AGENDA

CODE ENFORCEMENT SPECIAL MAGISTRATE

CITY OF PORT ORANGE

Meeting Date: Wednesday, July 10, 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 - June 12, 2024

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 24-652
   Respondent: Austin Evan Watts
   Address of Violation: 5348 Landis Avenue, Port Orange, FL 32127
   Code Officer: Scott Allman
   First Notified: 5/31/2024

   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., prohibited, of the City of Port Orange Code of Ordinances, (h) Abutting property owner maintenance of parkages.
   Chapter 3 (General Requirements), Section 302 (Exterior Property Areas), 302.3 (Sidewalks and Driveways), of the 2024 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances

4. **CEB Case No.:** 24-598
   Respondent: JMCG S. Nova Road, LLC - Property Owner
   Corporation Service Company - Registered Agent
   Address of Violation: 5231 Nova Road, Port Orange, FL 32127
   Code Officer: Scott Allman
   First Notified: 5/21/2024

   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), (c) Maintenance of commercial and industrial zoned lots, and (f) Garbage, waste, trash, etc., prohibited, of the City of Port Orange Code of Ordinances.

C. ORDER IMPOSING FINE/LIEN

5. **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: 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), (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) 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.

D. ADJOURNMENT

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

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

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

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

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

CODE ENFORCEMENT SPECIAL MAGISTRATE
MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
JUNE 12, 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:	Scott Allman, Code Enforcement Officer Sherry Schimizzi, Code Enforcement Officer Bailey Hornbuckle, Code Enforcement Officer Tracee Cody, Deputy City Clerk

Oaths

Code Enforcement Officers Scott Allman, Sherry Schimizzi, and Bailey Hornbuckle 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 22, 2024

Special Magistrate Fuller approved the May 22, 2024 meeting minutes as presented.

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.

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

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.

Sherry Schimizzi, Code Enforcement Officer, was sworn in by Special Magistrate Fuller and requested an Order Setting Fine/Lien as the property was not in compliance by May 19, 2024, as ordered in the previous hearing on May 8, 2024 by the Special Magistrate. She requested a one time fine in the amount of $1,000.00 as ordered in the Finding of Fact, Conclusion of Law & Order. A cost sheet for mailing and recording costs in the amount of $131.48 was tendered and submitted into evidence without objection.

Special Magistrate Fuller found the property in non-compliance and awarded a one time fine in the amount of $1,000.00 and mailing and recording costs to date of $131.48. A lien in the amount of $1,131.48 shall be imposed.

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.

Bailey Hornbuckle, Code Enforcement Officer, was sworn in by Special Magistrate Fuller and requested an Order Setting Fine/Lien as the property was not in compliance immediately, as ordered in the previous hearing on August 23, 2023 by the Special Magistrate. The City retained vendor Yellowstone Landscape, who abated the violation(s) at the cost of $596.79. A cost sheet for mailing and recording costs in the amount of $103.15 was tendered and submitted into evidence without objection.

Special Magistrate Fuller found the property in non-compliance and awarded abatement costs of $596.79 and mailing and recording costs to date of $103.15. A lien in the amount of $699.94 shall be imposed.

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: Yes

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)

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

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.

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

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.

Scott Allman, Code Enforcement Officer, was sworn in by Special Magistrate Fuller and requested an Order Setting Fine/Lien as the property was not in compliance by March 31, 2024, as ordered in the previous hearing on March 27, 2024 by the Special Magistrate. He requested a daily fine in the amount of $100.00 per day beginning April 1, 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 $187.46 was tendered and submitted into evidence without objection.

Jason Arnold, property owner, was sworn in by Special Magistrate Fuller and testified as to the condition of the property. Mr. Arnold explained that he broke his arm the following weekend after the last hearing.

Special Magistrate Fuller found the property in non-compliance and awarded a daily fine in the amount of $100.00 beginning April 1, 2024 for each and every day the violation exists and mailing and recording costs to date of $187.46. A lien in the amount of $187.46 shall be imposed.

ADJOURNMENT – 9:17 a.m.

