on 4/27	\$9.33
Jerrica Allena Avery	Cost to mail Finding of Fact	04/24/2024	Certified receipt signed "Jerrica Avery" on 4/27	\$9.33
Clerk of Court	Fee to record Order Imposing/Fine and Lien	06/12/2024		\$46.25
Ophelia Rebecca Steele	Cost to mail Order Imposing/Fine and Lien	06/12/2024		\$9.33
Jerrica Allena Avery	Cost to mail Order Imposing/Fine and Lien	06/12/2024		\$9.33

Total: \$131.48



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

CITY OF PORT ORANGE,

Petitioner

CASE NO. 24-79

To: Ophelia Rebecca Steele
Jerrica Allena Avery
401 Leslie Drive
Port Orange, FL 32127-6033

Re: 401 Leslie Drive
Port Orange, FL 32127
Parcel ID: 6315-09-00-0570
LEGAL DESCRIPTION: LOT 57 SPRUCE CREEK VILLAGE SUB MB 33 PG 36 PER OR 4222 PG 3128 PER OR 4247 PG 0652 PER OR 8398 PG 1315
Volusia County Public Records
Volusia County, FL

An inspection of the premises on January 24, 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 14 days to correct. Re-inspections completed on February 8, 2024, and March 11, 2024, resulted in non-compliance.

This correspondence will serve as official notification that the below-stated violation(s) **must be corrected by April 1, 2024**, by doing the following: 1.) The entire property must be mowed, and all high weeds trimmed. 2.) The stockade fence must be repaired to its original and upright condition. 3.) All stored items in the driveway, yard and side of home must be properly stored in an enclosed building or removed from the property.

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

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

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

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

residential or commercial lots shall be maintained as provided in subsection (d) of this section for improved residential lots. Packages abutting unimproved residential lots shall be maintained as provided in subsection (e) of this section for the maintained portion of unimproved residential lots. "Package" 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 package, but the placement of refuse for collection in a manner and in containers specified by other provisions of this Code is not prohibited.

- The initial inspection of this property found high weeds, grass, and undergrowth.
2. **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 stockade fence.
3. **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.

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 April 24, 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 \$ 18,640 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 **April 24, 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) 506-5641**.

DATED this 12 day of March, 2024.

CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT OFFICER

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

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to: Ophelia Rebecca Steele, Jerrica Allena Avery, 401 Leslie Drive, Port Orange, FL 32127-6033, RE: 401 Leslie Drive, Port Orange, FL 32127, was

- ☐ Hand-delivered Recipient of hand delivered documents: _____
☒ Posted at the property March 12, 2024 (date)
☒ Posted at City Hall March 12, 2024 (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: Ophelia Rebecca Steele, Jerrica Allena Avery, 401 Leslie Drive, Port Orange, FL 32127-6033, RE: 401 Leslie Drive, Port Orange, FL 32127, was sent via certified and regular mail this 12 day of March, 2024

Stacy
Secretary, Special Magistrate

RIGHT TO APPEAL

PURSUANT TO SECTION 162.11 OF THE FLORIDA STATUTES, ANY DECISION BY THE SPECIAL MAGISTRATE MAY BE APPEALED TO THE CIRCUIT COURT AND MUST BE FILED WITHIN THIRTY (30) DAYS OF THE EXECUTION OF THE ORDER. SUCH AN APPEAL SHALL BE LIMITED TO APPELLATE REVIEW OF THE TESTIMONY AND EVIDENCE OF THE PROCEEDING CREATED BEFORE THE SPECIAL MAGISTRATE.

