



AGENDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF PORT ORANGE

Meeting Date: Wednesday, December 11, 2024

Time: 9:00 AM

Type of Meeting:

Location:

City Hall, 1000 City Center Circle

A. CALL TO ORDER

1. Attorney Overview of Special Magistrate Code Enforcement Process
2. Consideration of Minutes

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 24-0998

Respondent: Homeowners Association of Westport Reserve Inc., Artemis Lifestyle Services, Inc., Registered Agent

Address of Violation: 5571 Estero Loop (Westport Reserve Phase 3 Swale behind the houses on the South end of Estero Loop)

Code Officer: Dena Joseph

First Notified: 8/1/2024

Compliance: Yes

Cited for violation(s) - Chapter 10, Article II, Section 13 Maintenance, of the City of Port Orange Land Development Code; Chapter 10, Article II, Section 14 Enforcement, of the City of Port Orange Land Development Code; Saint John's River Water Management District Permit No. 91871-10 Issued July 13, 2008, Condition 16 and 21.

4. **CEB Case No.:** 24-1260

Respondent: Arkagas LLC C/O Daniel Neary

Address of Violation: 5784 Taylor Branch Rd.

Code Officer: Dena Joseph

First Notified: 9/3/2024

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. Chapter 42, (Nuisances), Article II (Garbage, junk and undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), (h) Abutting property owner maintenance of parkages. Chapter 42, (Nuisances), Article II, (Garbage, Junk and Undergrowth), Section 42-26, (Cleanliness of Property Generally-duty of owner), (f) Garbage, waste, trash, etc. prohibited of the City of Port Orange Code of Ordinances. Chapter 42 (Nuisances), Article II (Garbage , Junk and Undergrowth), Section 42-32 Storage of vehicles, furniture, etc. of the City of Port Orange Code of Ordinances.

5. **CEB Case No.:** 23-1371

Respondent: Arkagas LLC C/O Daniel Neary Registered Agent

Address of Violation: 5784 Taylor Branch Road, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 12/8/2023

Compliance: No

Cited for violation(s) - Chapter 1 (Scope and Administration), Section 109 (Unsafe Structures and Equipment), 109.1.5 (Hazardous structures or premises), (3) and (4), of the 2024 International Property Maintenance Code, as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: 109.1.5 Hazardous structure or premises (3) and (4)

6. **CEB Case No.:** 828 Sugarhouse Blvd

Respondent: James V. Kloos and Itala M. Kloos

Address of Violation: 828 Sugar House Blvd

Code Officer:

828 Sugar House Blvd. is currently an empty residential lot that the owner is using as an illegal junkyard. You may recall that the quadruplex that previously existed on the property partially burned down and had to be demolished by the City in 2023 under the City's unsafe structure abatement procedures. The property remained a cleared lot until recently, when one of the property owners began bringing trailer-loads of junk to the property and storing the junk thereon. Although the City has routinely initiated code enforcement actions for violations observed at the property – spanning more than 20 years – each of which resulted in fines and liens imposed upon the property, the property owner has been undeterred by the financial consequences of his actions.

This property has become a nuisance to surrounding homeowners and requires legal action to correct.

An Order Imposing Fine/Lien was recorded on 9/29/2023 at OR Book 8465, Page 2799 and this lien remains unpaid.

The City therefore, respectfully requests the Special Magistrate's authorization for the City Attorney to proceed with legal action pursuant to Florida Statute 162.09(3).

First Notified: 4/24/2023

Compliance: No

Cited for violation(s) -

7. CEB Case No.: 717 Dove Avenue

Respondent: Stephen Stewart

Address of Violation: 717 Dove Ave.

Code Officer: 717 Dove Ave. is a mobile home that has been the subject of multiple search warrants for narcotics activities. Each search warrant resulting in multiple narcotics arrests and charges. The property has also become a sanitary nuisance occupied by multiple individuals without running water or electricity in violation of the City's Code. The City currently has utility liens and code enforcement liens totaling over \$60,000. However, the owner of the home has been undeterred by the financial consequences of his actions. This has left the City with no other choice than to initiate court action to remedy the issue.

The following code enforcement liens remain unpaid for this property:

1. **Order Imposing Fine/Lien (Abandoned Vehicles):** Recorded on October 14, 2021, in Book 8136, Page 4051;
2. **Order Imposing Fine/Lien (High Weeds, Outdoor Storage):** Original recording: January 14, 2022, in Book 8188, Page 459.; Corrected recording: January 20, 2022, in Book 8190, Page 2073;
3. **Order Imposing Fine/Lien (High Weeds and Grass):** Recorded on October 27, 2022, in Book 8328, Page 4637;
4. **Order Imposing Fine/Lien (Lack of Electricity):** Recorded on July 28, 2023, in Book 8439, Page 4049; and,
5. **Order Imposing Fine/Lien (Lack of City Water):** Recorded on June 14, 2024, in Book 8570, Page 382.

Therefore, based on the foregoing and pursuant to Florida Statute 162.09(3), the City Attorney's Office is requesting authority from the Special Magistrate to initiate legal proceedings against the above referenced property owners.