_____
Special Magistrate David Fuller

Case Cost Sheet Log

Case No. 24-652

Name	Activity	Activity_Date	Status	Cost
Austin Evan Watts - NC	Cost to mail Notice of Violation and Notice of Hearings	06/05/2024		$9.33
Clerk of Court	Cost to record Finding of Fact	07/10/2024		$29.25
Austin Evan Watts - NC	Cost to mail Finding of Fact	07/10/2024		$9.33

Total: $47.91

7/10
8/28

NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

CITY OF PORT ORANGE,

Petitioner

CASE NO. 24-652

To: Austin Evan Watts
186 Fletch Ada Lane
Leasburg, NC 27291

Re: 5348 Landis Avenue
Port Orange, FL 32127
Parcel ID: 6310-07-21-0050
LEGAL DESCRIPTION: LOTS 5 & 6 BLK 21 ALLANDALE MB 4 PG 146 PER OR 4150 PG 0888 PER OR 5832 PG 1036 PER D/C 5995 PG 4713 PER OR 5995 PGS 4718-4719 PER OR 6010 PGS 4351-4352 PER OR 7832 PG 2432 PER OR 8069 PG 4537
Volusia County Public Records
Volusia County, FL

An inspection of the premises on May 31, 2024, indicates that certain violation(s) of the City of Port Orange Code exists.

This correspondence will serve as official notification that the below-stated violation(s) **must be corrected by June 24, 2024**, by doing the following:

1) The entire property needs to be mowed, and all high weeds trimmed.
2) All garbage, trash and debris need to be removed from the property.
3) All grass, weeds and sand must be removed from the sidewalk.

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

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

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

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

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

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

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 garbage, trash, and debris on the property.

3) **Chapter 3 (General Requirements), Section 302 (Exterior Property Areas), 302.3 (Sidewalks and Driveways), of the 2024 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances:** Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair and maintained free from hazardous conditions.

- The initial inspection of this property found grass, weeds, and sand obstructing the sidewalk.

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate July 10, 2024 at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged above and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Officer. Please govern yourself accordingly.

If the violation is not corrected within the time specified for correction ordered by the **Special Magistrate**, then a certified copy of an order imposing a fine may be recorded in the public records of the county and once recorded, it SHALL CONSTITUTE A LIEN against the property upon which the violation was found to exist and upon any other real or personal property owned by the violator. If said lien remains unpaid for more than ninety days, the City may seek to foreclose on said lien.

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are $ 9.33 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **July 10, 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 **August 28, 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 5 day of June, 2024.

CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT OFFICER

By: _____
J. Scott Allman, Code Enforcement Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to: Austin Evan Watts, 186 Fletch Ada Lane, Leasburg, NC 27291, Re: 5348 Landis Avenue, Port Orange, FL 32127, was

☐ Hand-delivered Recipient of hand delivered documents: _____
☒ Posted at the property 6.6.24 (date)
☒ Posted at City Hall 6.5.24 (date)

_____
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: Austin Evan Watts, 186 Fletch Ada Lane, Leasburg, NC 27291, Re: 5348 Landis Avenue, Port Orange, FL 32127, was sent via certified and regular mail this 5 day of June, 2024.

_____
Secretary, Special Magistrate

☐ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to: Austin Evan Watts, 5348 Landis Avenue, Port Orange, FL 32127, Re: 5348 Landis Avenue, Port Orange, FL 32127, was sent via certified and regular mail this _____ day of _____, _____.

_____
Secretary, Special Magistrate

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

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

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

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

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

Case Cost Sheet Log

Case No. 24-598

Name	Activity	Activity_Date	Status	Cost
JMCG S. Nova Rd. LLC - Property Owner - Miami, FL	Cost to mail Notice of Violation and Notice of Hearings	05/29/2024		$9.33
JMCG S. Nova Rd. LLC - Property Owner - Port Orange, FL	Cost to mail Notice of Violation and Notice of Hearings	05/29/2024	Certified and Regular mail returned unable to forward	$9.33
Corporation Service Company - Registered Agent	Cost to mail Notice of Violation and Notice of Hearings	05/29/2024	Certified receipt signed "Sebrena Randolph"	$9.33
Clerk of Court	Cost to record Finding of Fact	07/10/2024		$29.25
JMCG S. Nova Rd. LLC - Property Owner - Miami, FL	Cost to mail Finding of Fact	07/10/2024		$9.33
JMCG S. Nova Rd. LLC - Property Owner - Port Orange, FL	Cost to mail Finding of Fact	07/10/2024		$9.33
Corporation Service Company - Registered Agent	Cost to mail Finding of Fact	07/10/2024		$9.33