RECORD OF PROCEEDINGS

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

ACCOMMODATIONS

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

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**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 24-79**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

OPHELIA REBECCA STEELE
JERRICA ALLENA AVERY
401 LESLIE DRIVE
PORT ORANGE, FL 32127
PARCEL ID: 6315-09-00-0570

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 April 24, 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), OPHELIA REBECCA STEELE & JERRICA ALLENA AVERY, whose mailing address is 401 LESLIE DRIVE, PORT ORANGE, FL 32127 are the owners of the property located at 401 LESLIE DRIVE, PORT ORANGE, FL 32127, and more particularly described as:

LOT 57 SPRUCE CREEK VILLAGE SUB MB 33 PG 36 PER OR 4222 PG 3128 PER OR 4247
PG 0652 PER OR 8398 PG 1315

B. The violation was to be corrected 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. This condition was first observed at the real property described above on January 24, 2024; re-inspections were conducted on April 8, 2024 which showed that the yard had been mowed and the fence repaired & April 22, 2024 and confirmed the condition as being the same. Respondent(s) received notice via posting at City Hall and regular and certified mail on March 12, 2024, as well as posted on the property on March 12, 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 was to be corrected by April 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 outdoor stored items from the driveway, and on the side of the home and side yard, and properly storing them in an enclosed building. The items include but are not limited to buckets, bins, tarps, water jugs and carpet, on or before May 8, 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 \$66.57 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 24 day of April, 2024.

Attest: Scody
Secretary, Code Enforcement Special Magistrate

By: David Fuller
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), OPHELIA REBECCA STEELE & JERRICA ALLENA AVERY, 401 LESLIE DRIVE, PORT ORANGE, FL 32129 by Certified and Regular Mail this 24 day of APRIL, 2024.

Scody
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 not been redacted pursuant to Florida Law.
This 24 day of April, 2024
By: Scody

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	Certified mail returned Unclaimed/Unable to Forward	\$9.33
Stephen Stewart - 717 Dove	Cost to mail Finding of Fact	05/08/2024	Certified receipt signed	\$9.33
Clerk of Court	Fee to record Order Imposing/Fine and Lien	06/12/2024		\$46.25
Stephen Stewart - 41 Seaview	Cost to mail Order Imposing/Fine and Lien	06/12/2024		\$9.33
Stephen Stewart - 717 Dove	Cost to mail Order Imposing/Fine and Lien	06/12/2024		\$9.33

Total: \$131.48



**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 fixtures 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
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.

OCody
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.

OCody
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. 24-0332**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

STEPHEN STEWART
717 DOVE AVENUE
PORT ORANGE, FL 32129
PARCEL ID: 6305-05-05-0080

Respondent.

_____ /

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

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on May 8, 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), STEPHEN STEWART, whose mailing address is 41 SEAVIEW DRIVE, ORMOND BEACH, FL 32176 is the owner of the property located at 717 DOVE AVENUE, PORT ORANGE, FL 32129, and more particularly described as:

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

B. The violation was to be corrected by reestablishing a water connection through the City of Port Orange. This condition was first observed at the real property described above on March 19, 2024; re-inspection was conducted on April 5, 2024 and confirmed the condition as being the same. Respondent received notice via posting at City Hall and regular and certified mail on March 27, 2024, as well as posted on the property on March 27, 2024 that the aforesaid conditions constituted a violation of Chapter 5 (Plumbing Facilities and Fixture Requirements), Section 505 (Water System), 505.1 (General), and 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 and was to be corrected by March 29, 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.

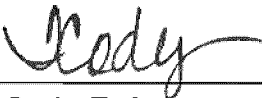
ORDER:

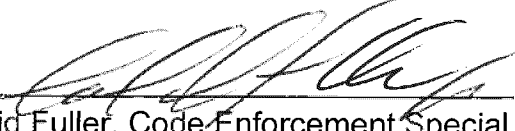
A. Respondent(s) shall correct the aforesaid violation by reestablishing a water connection through the City of Port Orange, on or before May 19, 2024. ("Compliance Date"). In the event that the property is not brought into compliance on or before the Compliance Date, and/or not maintained in a state of compliance, a one-time fine of \$1,000.00 will be assessed if the violation continues 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 \$66.57 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 8 day of May, 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), STEPHEN STEWART, 717 DOVE AVENUE, PORT ORANGE, FL 32129 and 41 SEAVIEW DRIVE, ORMOND BEACH, FL 32176 by Certified and Regular Mail this 8 day of MAY, 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 not been rejected pursuant to Florida Law.
This 8 day of May, 2024
By: 