First Notified: 7/8/2021

Compliance: No

Cited for violation(s) -

C. ORDER IMPOSING FINE/LIEN

8. CEB Case No.: 24-1211

Respondent: Mark Davison

Address of Violation: 1125 Bayview Drive, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 8/30/2024

Compliance: No

Cited for violation(s) - Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of property generally - duty of owner), (d) (Maintenance of improved residential lots) of the City of Port Orange Code of Ordinances, (h) Abutting property owner maintenance of parkages. City of Port Orange Land Development Code, Chapter 16 (Miscellaneous Regulations), Section 3 (Fences and Walls), (b) General Provisions, (4) Design and Maintenance, (b) All fences shall be maintained in their original upright condition & (d) Missing boards, pickets, or posts shall be replaced in a timely manner with material of the same type and quality.

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.

Case Cost Sheet Log

Case No. 24-0998

Name	Activity	Activity_Date	Status	Cost
Homeowners Association of Westport Reserve Inc. Property Owner	Certified and Regular Mailing Notice of Violation/Hearing	11/01/2024		\$10.61
Artemis Lifestyle Services Inc. Registered Agent	Certified and Regular Mailing Notice of Violation/Hearing	11/01/2024		\$10.61
Clerk of Court	Record Finding of Fact	12/11/2024		\$29.25

Total: \$50.47



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

City OF PORT ORANGE,

Petitioner

CASE NO. 24-0998

To: Homeowners Association of Westport Reserve Inc.
Property Owner
1631 East Vine Street, Suite 300
Kissimmee, FL 34744

Artemis Lifestyle Services, Inc.
Registered Agent
1631 E. Vine Street
Suite 300
Kissimmee, FL 34744

Re: 5571 Estero Loop (Westport Reserve Phase 3 Swale behind the houses on the South end of Estero Loop)

Port Orange, FL 32128

Parcel ID: 6214-05-00-0011

LEGAL DESCRIPTION: 14-16-32 LOT 3L WESTPORT RESERVE PHASE 3 MB 59 PGS 70-77 PER OR 7575 PG 3480

Re: Town West Boulevard (Westport Reserve Phase 3 stormwater pond along Town West Boulevard West of the Estero Loop entrance)

Port Orange, FL 32128

Parcel ID: 6214-05-00-0004

LEGAL DESCRIPTION: 14-16-32 LOT 3D WESTPORT RESERVE PHASE 3 MB 59 PGS 70-77 PER OR 7575 PG 3480

Volusia County Public Records
Volusia County, FL

An inspection of the premises on August 1, 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. A re-inspection was conducted on September 10, 2024. At the time of the inspection, progress was made, but the property was not in total compliance. Another re-inspection was conducted on October 24, 2024. At the time of the inspection, the violations were not fully corrected.

This correspondence will serve as official notification that the below-stated violation(s) **must be corrected by November 15, 2024**, by doing the following:

1.) Provide a survey of the recently cleared swale. If the existing grade of the swale is different than the original design grades, then the swale will need to be regraded to the original design grades.

2.) Clear vegetation and debris along the south bank of the pond. Clear vegetation and debris from within and around the drainage control structure on the south bank of the pond. Remove the pressure treated wood skimmer from the drainage control structure on the south bank. Construct a new skimmer per FDOT Index 425-070 (attached).

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:

Chapter 10, Article II, Section 13 & 14, of the City of Port Orange Land Development Code

Section 13: - Maintenance.

The installed system(s) required by this article shall be maintained by the owner except where the city specifically accepts a certain system for maintenance. The selection of critical areas and/or structures to be maintained by the city shall be recommended to the city council by the department. All areas and/or structures to be maintained by the city must be conveyed to the city by plat or separate instrument and accepted by the city council. The owner shall provide adequate easements with respect to system(s) to be maintained by the owner to permit the city to inspect and, if necessary, to take corrective action should the owner fail to maintain the system(s). The operation and maintenance entity shall inspect the stormwater or surface water management system every two years after construction to verify the system is functioning as designed and permitted. The operation and maintenance entity must maintain a record of each required inspection, including the date of the inspection, the name, address, and telephone number of the inspector, whether the system was functioning as designed and permitted and if required, the corrective action taken. These records shall be available for inspection upon request by the city during normal business hours.

Section 14: - Enforcement.

Any changes or amendments to the approved plans must be approved by the department. If the completed development appears to deviate from the approved plans the department may require the developer to submit as-built plans of the completed project. In consideration of the city's review and approval of plans, the owner or his agent shall grant city inspectors inspection rights and right-of-entry privileges in order to ensure compliance with the requirements of this article.

(a) If the city determines that the project is not being carried out in accordance with the approved plans or if any project subject to this article is being carried out without a permit it is authorized to:

(1) Take actions authorized under Chapter 3 of this code; or

(2) Issue a stop-work order directing the applicant or person in possession to cease and desist all or any portion of the work which violates the provisions of this article.

(b) Should the owner fail to properly maintain the system(s) the department shall give such owner written notice of the nature of the corrective action necessary. Should [the] owner fail, within 30 days from the date of the notice, to take, or commence taking, the necessary corrective action, the city may either enter upon the property, take corrective action and place a lien on the property of the owner for the costs thereof, or bring an action before the special magistrate in order to obtain compliance herewith.

Saint John's River Water Management District Permit No. 91871-10 Issued July 13, 2018

Condition 16. The permittee shall provide routine maintenance of all components of the stormwater management system to remove trapped sediments and debris. Removed material shall be disposed of in a landfill or other uplands in a manner that does not require a permit under Chapter 62-330, F.A.C., or cause violations of state water quality standards.