Total: $85.23

7/10
8/28

NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

CITY OF PORT ORANGE,

Petitioner

CASE NO. 24-598

To: JMCG S Nova Rd. LLC
Property Owner
1395 NW 167th Street
Miami, FL 33169

Corporation Service Company
Registered Agent
1201 Hays Street
Tallahassee, FL 32301

Re: 5231 Nova Road
Port Orange, FL 32127
Parcel ID: 6315-00-00-0104
LEGAL DESCRIPTION: 15 16 33 IRREG PARCEL BEING W 262.55 FT OF E 958.36 FT MEAS ON N/L & BEING 309.9 FT ON E/L & 246.65 FT MEAS ON N/L OF NOVA RD OF SW 1/4 OF NE 1/4 PER OR 4556 PG 3773 PER OR 8266 PG 1775
Volusia County Public Records
Volusia County, FL

An inspection of the premises on May 21, 2024, indicates that certain violation(s) of the City of Port Orange Code exists.

This correspondence will serve as official notification that the below-stated violation(s) **must be corrected by June 27, 2024**, by doing the following: **The entire property needs to be mowed, and all high weeds trimmed. All garbage trash and debris including but not limited to furniture, mattresses, clothing, bags etc. must be cleaned up and properly disposed of.**

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

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

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

1. **Chapter 42 (Nuisances), Article II (Garbage, junk, and undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), (c) Maintenance of commercial and industrial zoned lots, of the City of Port Orange Code of Ordinances:** The owner of every improved lot, piece and parcel of land located within a commercial or industrial zone within the city shall keep each such lot, piece or parcel of land free and clear of all fallen trees and limbs and undergrowth exceeding 12 inches in height. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than 12 inches within such natural areas. Owners of unimproved vacant parcels in such zones shall similarly maintain such portion of their property as lies within ten feet of any improved property, any sidewalk, roadway or bicycle path.
   - The initial inspection of this property found high weeds, grass, and undergrowth.

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, including but not limited to furniture, mattresses, clothing, bags etc., on the property.

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate July 10, 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 **July 10, 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 **August 28, 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 29 day of MAY, 2024.

CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT OFFICER

By: _____
J. Scott Allman, Code Enforcement Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to: JMCG S Nova Rd. LLC, Property Owner, 1395 NW 167th Street, Miami, FL 33169, RE: 5231 Nova Road, Port Orange, FL 32127, was

☐ Hand-delivered Recipient of hand delivered documents: _____
☒ Posted at the property 5-24-24 (date)
☒ Posted at City Hall 5-24-24 (date)

_____
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: JMCG S Nova Rd. LLC, Property Owner, 1395 NW 167th Street, Miami, FL 33169, RE: 5231 Nova Road, Port Orange, FL 32127, was sent via certified and regular mail this 29 day of May, 2024.

_____
Secretary, Special Magistrate

☑ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to: Corporation Service Company, Registered Agent, 1201 Hays Street, Tallahassee, FL 32301, RE: 5231 Nova Road, Port Orange, FL 32127, was sent via certified and regular mail this 29 day of May, 2024.

_____
Secretary, Special Magistrate

☑ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to: JMCG S Nova Rd. LLC, Property Owner, 5231 Nova Road, Port Orange, FL 32127, RE: 5231 Nova Road, Port Orange, FL 32127, was sent via certified and regular mail this 29 day of May, 2024.

_____
Secretary, Special Magistrate

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

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

ACCOMMODATIONS

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

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

Case Cost Sheet Log

Case No. 24-0035

Name	Activity	Activity_Date	Status	Cost
Ronald E. Klenk	Cost to mail Notice of Violation and Notice of Hearings	04/08/2024	Certified Unclaimed/Unable to forward	$9.81
Clerk of Court	Cost to record Finding of Fact	05/22/2024		$29.25
Ronald E. Klenk	Cost to mail Finding of Fact	05/22/2024	Certified receipt received but not signed	$9.81
Clerk of Court	Fee to record Order Imposing/Fine and Lien	07/10/2024		$46.25
Ronald E. Klenk	Cost to mail Order Imposing/Fine and Lien	07/10/2024		$9.81

Total: $104.93

NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

CITY OF PORT ORANGE,

Petitioner

CASE NO. 24-0035

To: Ronald E Klenk
Property Owner
5727 Stewart Avenue
Port Orange, FL 32127-4703

Re: 5727 Stewart Avenue
Port Orange, FL 32127
Parcel ID: 6317-01-00-0710
LEGAL DESCRIPTION: LOT 71 SWEETWATER ESTATES MB 27 PG 213 PER OR 3263 PG 0962 PER OR 7375 PGS 3707-3708 PER OR 7375 PG 3709 PER OR 7395 PG 2561 PER OR 7636 PGS 3191-3192
Volusia County Public Records
Volusia County, FL

An inspection of the premises on January 12, 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 30 days to correct. Re-inspections conducted on March 15, 2024, and on April 1, 2024, resulted in non-compliance.