Case Cost Sheet Log

Case No. 23-0626

Name	Activity	Activity_Date	Status	Cost
Geraldine Jones Life Estate	Cost to mail Notice of Violation and Notice of Hearings	07/12/2023	Certified returned Unclaimed	\$9.16
Clerk of Court	Cost to record Finding of Fact	08/23/2023		\$29.25
Geraldine Jones Life Estate	Cost to mail Finding of Fact	08/23/2023	Certified returned Unclaimed	\$9.16
Clerk of Court	Fee to record Order Imposing/Fine and Lien	06/12/2024		\$46.25
Geraldine Jones Life Estate	Cost to mail Order Imposing/Fine and Lien	06/12/2024		\$9.33

Total: \$103.15



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

CITY OF PORT ORANGE, FLORIDA

CITY OF PORT ORANGE,

Petitioner

CASE NO. 23-0626

To: Geraldine Jones Life Estate
1237 Edna Drive
Port Orange, FL 32129

Re: 1237 Edna Drive
Port Orange, FL 32129
Parcel ID: 6307-04-00-0560

LEGAL DESCRIPTION: LOT 56 WILLOW RUN UNIT 3 MB 35 PG 185 PER OR 5216 PG 3592 PER OR 6038 PGS 0839-0840

Volusia County Public Records
Volusia County, FL

An inspection of the premises on June 8, 2023, 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.) The entire property needs to be mowed, all weeds and undergrowth removed, and all the debris blown back on to the property; 2.) Clean up and remove all garbage, trash and debris from the property; 3.) All outside stored items must be properly stored inside 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 June 8, 2022, under Case No. 22-0489.

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

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

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

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

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

- The initial inspection of this property found high weeds, grass, and undergrowth (vines).
2. **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:** The owner of every lot, piece and parcel of land located within the city shall keep each such lot, piece and parcel of land free and clear of garbage, waste, trash, debris and junk.
- The initial inspection of this property found various pieces of garbage, trash, and debris on site.
3. **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 (included but not limited to pots and pans, planters not being used, screens and other items).

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 August 23, 2023 at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will 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 \$ 9.16 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 **August 23, 2023**, enters a Final Order finding a violation as alleged, pursuant to Chapter 2, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice

that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Special Magistrate on **September 27, 2023, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Special Magistrate will 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 12th day of July, 2023.

CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT OFFICER

By: [Signature]
Bailey Hornbuckle, Code Enforcement Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Geraldine Jones Life Estate, 1237 Edna Drive, Port Orange, FL 32129, Re: 1237 Edna Drive, Port Orange, FL 32129, RE: 1237 Edna Drive, Port Orange, FL 32129, was

☐ Hand-delivered

Recipient of hand-delivered documents: _____

☒ Posted at the property

this 12th day of July, 2023.

[Signature]
Bailey Hornbuckle, Code Enforcement Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Geraldine Jones Life Estate, 1237 Edna Drive, Port Orange, FL 32129, Re: 1237 Edna Drive, Port Orange, FL 32129, RE: 1237 Edna Drive, Port Orange, FL 32129, was

☒ Posted at City Hall

☒ Sent via certified and regular mail

this 12 day of July, 2023.