Condition 21. The operation and maintenance entity shall inspect the stormwater or surface water management system once within two years after the completion of construction and every two years thereafter to determine if the system is functioning as designed and permitted. The operation and maintenance entity must maintain a record of each required inspection, including the date of the inspection, the name and contact information of the inspector, and whether the system was functioning as designed and permitted, and make such record available for inspection upon request by the District during normal business hours. If at any time the system is not functioning as designed and permitted, then within 30 days the entity shall submit a report electronically or in writing to the District using Form 62-330.311(1), "Operation and Maintenance Inspection Certification," describing the remedial actions taken to resolve the failure or deviation.

- At the end along Estero Loop, the initial inspection revealed an overgrown drainage swale that has not been maintained for many years. The initial inspection also revealed vegetation and debris in the pond, along with

vegetation within and around the drainage control structure on the south bank of the pond. In addition, there is pressure treated wood being utilized as the skimmer that should be a metal skimmer.

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 December 11, 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 \$ 2016.45 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 **December 11, 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 January 22, 2025, 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 1st day of November, 2024.

CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT OFFICER

By: Dena Joseph
Dena Joseph, Code Enforcement Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to: Homeowners Association of Westport Reserve Inc., Property Owner, and Artemis Lifestyle Services, Inc., Registered Agent, 5571 Estero Loop (Westport Reserve Phase 3 Swale behind the houses on the South end of Estero Loop), Port Orange, FL 32128, RE: 5571 Estero Loop (Westport Reserve Phase 3 Swale behind the houses on the South end of Estero Loop), Port Orange, FL 32128, was

☐ Hand-delivered Recipient of hand delivered documents: _____
☒ Posted at the property November 6, 2024 (date)
☐ Posted at City Hall _____ (date)

Dena Joseph
Dena Joseph, Code Enforcement Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to: Homeowners Association of Westport Reserve Inc., Property Owner, and Artemis Lifestyle Services, Inc., Registered Agent, Town West Boulevard (Westport Reserve Phase 3 stormwater pond along Town West Boulevard West of the Estero Loop entrance), Port Orange, FL 32128, RE: Town West Boulevard (Westport Reserve Phase 3 stormwater pond along Town West Boulevard West of the Estero Loop entrance), Port Orange, FL 32128, was

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Dena Joseph
Dena Joseph, Code Enforcement Officer

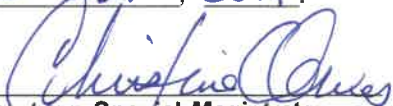
☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to: Homeowners Association of Westport Reserve Inc., Property Owner, 1631 East Vine Street, Suite 300, Kissimmee, FL 34744, RE: 5571 Estero Loop (Westport Reserve Phase 3 Swale behind the houses on the South end of Estero Loop), Port Orange, FL 32128, was sent via certified and regular mail this 1st day of November, 2024.

Christine Owens
Secretary, Special Magistrate

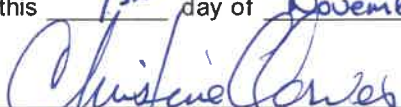
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Christine Owens
Secretary, Special Magistrate

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Secretary, Special Magistrate

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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. 24-1260

Name	Activity	Activity_Date	Status	Cost
ArkagasLLC C/O Daniel Neary Registered Agent	Certified Mailing Notice of Violation/Hearing	10/04/2024	Retuned dated but unsigned	\$10.33
ArkagasLLC Property Owner	Certified Mailing Notice of Violation/Hearing	10/04/2024	Not Returned	\$10.33
ArkagasLLC C/O Daniel Neary Registered Agent	Cost to mail Finding of Fact	11/13/2024		\$10.33
ArkagasLLC Property Owner	Cost to mail Finding of Fact	11/13/2024		\$10.33
Clerk of Court	Record Finding of Fact	12/11/2024		\$29.25

Total: \$70.57



NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

11/13
1/8

CITY OF PORT ORANGE, FLORIDA

CITY OF PORT ORANGE,

Petitioner

CASE NO. 24-1260

To: Arkagas LLC
Property Owner
4900 NW 2nd Avenue
Miami, FL 33127

C/O: Daniel Neary
Registered Agent
4900 NW 2 Avenue
Miami, FL 33127

Re: 5784 Taylor Branch Road

Port Orange, FL 32127

Parcel ID: 6317-03-00-0017

LEGAL DESCRIPTION: 17-16-33 TRIANGLE IN LOT 1 E OF HERBERT ST BEING 225.85 FT ON HERBERT ST & 224.48 FT ON TAYLOR RD PLAT 2 CRAIG FARMS PER OR 4431 PGS 4691-4730 INC PER OR 7208 PG 2646 PER OR 7592 PG 3331 PER OR 8305 PG 1010 PER OR 8306 PG 2614

Volusia County Public Records

Volusia County, FL

An inspection of the premises on September 3, 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 completed on September 30, 2024, resulted in non-compliance.

This correspondence will serve as official notification that the below-stated violation(s) **must be corrected by October 13, 2024**, by doing the following: **1.) The entire property must be edged, and weed eaten and all debris blown back onto the property. In addition, the overgrown area on Journey's End must be mowed as required. 2.) The outside stored items (including but not limited to wood, pipes, pallets, barrels full of what appears to be oil which is hazardous, etc.) must be removed from the property. 3.) Clean up and remove all garbage, trash, and debris 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 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:

- 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 42-32 (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 (including but not limited to wood, pipes, pallets, barrels full of what appears to be oil which is hazardous, etc.) stored outside.
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 of this property found various pieces of garbage, trash, and debris on the property.