This correspondence will serve as official notification that the below-stated violation(s) **must be corrected by April 30, 2024**, by doing the following:

1.) The entire property must be mowed and maintained to include weed eating of all high weeds on site.
2.) The downed fencing must be repaired, replaced, or removed. If a new fence is to be installed, a permit will be required through the City of Port Orange Building.
3.) All trash must be removed from the property.
4.) All unregistered/inoperable vehicles must be removed from the property.
5.) All outside stored items on the property must be stored in an enclosed building.
6.) Any persons residing in an accessory structure (sheds, tents, etc.) must cease this activity 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.
11.) The property must be treated for any rodent or insect infestations.

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

The burden shall rest upon the Respondent to request a re-inspection by the Code Enforcement Officer to determine whether the property is in compliance. 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 revealed that the yard is very overgrown in areas, particularly the backside of the property.

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 revealed fencing down around the property.

3. **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 revealed a large amount of trash and debris on the property.

4. **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 revealed a large number of vehicles on the property that are unregistered and/or disabled.

5. **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 revealed a large amount of outside storage on the property.

6. **Chapter 16 (Miscellaneous Regulations), Section 1 (Accessory Uses & Structures), (d) Size Limitations, of the City of Port Orange Land Development Code: Any residential accessory structure in a residential zoning district shall be required to comply with the following conditions: (4)** No accessory residential structure shall be used as a guest house, apartment, or other residential quarters unless otherwise permitted by this code. **(5)** No accessory residential structure shall be used in any manner for a home occupation, except for the storage of customary homeowner tools and equipment.

   - The initial inspection revealed accessory structures on the property that are being utilized as residences.

7. **City of Port Orange Code of Ordinances, Chapter 42 (Nuisances), Article III (Sanitary Conditions), Sec. 42-59 (Location of vehicles used for human occupancy):** It shall be unlawful for any person to use or occupy any trailer, automobile or other vehicle within the city as place of residence, domicile or living quarters unless the same is located in a licensed mobile home park, trailer park or campground equipped for such use in accordance with the regulation of the state governing mobile home or trailer parks or parking lots for mobile homes, trailers, automobiles or other vehicles to be used as a place of domicile, residence or living quarters for human beings.

   - The initial inspection revealed persons residing in RV's that are being stored on the property.

8. **Chapter 70 (Traffic), Article II (Stopping standing and parking), Section 70-48 (Parking of recreational vehicles and equipment on residential premises), (d), (1), (2), (3), of the Port Orange Code of Ordinances: (d)** No recreational vehicle or equipment greater than 24 feet in length shall be parked or stored on any residential lot or the right-of-way adjoining the residential lot except for the following: **(1)** In an enclosed building or a completely enclosed garage. **(2)** Behind the front plane of a dwelling unit. **(3)** Anywhere on residential premises for a period not to exceed 72 hours in any continuous 30-day period for the purpose of maintenance, loading or unloading. The recreational vehicle or equipment shall be measured along the centerline from the front to the rear of the vehicle or equipment and shall include all appurtenances, accessories and attachments, including, but not limited to, the trailer tongue, inboard and/or outboard engine, and engine trailer assembly.

   - The initial inspection revealed recreational vehicles parked improperly in the front of the home.