[Signature]
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. 23-0626**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

GERALDINE JONES LIFE ESTATE
1237 EDNA DRIVE
PORT ORANGE, FL 32129
PARCEL ID: 6307-04-00-0560

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 August 23, 2023 after due notice to the Respondent(s), and the Special Magistrate having heard testimony under oath, received evidence and heard argument from Staff thereupon issues its Findings of Fact, Conclusions of Law, and Order, as follows:

FINDINGS OF FACT:

A. Respondents, GERALDINE JONES LIFE ESTATE, whose mailing address is 1237 EDNA DRIVE, PORT ORANGE, FL 32129 is the owner of the property located at 1237 EDNA DRIVE, PORT ORANGE, FL 32129, and more particularly described as:

LOT 56 WILLOW RUN UNIT 3 MB 35 PG 185 PER OR 5216 PG 3592 PER OR 6038 PGS
0839-0840

B. The violation was to be corrected by mowing the entire property, removing all weeds and undergrowth, blowing all debris back onto the property, cleaning up and removing all garbage, trash, and debris from the property, and properly storing all outside storage in an enclosed building. This condition was first observed at the real property described above on June 8, 2023; re-inspection was conducted on August 14, 2023 and August 22, 2023 and confirmed the condition as being the same. Respondent received notice via posting at City Hall and regular and certified mail on July 12, 2023, as well as posted on the property on July 12, 2023 that the aforesaid conditions constituted a violation of Chapter 42 (Nuisances), Article II (Garbage, Junk, and Undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), (d) (Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances, (h) Abutting property owner maintenance of parkages, (f) Garbage, waste, trash, etc. prohibited, 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 were to be corrected immediately.

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.

E. You have previously (within the past five years) been found by the Special Magistrate to have violated the above-referenced code section(s) on June 8, 2022 under Case No. 22-0489.

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 repeat violation by mowing the entire property, removing all weeds and undergrowth, blowing all debris back onto the property, cleaning up and removing all garbage, trash, and debris from the property, and properly storing all outside storage in an enclosed building, immediately. ("Compliance Date"). In the event that the property is not brought into compliance on or before the Compliance Date, and/or not maintained in a state of compliance, the City of Port Orange shall have the option to abate the violations as this is a health and safety concern. 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 \$47.57 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

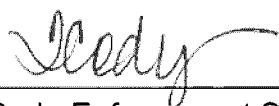
Imposing Fine and Lien. The Order Imposing Fine and Lien shall not constitute a lien until a certified copy of said Order is recorded pursuant to Section 162.09(3), Florida Statutes.

DONE AND ORDERED this 23 day of August, 2023.

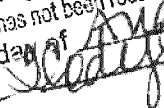
Attest: 
Secretary, Code Enforcement Special Magistrate

By: 
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), GERALDINE JONES LIFE ESTATE, 1237 EDNA DRIVE, PORT ORANGE, FL 32129 by Certified and Regular Mail this 23 day of AUGUST, 2023.


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 not been redacted pursuant to Florida Law.
This 23 day of August, 2023
By: 

Case Cost Sheet Log**Case No. 24-0421**

Name	Activity	Activity_Date	Status	Cost
Kathy L. Ratley	Cost to mail Notice of Violation and Notice of Hearings	04/12/2024	Certified mail returned Vacant/Unable to Forward	\$9.33
Beverly McClure	Cost to mail Notice of Violation and Notice of Hearings	04/12/2024	Certified and Regular mail returned Vacant/Unable to Forward	\$9.33
Tracy Seagle	Cost to mail Notice of Violation and Notice of Hearings	04/12/2024	Certified receipt signed "Bradley Smith" on 4/16	\$9.33
Clerk of Court	Cost to record Finding of Fact	04/24/2024		\$29.25
Kathy L. Ratley	Cost to record Finding of Fact	04/24/2024	Certified and Regular mail returned "Vacant/Deceased"	\$9.33
Beverly McClure	Cost to mail Finding of Fact	04/24/2024	Certified and Regular mail returned "Vacant/Deceased"	\$9.33
Tracy Seagle	Cost to mail Finding of Fact	04/24/2024	Certified receipt signed "Bradley Smith" on 4/29	\$9.33
Clerk of Court	Fee to record Order Imposing/Fine and Lien	06/12/2024		\$46.25
Kathy L. Ratley	Cost to mail Order Imposing/Fine and Lien	06/12/2024		\$9.33
Beverly McClure	Cost to mail Order Imposing/Fine and Lien	06/12/2024		\$9.33
Tracy Seagle	Cost to mail Order Imposing/Fine and Lien	06/12/2024		\$9.33