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate November 13, 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 \$ 210.66 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 **November 13, 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 **January 8, 2025, 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 3rd day of October, 2024.

CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT OFFICER

By: 
Dena Joseph, Code Enforcement Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to: Arkagas LLC, Property Owner, 5784 Taylor Branch Road, Port Orange, FL 32127, RE: 5784 Taylor Branch Road, Port Orange, FL 32127, was

- ☐ Hand-delivered Recipient of hand delivered documents: _____
- ☒ Posted at the property October 3, 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: Arkagas LLC, Property Owner, C/O Daniel Neary, Registered Agent, 4900 NW 2 Avenue, Miami, FL 33127, RE: 5784 Taylor Branch Road, Port Orange, FL 32127, was sent via certified and regular mail this 4 day of October, 2024


Secretary, Special Magistrate

☒ N/A I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to: Arkagas LLC, Property Owner, 4900 NW 2 Avenue, Miami, FL 33127, RE: 5784 Taylor Branch Road, Port Orange, FL 32127, was sent via certified and regular mail this _____ day of _____, _____.

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: Arkagas LLC, Property Owner, 5784 Taylor Branch Road, Port Orange, FL 32127, RE: 5784 Taylor Branch Road, Port Orange, FL 32127, was sent via certified and regular mail this 4 day of October, 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. 23-1371

Name	Activity	Activity_Date	Status	Cost
Arkagas LLC C/O Daniel Neary Registered Agent	Cost to Mail Notice of Violation and Notice of Hearings	08/30/2024	Certified receipt returned signed on 9/3	\$10.33
Arkagas LLC, Property Owner	Cost to mail Notice of Violation and Notice of Hearing	08/30/2024	Certified receipt returned signed on 9/3	\$10.33
Clerk of Court	Cost to record Finding of Fact	12/11/2024		\$29.25
Arkagas LLC, Property Owner C/O Daniel Neary Registered Agent - Miami, FL	Cost to mail Finding of Fact	11/13/2024		\$10.33
Arkagas LLC, Property Owner C/O Daniel Neary Registered Agent - Port Orange, FL	Cost to mail Finding of Fact	11/13/2024		\$10.33

Total: \$70.57



10/9
11/13

**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

CITY OF PORT ORANGE,

Petitioner

CASE NO. 23-1371

To: Arkagas LLC
Property Owner
4900 NW 2nd Avenue
Miami, FL 33127

C/O: Daniel Neary
Registered Agent
4900 NW 2 Avenue
Miami, FL 33127

Re: 5784 Taylor Branch Road
Port Orange, FL 32127
Parcel ID: 6317-03-00-0017

LEGAL DESCRIPTION: 17-16-33 TRIANGLE IN LOT 1 E OF HERBERT ST BEING 225.85 FT ON HERBERT ST & 224.48 FT ON TAYLOR RD PLAT 2 CRAIG FARMS PER OR 4431 PGS 4691-4730 INC PER OR 7208 PG 2646 PER OR 7592 PG 3331 PER OR 8305 PG 1010 PER OR 8306 PG 2614
Volusia County Public Records
Volusia County, FL

An inspection of the premises on December 8, 2023, indicates that certain violation(s) of the City of Port Orange Code exists. The property owner was notified of the violations noted below and given 30 days to correct. Re-inspections completed on January 31, 2024, March 26, 2024, & August 1, 2024, resulting in non-compliance.

This correspondence will serve as official notification that the below-stated violation(s) **must be corrected by September 29, 2024**, by doing the following: The canopy structure on the property was altered at the time of the inspection causing it to be unsafe. The canopy must be removed for the property to be in compliance. A permit must be obtained prior to the commencement of any work.

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 1 (Scope and Administration), Section 109 (Unsafe Structures and Equipment), 109.1.5 (Hazardous structures or premises), (3) and (4), of the 2024 International Property Maintenance Code, as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: 109.1.5 Hazardous structure or premises.** For the purpose of this code, any structure or premises that has any or all of the conditions or defects described as

follows shall be considered to be hazardous: 3. Any building, structure or portion thereof that is dangerous. 4. The building or structure, or any portion thereof, is clearly unsafe for its use and occupancy.

- The initial inspection of this property found the canopy structure on the property was altered, causing it to be unsafe.

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate October 9, 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 \$ 20.66 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 **October 9, 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 November 13, 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 29th day of August 2024,

CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT OFFICER

By: Dena Joseph
Dena Joseph, Code Enforcement Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to: Arkagas LLC, Property Owner, Daniel Neary, Registered Agent, 5784 Taylor Branch Road, Port Orange, FL 32127, RE: 5784 Taylor Branch Road, Port Orange, FL 32127, was

☐ Hand-delivered Recipient of hand delivered documents: _____
☒ Posted at the property August 24, 2024 (date)
☐ Posted at City Hall _____ (date)

Dena Joseph
Dena Joseph, Code Enforcement Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to: Arkagas LLC, Property Owner, C/O Daniel Neary, Registered Agent, 4900 NW 2 Avenue, Miami, FL 33127, RE: 5784 Taylor Branch Road, Port Orange, FL 32127, was sent via certified and regular mail this 30th day of August, 2024.