9. **Chapter 70 (Traffic), Article II (Stopping standing and parking), Section 70-48 (Parking of recreational vehicles and equipment on residential premises), (c)** For purposes of this section, disabled or abandoned recreational vehicles or equipment means any vehicle or equipment which: **(1)** Is wrecked and unrepaired, or is incapable of functioning as a recreational vehicle or equipment in its present state: **(2)** Has no engine, transmission, or other major and visible parts, or has other major or visible components which are dismantled: **(3)** Is not registered and/or licensed as required by law; **(4)** Is apparently inoperative, as indicated by vegetation underneath the recreational vehicle or equipment as high as the vehicle or equipment body or frame or refuse or debris collected underneath the vehicle or equipment; or **(5)** Is otherwise located on property in an apparent state of disuse or neglect, so as to render the recreational vehicle or equipment unsightly to a reasonable person viewing the vehicle or equipment from outside the property on which the vehicle or equipment is located. **(h)** There shall be no parking or storage of abandoned or disabled recreational vehicles or equipment on any residential lot or the right-of-way adjoining any residential lot other than temporary parking or storage for those awaiting repair. Such temporary parking or storage shall be confined to an enclosed building or completely enclosed garage or behind the front plane of the dwelling unit. Such temporary parking or storage shall not exceed seven days.

   - The initial inspection revealed unlicensed/unregistered recreational vehicles parked on the property.

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

    - The initial inspection revealed a number of vehicles parked in the front yard of the property.

11. **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.

    - The initial property inspection found possible rodent infestation outside due to the outside stored items.

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 22, 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 $ 7.33 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **May 22, 2024** enters a Final Order finding a violation as alleged, pursuant to Chapter 2, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Special Magistrate on **June 26, 2024 at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Special Magistrate will consider setting the fine lien on the above-referenced case at said PUBLIC HEARING. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Officer. Please govern yourself accordingly.

For further information regarding this matter, you may contact the undersigned Code Enforcement Officer at **(386) 506-5645.**

DATED this 8th day of April, _____.

CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT OFFICER

By: _____
Dena Jospeh, 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: Ronald E Klenk, 5727 Stewart Avenue, Port Orange, FL 32127-4703, Re: 5727 Stewart Avenue, Port Orange, FL 32127, was

☐ Hand-delivered Recipient of hand delivered documents: _____
☒ Posted at the property April 8, 2024 (date)
☐ Posted at City Hall _____ (date)

_____
Dena Joseph, Code Enforcement Officer

☑ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to: Ronald E Klenk, 5727 Stewart Avenue, Port Orange, FL 32127-4703, Re: 5727 Stewart Avenue, Port Orange, FL 32127, was sent via certified and regular mail this 8 day of April, 2024.

_____
Secretary, Special Magistrate

RIGHT TO APPEAL

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

RECORD OF PROCEEDINGS

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

ACCOMMODATIONS

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

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

CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 24-0035

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

RONALD E. KLENK
5727 STEWART AVENUE
PORT ORANGE, FL 32127
PARCEL ID: 6317-01-00-0710

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 22, 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, RONALD E. KLENK, whose mailing address is 5727 STEWART AVENUE, PORT ORANGE, FL 32127 is the owner of the property located at 5727 STEWART AVENUE, PORT ORANGE, FL 32127, and more particularly described as:

LOT 71 SWEETWATER ESTATES MB 27 PG 213 PER OR 3263 PG 0962 PER OR 7375 PGS 3707-3708 PER OR 7375 PG 3709 PER OR 7395 PG 2561 PER OR 7636 PGS 3191-3192

B. The violation was to be corrected 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 (sheds, 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. This condition was first observed at the real property described above on January 12, 2024; re-inspection was conducted on April 30, 2024 and confirmed the condition as being the same. Respondent received notice via posting at City Hall and regular and certified mail on April 8, 2024, as well as posted on the property on April 8, 2024 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), (f) Garbage, waste, trash, etc., 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 Revisions, (4) Design and Maintenance, (b), (d). 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 & Structures), (d) Size limitations, of the City of Port Orange Land Development Code (4), (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), (d), (1), (2), (3), and (c), (1), (2), (3), (4), (5), and (h) 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 and was to be corrected by April 30, 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 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 (sheds, 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, on or before June 9, 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 $250.00 per day will be assessed for each day the property is in violation beyond the Compliance Date. If paragraph D. above is checked and the Respondent(s) has/have not abated the condition by the Compliance Date, then notice of the violation will be given to the City Council. The City Council may repair the condition and charge the Respondent(s) with reasonable costs of the repairs. Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the Special Magistrate may impose additional fines to cover all costs incurred by the city in enforcing its codes and all costs or repairs pursuant to subsection (a)." The cost to date is $48.87 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 22 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), RONALD E. KLENK, 5727 STEWART AVENUE, PORT ORANGE, FL 32127 by Certified and Regular Mail this 22 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/has not been redacted pursuant to Florida Law.
This 22 day of May, 2024
By: _____