Total: \$159.47



**NOTICE OF VIOLATION PRESENTING A SERIOUS THREAT TO THE PUBLIC,
HEALTH, SAFETY, AND WELFARE AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

CITY OF PORT ORANGE,

Petitioner

CASE NO. 24-0421

To:
Kathy L Ratley
5196 Pineland Avenue
Port Orange, FL 32127

Beverly McClure
5196 Pineland Avenue
Port Orange, FL 32127

CC: Tracy Seagle
1122 Olympia Avenue Unit E
Longmont Colorado 80504

Re: 5196 Pineland Avenue
Port Orange, FL 32127
Parcel ID: 6310-07-64-0260
LEGAL DESCRIPTION: N 6 FT OF LOT 25 & ALL OF LOT 26 BLK 64 ALLANDALE PER OR 4287 PG 2238

An inspection of the premises on March 15, 2024, indicates that certain violation(s) of the City of Port Orange Code exists.

A re-inspection completed on March 21, 2024, resulted in non-compliance.

This correspondence will serve as official notification that the below-stated violation(s) **must be corrected by April 22, 2024** by doing the following: **The entire property including the interior of the home, must be eradicated of any and all rats/rodents.**

Should the property owner not comply with the requirements set forth in this notice, the City will request that the special magistrate order that the City is allowed to enter the property and structure or home and exterminate the rats. The City shall seek reimbursement of any and all costs, fines, fees and other amounts incurred by the City to remedy any of the violations in the notice or related thereto. Fines, fees, costs and amounts may be assessed against the property and constitute a lien thereon. The City may foreclose on the lien pursuant to law.

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 Bailey Hornbuckle 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 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:** Structures shall be kept free from insect and rodent infestation. Structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent reinfestation. **Chapter 3 (General Requirements), Section 302 (Exterior Property Areas), 302.5 (Rodent Harborage):** Structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.
- The initial inspection of this property found a rat infestation. The entire property including the interior of the home, must be eradicated of any and all rats/rodents.

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 April 24, 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 \$ 27.99 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 **April 24, 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) 506-5616**.

DATED this 12th day of April, 2024

CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT OFFICER

By: [Signature]
Bailey Hornbuckle, Code Enforcement Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation Presenting a Serious Threat to the Public, Health, Safety, and Welfare and Notice of Hearings to: Beverly McClure, Kathy L Ratley, 5196 Pineland Avenue, Port Orange, FL 32127, RE: 5196 Pineland Avenue, Port Orange, FL 32127, was

☒ Attempt at hand-delivery
Recipient of hand delivered documents: no one home
☒ Posted at the property 4-12-24 (date)
☒ Posted at City Hall 4-12-24 (date)

[Signature]
Bailey Hornbuckle, Code Enforcement Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation Presenting a Serious Threat to the Public, Health, Safety, and Welfare and Notice of Hearings to Beverly McClure, 5196 Pineland Avenue, Port Orange, FL 32127, RE: 5196 Pineland Avenue, Port Orange, FL 32127, was sent via certified and regular mail this 12 day of April, 2024.

[Signature]
Secretary, Special Magistrate

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation Presenting a Serious Threat to the Public, Health, Safety, and Welfare and Notice of Hearings to Kathy L Ratley, 5196 Pineland Avenue, Port Orange, FL 32127, RE: 5196 Pineland Avenue, Port Orange, FL 32127, was sent via certified and regular mail this 12 day of April, 2024.

[Signature]
Secretary, Special Magistrate

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation Presenting a Serious Threat to the Public, Health, Safety, and Welfare and Notice of Hearings to Tracy Seagle, 1122 Olympia Avenue Unit E, Longmont Colorado 80504, RE: 5196 Pineland Avenue, Port Orange, FL 32127, was sent via certified and regular mail this 12 day of April, 2024.