Chisler Cones
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: Arkagas LLC, Property Owner, C/O Daniel Neary, Registered Agent, 5784 Taylor Branch Road, Port Orange, FL 32127, RE: 5784 Taylor Branch Road, Port Orange, FL 32127, was sent via certified and regular mail this 30th day of August, 2024.

Chisler Cones
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

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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
SPECIAL MAGISTRATE**

CASE NO. 22-1393

CITY OF PORT ORANGE,
a Florida municipal corporation

Petitioner,

v.

**JAMES V. KLOOS
ITALA M. KLOOS**

Property Address:
828 SUGAR HOUSE BOULEVARD
Parcel Number: 6337-08-01-0080

Respondent. _____

Space Reserved for Recording Data

ORDER IMPOSING FINE/LIEN

This cause came on for public hearing before the Code Enforcement Special Magistrate of the City of Port Orange, after due notice to the Respondent(s), on the 14th day of June, 2023, at which time Staff and the Respondent(s) had the opportunity to be heard and the Magistrate made findings of fact, conclusions of law, and thereupon issued a written order finding that a violation existed, a copy having been furnished by U. S. Mail to the Respondent.

Said Order found Respondent(s) in violation of Chapter 1 Scope and Administration, Section 111 Unsafe Structures and Equipment of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances 111.1 Unsafe Conditions, 111.1.1 Unsafe Structures, 111.1.3 Structure unfit for human occupancy, 111.1.5 Dangerous structure of premises (1-11), Chapter 3 General Requirements, Section 304 Exterior Structure of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article 11 of the City of Port Orange Code of Ordinances 304.1 General, Chapter 3 General Requirements, Section 305 Interior Structure of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances 305.1 General, Chapter 42 (Nuisances), Article V (Unsafe Conditions) Section 42-108 (Unsafe conditions; nuisance) (a) (1-6) (b), of the City of Port Orange Code of Ordinances, Chapter 42 (Nuisances), Article II (Garbage, junk, and undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), (f) Garbage, waste, trash, etc., prohibited, of the City of Port Orange Code of Ordinances, Chapter 42 (Nuisances), Article II (Garbage, junk, and undergrowth), Section 42-32 (Storage of vehicles, furniture, etc.), of the City of Port Orange Code of Ordinances. The

City also has authority to act under the following emergency measures and Respondents are to comply with the following: Chapter 1 Scope and Administration, Section 111 Unsafe Structures and Equipment of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances 111.2.1 Authority to disconnect service utilities. Chapter 1 Scope and Administration, Section 112 Emergency Measures of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances 112.1 Imminent Danger. Chapter 1 Scope and Administration, Section 111 Unsafe Structures and Equipment of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances 111.7.1 Placard Removal, 111.8 Prohibited Occupancy, as the same pertains to (1.) The home which has been destroyed by fire and is uninhabitable is considered a safety hazard. All occupants residing inside the structure were to exit the property immediately. The property must remain vacated until the City deems the property safe, and any placard remain posted and intact. (2.) All trash, debris, junk, and outside items were to be removed from the property no later than May 5, 2023. Trash, debris, junk and items remain on the property. (3.) The home, which has been destroyed by fire and is uninhabitable, requires demolition which will require a permit to be obtained through the City of Port Orange Building Department. A permit to demolish said structure was to be applied for no later than May 7, 2023. The permit was also to be obtained, to include payment of all associated fees and the demolition completed, no later than June 17, 2023. Following demolition, the property was to be filled, graded, and seeded with grass seed or sodded within five days of the date of completion of the demolition and comply with the established vegetation standards of the city, and required Respondent(s) to take certain corrective action no later than the above-mentioned dates. In the event of non-compliance by Respondent(s) a daily fine in the amount of \$250 for each and every day the property is in violation beyond the compliance date was imposed. The violation was found to present a serious threat to the public health, safety, and welfare and, as a result, it was referred to the local governing body with the authority to make all repairs reasonably required to bring the property into compliance.

In consideration of the testimony taken and evidence presented at hearing, it is found as follows:

Respondent(s) failed to take action to correct the violations by (vacating the structure immediately, removing all trash, debris, junk, and outside stored items by May 5, 2023, applying for a demolition permit no later than May 7, 2023, obtaining and paying for the demolition permit to include all associated fees, and completing the demolition no later than June 17, 2023, and to have the property filled, graded, and seeded with grass seed or sodded within five days following the demolition completion) as ordered. An Affidavit of Non-Compliance was filed with the Special Magistrate and testimony was presented by Code Enforcement Officer Dena Joseph, certifying under oath that an inspection of the property revealed that the required corrective action had not been taken by the Respondent(s) as ordered and a true and correct copy of that affidavit is attached hereto as Exhibit "A," and incorporated herein by reference.

After such non-compliance, the City retained vendor Samsula Demolition, who abated the violation(s) at the cost of \$7,737.60, on September 13, 2023. An invoice reflecting these charges was placed into evidence.

The City has incurred total costs in the amount of \$10,674.58 by virtue of Respondent(s) non-compliance.