[Signature]
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. 24-0421**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

KATHY L. RATLEY
BEVERLY MCCLURE
5196 PINELAND AVENUE
PORT ORANGE, FL 32127
PARCEL ID: 6310-07-64-0260

Respondents.

_____ /

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 April 24, 2024 after due notice to the Respondent(s) and the believed heir, 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), KATHY L. RATLEY & BEVERLY MCCLURE, whose mailing address is 5196 PINELAND AVENUE, PORT ORANGE, FL 32127 are the owners of the property located at 5196 PINELAND AVENUE, PORT ORANGE, FL 32127. The heir is believed to be Tracy Seagle. The property is vacant and more particularly described as:

N 6 FT OF LOT 25 & ALL OF LOT 26 BLK 64 ALLANDALE PER OR 4287 PG 2238

B. The violations were to be corrected by eradicating all rats and rodents inside and outside of the property. This condition was first observed at the real property described above on March 15, 2024; re-inspection was conducted on April 23, 2024 and confirmed the condition as being the same. Respondent(s) received notice via posting at City Hall on April 12, 2024. Notice was mailed, regular and certified mail, on April 12, 2024, to Kathy L. Ratley & Beverly McClure, 5196 Pineland Avenue, Port Orange, FL 32127 and Tracy Seagle, 1122 Olympia Avenue, Unit E, Longmont, CO 80504. Notice was attempted to be hand delivered on-site on April 12, 2024 but no one was home; notice was posted on the property at 5196 Pineland Avenue, Port Orange, FL 32127 on April 12, 2024 that the aforesaid conditions constituted a violation of Chapter 3 (General

Requirements), Section 309 (Pest Elimination), 309.1 (Infestation) and Chapter 3 (General Requirements), Section 302 (Exterior Property Areas), 302.5 (Rodent Harborage), of the 2024 International Property Maintenance Code, as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances and were to be corrected by April 22, 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:

The above-referenced code(s) have been violated in that the violations were not remedied on or before the date set in the notice of violation.

ORDER:

A. The aforesaid violations shall be corrected by eradicating all rats and rodents from the entire property including the interior of the home or structure, on or before April 29, 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, 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. If paragraph D. above is checked and the condition has not been abated by the Compliance Date, then notice of the violation may be given to the City Council. The governing body may repair the condition and charge the reasonable costs. 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 costs to date are \$85.23 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 24 day of April, 2024.

Attest: [Signature]
Secretary, Code Enforcement Special Magistrate

By: [Signature]
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), KATHY L. RATLEY, 5196 PINELAND AVENUE, PORT ORANGE, FL 32127, BEVERLY MCCLURE, 5196 PINELAND AVENUE, PORT ORANGE, FL 32127, and the believed heir, TRACY SEAGLE, 1122 OLYMPIA AVENUE, UNIT E, LONGMONT, CO 80504 by Certified and Regular Mail this 24 day of APRIL, 2024.

[Signature]
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 24 day of April, 2024
By: [Signature]

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
Clerk of Court	Fee to record Order Imposing/Fine and Lien	06/12/2024		\$46.25
Lawrence Johnson - Chicago, IL	Cost to mail Order Imposing/Fine and Lien	06/12/2024		\$9.33
Peggy Johnson - Chicago, IL	Cost to mail Order Imposing/Fine and Lien	06/12/2024		\$9.33
Lawrence Johnson - Port Orange, FL	Cost to mail Order Imposing/Fine and Lien	06/12/2024		\$9.33
Peggy Johnson - Port Orange, FL	Cost to mail Order Imposing/Fine and Lien	06/12/2024		\$9.33

Total: \$187.46



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

CITY OF PORT ORANGE,

Petitioner

CASE NO. 24-0208

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, 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 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:

- 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.A. Boehmer
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.A. Boehmer
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

J Cody
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

J Cody
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

J Cody
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

J Cody
Secretary, Special Magistrate

RIGHT TO APPEAL

PURSUANT TO SECTION 162.11 OF THE FLORIDA STATUTES, ANY DECISION BY THE SPECIAL MAGISTRATE MAY BE APPEALED TO THE CIRCUIT COURT AND MUST BE FILED WITHIN THIRTY (30) DAYS OF THE EXECUTION OF THE ORDER. SUCH AN APPEAL SHALL BE LIMITED TO APPELLATE REVIEW OF THE TESTIMONY AND EVIDENCE OF THE PROCEEDING CREATED BEFORE THE SPECIAL MAGISTRATE.