Based upon the foregoing premises, and by the authority of Section 162.09, Florida Statutes and Article V, Part II, of the Code of Ordinances for the City of Port Orange, Florida; it is hereby,

ORDERED:

1. A fine in the amount of \$250 per day beginning on the 6th day of May 2023, through and including September 12, 2023, for a total of 130 days, equaling \$32,500, is hereby imposed upon the Respondent(s), James V. Kloos and Itala M. Kloos. Said daily fine in either event shall run in favor of the local governing body of the City of Port Orange, Florida, and shall be payable to the order of:

CITY OF PORT ORANGE
1000 City Center Circle
Port Orange, FL 32129

2. In addition to said fine, Respondent(s) shall pay to the City of Port Orange at the aforesaid address, the amount of \$7,737.60 representing vendor costs and \$2,936.98 representing costs of enforcement.
3. A lien is imposed on the subject property in the amount of \$43,174.58 representing the total of fines, vendor abatement costs, and cost of enforcement as aforesaid.
4. The Respondent shall notify Code Enforcement Officer Dena Joseph, to request a re-inspection, if the Respondent complies with the Magistrate's Order of finding that a violation exists.

A certified copy of this Order shall be recorded in the Official Records of the office of the Clerk of the Circuit Court in Volusia County, Florida, and such recordation shall constitute a lien against all of the Respondent's real and personal property, in accordance with Florida Statute 162.09, said property to include, but is not limited to that real property described as follows:

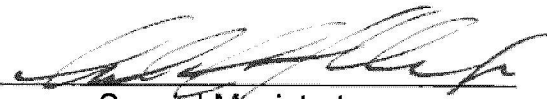
Tax Parcel ID: 6337-08-01-0080
Street address: 828 Sugar House Boulevard, Port Orange, Florida.
Legal Description: LOT 8 SUGAR FOREST PHASE I PER OR 1885 PGS 910 TO 942 INC MB 34 PG 123 PER OR 4362 PG 3898, of the Public Records of Volusia County,

Florida; and per deed recorded in Book 4362, page 3898, Public Records of Volusia County, Florida.

Respondent(s) shall be responsible for all charges incurred to record any lien, or satisfaction of lien, with the Clerk of Court

DONE AND ORDERED the 27 day of September, 2023, in the City of Port Orange, Volusia County, Florida.

SPECIAL MAGISTRATE
CITY OF PORT ORANGE, FLORIDA

By: 

Special Magistrate

I HEREBY CERTIFY that a true and correct copy of the foregoing order has been furnished to the Respondent by U.S. Mail this 27 day of September, 2023.


Secretary, Special Magistrate

RIGHT TO APPEAL

PURSUANT TO F.S. CH. 162.11, 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 THIS ORDER. SUCH AN APPEAL SHALL BE LIMITED TO APPELLATE REVIEW OF THE TESTIMONY AND EVIDENCE OF THE PROCEEDING CREATED BEFORE THE SPECIAL MAGISTRATE.

Exhibit A
Affidavit of Non-Compliance

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

Vs.

CASE NO: 22-1393

James V. Kloos
Itala M. Kloos
828 Sugar House Boulevard
Port Orange, FL 32129

Property Address: 828 Sugar House Boulevard
Port Orange, FL 32129
Parcel ID: 6337-08-01-0080

Respondents,

AFFIDAVIT OF NON-COMPLIANCE

STATE OF FLORIDA
COUNTY OF VOLUSIA

BEFORE ME, the undersigned authority, personally appeared; Dena Joseph, Code Enforcement Officer for the City of Port Orange, Florida. Who, after being duly sworn, deposes and says:

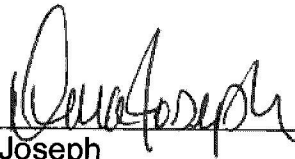
1. That on June 14, 2023, the Special Magistrate held a public hearing and issued his Order in the above-styled matter.
2. That pursuant to said Order, Respondents were to have taken certain corrective action by doing the following:
 - (1.) Demolishing the structure/home, which was destroyed by fire and is uninhabitable. Prior to demolition a permit was to be obtained through the City of Port Orange Building Department to include payment of all associated fees. (2.)

Once the permit was obtained, the structure was to be demolished to include the removal of all trash, junk, debris and personal items on the property. (3.) Following demolition, the property was to be filled, graded, and seeded with grass seed or sodded within five days of the date of completion of the demolition and comply with the established vegetation standards of the city, on or before July 17, 2023. ("Compliance Date"). Additionally, (4.) the property was to remain vacated, and any electricity shut off within 72 hours of the hearing. If this was not completed within the timeframe specified, the City had the right to immediately have FPL turn off the power to the location. The property was to remain vacated with the electricity shut off until all codes are complied with as determined by the City. (5.) The utilities were to be shut off within 72 hours of the hearing. If this was not completed within the timeframe specified, the City had the right to immediately turn off utilities to the location. (6.) All Danger postings, listing the building/units as unsafe/uninhabitable, were to remain as placed by the City.

3. That a re-inspection was performed on July 18, 2023.
4. That the re-inspection revealed that the corrective action ordered by the Special Magistrate has not been taken. In that, the property was not immediately vacated, the trash, debris, junk, and outside stored items were not removed, the utilities were not turned off by the respondents, no permits were applied for or obtained for the demolition that was to occur per said order, and the structure was not demolished by the respondents on or before July 17, 2023, as ordered in the Finding of Fact, Conclusion of Law and Order.

FURTHER AFFIANT SAYETH NOT.

DATED this 26th day of September, 2023.



Dena Joseph
Code Enforcement Officer
City of Port Orange

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing was sworn to and subscribed before me by means of ☒ physical presence or ☐ online notarization, this 26th day of September, 2023, by Dena Joseph, as the Code Enforcement Officer of the City of Port Orange, Florida, and who ☒ is personally known to me, or ☐ has produced _____ as identification.