RECORD OF PROCEEDINGS

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

ACCOMMODATIONS

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

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

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

**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 24-0208**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

LAWRENCE JOHNSON
PEGGY JOHNSON
1209 HARBOUR POINT DRIVE
PORT ORANGE, FL 32127
PARCEL ID: 6314-01-00-1209

Respondent.

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

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on May 8, 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, LAWRENCE JOHNSON & PEGGY JOHNSON, whose mailing address is 6614 N. ONARGA, CHICAGO, IL 60631 are the owners of the property located at 1209 HARBOUR POINT DRIVE, PORT ORANGE, FL 32127, and more particularly described as:

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

B. The violation was to be corrected by parking the Ford Expedition in the garage, covering it with an approved car cover, or obtaining a current tag/vehicle registration for it. This condition was first observed at the real property described above on February 28, 2024; re-inspection was conducted on May 3, 2024 and confirmed the condition as being the same. Respondents received notice via posting at City Hall and regular and certified mail on April 4,

2024, as well as posted on the property on April 4, 2024 that the aforesaid conditions constituted a violation of Chapter 70 (Traffic), Article II (Stopping, Standing, and Parking), Section 70-49 (Restrictions on abandoned or disable vehicles), (c) Restrictions, (1) (a), (b) and (2) of the City of Port Orange Code of Ordinances and was to be corrected by April 24, 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 either parking the Ford Expedition in the garage, covering it with an approved car cover, or obtaining a current tag/vehicle registration for it, on or before May 19, 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 one-time fine of \$500.00 will be assessed if the violation continues 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 8 day of May, 2024.

Attest: J Cody
Secretary, Code Enforcement Special Magistrate

By: David Fuller
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), LAWRENCE JOHNSON & PEGGY JOHNSON, 1209 HARBOUR POINT DRIVE, PORT ORANGE, FL 32127 and 6614 N. ONARGA, CHICAGO, IL 60631 by Certified and Regular Mail this 8 day of MAY, 2024.

J Cody
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 not been redacted pursuant to Florida law.
This 8 day of May, 2024
By: J Cody

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	06/12/2024		\$46.25
Jason Arnold - 5345 Dubois Ave	Cost to mail Order Imposing/Fine and Lien	06/12/2024		\$9.33
Derek Arnold - 5345 Dubois Ave	Cost to mail Order Imposing/Fine and Lien	06/12/2024		\$9.33

Jason Arnold - 706 Marshall Cir	Cost to mail Order Imposing/Fine and Lien	06/12/2024		\$9.33
Derek Arnold - 706 Marshall Cir	Cost to mail Order Imposing/Fine and Lien	06/12/2024		\$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 \$ 18,666 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 20~~TH~~ day of FEBRUARY, 2024.

CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT OFFICER

By: [Signature]
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)

[Signature]
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

[Signature]
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:

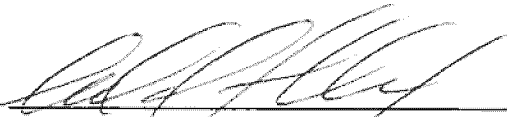
A. Respondent(s) shall correct the aforesaid violation by removing all outside stored items in the front yard (consisting of the loose wood in the front yard, yard tools, push-mower, brick pavers, loose water hose, and hand truck) and removing/relocating items to an enclosed space and either repairing, 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 not been redacted pursuant to Florida Law
This 27 day of March, 2024
By: 