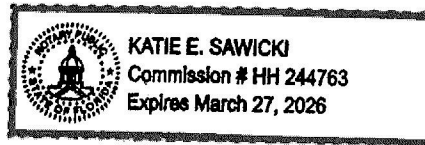


Notary Public, State of Florida at Large
Printed name, commission and expiration:

CITY OF PORT ORANGE, FLORIDA
I HEREBY CERTIFY the foregoing is a true copy
of the original filed in this office.

This document has/has not been redacted pursuant to Florida Law

This 27 day of September, 2023
By: [Signature]



**CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE**

CASE NO. 21-1131

CITY OF PORT ORANGE,
a Florida municipal corporation

Petitioner,

v.

Stephen Stewart

Property Address: 717 Dove Ave
Parcel Number: 6305-05-05-0080

Respondent.

Space Reserved for Recording Data

ORDER IMPOSING FINE/LIEN

This cause came on for public hearing before the Code Enforcement Special Magistrate of the City of Port Orange, after due notice to the Respondent, on the 25th day of August, 2021, at which time Staff and the Respondent (who did not appear) had the opportunity to be heard and the Magistrate made findings of fact, conclusions of law, and thereupon issued a written order finding that a violation existed, a copy having been furnished by U. S. Mail to the Respondent.

Said Order found Respondent in violation of the Port Orange 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 as the same pertains to all vehicles on the property are to be registered and in good running condition, covered by an approved or cover, or removed from property, and required Respondent to take certain corrective action no later than September 1, 2021 In the event of non-compliance by Respondent a fine in the amount of \$100.00 a day was imposed.

In consideration of the testimony taken and evidence presented at hearing, it is found as follows:

Respondent(s) failed to take action to correct the violations by September 1, 2021 by ensuring all vehicles on property were registered and in good, running condition, covered with an approved car cover, or removed from property as ordered. An Affidavit of Non-Compliance was filed with the Special Magistrate and testimony was presented by Code Enforcement Officer Daniel Bungart, certifying under oath that an inspection of the property revealed that the required corrective action had not been taken by the Respondent as ordered and a true and correct copy of that affidavit is attached hereto as Exhibit "A," and incorporated herein by reference.

The City has incurred total costs in the amount of \$97.80 by virtue of Respondent non-compliance.

Based upon the foregoing premises, and by the authority of Section 162.09, Florida Statutes and Article V, Part II, of the Code of Ordinances for the City of Port Orange, Florida; it is hereby,

ORDERED:

1. A fine in the amount of \$100.00 per day beginning on the 2nd day of September 2021, until the 28th day of September 2021, (\$2700.00) is hereby imposed upon the Respondent, Stephen Stewart. Daily fine shall run in favor of the local governing body of the City of Port Orange, Florida, and shall be payable to the order of:

CITY OF PORT ORANGE
1000 City Center Circle
Port Orange, FL 32129

2. In addition to said fine, Respondent shall pay to the City of Port Orange at the aforesaid address, the amount \$97.90 representing costs of enforcement.
3. A lien is imposed on the subject property in the amount of \$2797.90 representing the total of fines and cost of enforcement as aforesaid.

A certified copy of this Order shall be recorded in the Official Records of the office of the Clerk of the Circuit Court in Volusia County, Florida, and such recordation shall constitute a lien against all of the Respondent's real and personal property, in accordance with Florida Statute 162.09, said property to include, but is not limited to that real property described as follows:

Tax Parcel ID:

Street address: 717 Dove Avenue, Port Orange, Florida 32129

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

Respondent shall be responsible for all charges incurred to record any lien, or satisfaction of lien, with the Clerk of Court

DONE AND ORDERED the 13 day of October, 2021, in the City of Port Orange, Volusia County, Florida.

SPECIAL MAGISTRATE
CITY OF PORT ORANGE, FLORIDA

By: 
Special Magistrate

I HEREBY CERTIFY that a true and correct copy of the foregoing order has been furnished to the Respondent by U.S. Mail this 13 day of October, 2021.


Secretary, Special Magistrate

RIGHT TO APPEAL

PURSUANT TO F.S. CH. 162.11, 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 THIS ORDER. SUCH AN APPEAL SHALL BE LIMITED TO APPELLATE REVIEW OF THE TESTIMONY AND EVIDENCE OF THE PROCEEDING CREATED BEFORE THE SPECIAL MAGISTRATE.

21-1131 Exhibit A
Affidavit of Non-Compliance

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

Vs.

CASE NO: 21-1131

Stephen Stewart

Property Address: 717 Dove Avenue
Port Orange, FL 32129
Parcel ID: 6305-05-05-0080

Respondents,

AFFIDAVIT OF NON-COMPLIANCE

STATE OF FLORIDA
COUNTY OF VOLUSIA

BEFORE ME, the undersigned authority, personally appeared; Daniel Bungart, Code Enforcement Officer for the City of Port Orange, Florida. Who, after being duly sworn, deposes and says:

1. That on August 25, 2021 the Special Magistrate held a public hearing and issued his Order in the above-styled matter.
2. That pursuant to said Order, Respondents were to have taken certain corrective action on or before September 1, 2021.
3. That a re-inspection was performed on September 2, 2021.
4. That the re-inspection revealed that the corrective action ordered by the Special Magistrate has not been taken. In that, all vehicles on property were to have been properly registered and in good, running condition, covered with an approved car cover, or removed from property..

FURTHER AFFIANT SAYETH NOT.

DATED this 12th day of October, 2021.



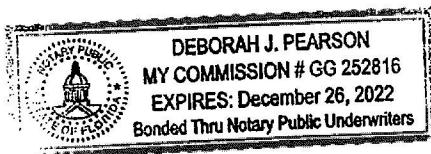
Code Enforcement Officer
City of Port Orange

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing was sworn to and subscribed before me by means of ☐ physical presence or ☐ online notarization, this 12th day of October, 2021, by Daniel Bungart, as the Code Enforcement Officer of the City of Port Orange, Florida, and who ☒ is personally known to me, or ☐ has produced _____ as identification.



Notary Public, State of Florida at Large
Printed name, commission and expiration:



**CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE**

CASE NO. 20-1777

CITY OF PORT ORANGE,
a Florida municipal corporation

Petitioner,

v.

Stephen Stewart

Property Address: 717 Dove Avenue
Parcel Number: 6305-05-05-0080

Respondent.

Space Reserved for Recording Data

ORDER IMPOSING FINE/LIEN

This cause came on for public hearing before the Code Enforcement Special Magistrate of the City of Port Orange, after due notice to the Respondent, on the 8th day of December 2021, at which time Staff and the Respondent (who did not appear) had the opportunity to be heard and the Magistrate made findings of fact, conclusions of law, and thereupon issued a written order finding that a violation existed, a copy having been furnished by U. S. Mail to the Respondent.

Said Order found Respondent in violation of the Port Orange 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, 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 Chapter 42, (Nuisances), Article II (Garbage, junk and undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), (h) Abutting property owner maintenance of parkages as the same pertains to trimming all high weeds and grass and blowing debris back onto the property and removing all outdoor storage on the side of the house, and required Respondent to take certain corrective action no later than December 13th, 2021. In the event of non-compliance by Respondent a fine in the amount of \$100.00 a day was imposed. The violation was found to present a serious threat to the public health, safety, and welfare and, as a result, it was referred to the local governing body with the authority to make all repairs reasonably required to bring the property into compliance.

In consideration of the testimony taken and evidence presented at hearing, it is found as follows:

Respondent failed to take action to correct the violations by December 13th, 2021 as ordered. An Affidavit of Non-Compliance was filed with the Special Magistrate and testimony was presented by Code Enforcement Officer Daniel Bungart, certifying under oath that an inspection of the property revealed that the required corrective action had not been taken by the Respondent as ordered and a true and correct copy of that affidavit is attached hereto as Exhibit "A," and incorporated herein by reference.

After such non-compliance, the City retained vendor Mark Solomon Properties, who abated the violations at the cost of \$106.00, on December 17, 2021. An invoice reflecting these charges was placed into evidence.

The City has incurred total costs in the amount of \$90.72 by virtue of Respondent non-compliance.

Based upon the foregoing premises, and by the authority of Section 162.09, Florida Statutes and Article V, Part II, of the Code of Ordinances for the City of Port Orange, Florida; it is hereby,

ORDERED:

1. A fine in the amount of \$100.00 per day beginning on the 14th day of December, 2021, until the 16th day of December, 2021 is hereby imposed upon the Respondent, Stephen Stewart. Said daily fine shall run in favor of the local governing body of the City of Port Orange, Florida, and shall be payable to the order of:

CITY OF PORT ORANGE
1000 City Center Circle
Port Orange, FL 32129

2. In addition to said fine, Respondent shall pay to the City of Port Orange at the aforesaid address, the amount of \$106.00 representing vendor costs and \$90.72 representing costs of enforcement.
3. A lien is imposed on the subject property in the amount of \$496.72 representing the total of fines, vendor abatement costs, and cost of enforcement as aforesaid.

A certified copy of this Order shall be recorded in the Official Records of the office of the Clerk of the Circuit Court in Volusia County, Florida, and such recordation shall constitute a lien against all of the Respondent's real and personal property, in accordance with Florida Statute 162.09, said property to include, but is not limited to that real property described as follows:

Tax Parcel ID: 6305-05-05-0080
 Street address: 717 Dove Avenue, Port Orange, Florida 32129
 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

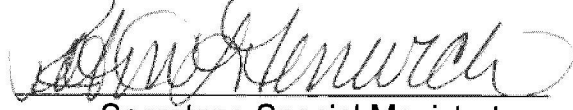
Respondent(s) shall be responsible for all charges incurred to record any lien, or satisfaction of lien, with the Clerk of Court

DONE AND ORDERED the 12 day of Jan, 2022, in the City of Port Orange, Volusia County, Florida.

SPECIAL MAGISTRATE
 CITY OF PORT ORANGE, FLORIDA

By: 
 Special Magistrate

I HEREBY CERTIFY that a true and correct copy of the foregoing order has been furnished to the Respondent by U.S. Mail this 14 day of Jan, 2022.


 Secretary, Special Magistrate

RIGHT TO APPEAL

PURSUANT TO F.S. CH. 162.11, 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 THIS ORDER. SUCH AN APPEAL SHALL BE LIMITED TO APPELLATE REVIEW OF THE TESTIMONY AND EVIDENCE OF THE PROCEEDING CREATED BEFORE THE SPECIAL MAGISTRATE.

Exhibit A
Affidavit of Non-Compliance

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

Vs.

CASE NO: 21-1777

Stephen Stewart

Property Address: 717 Dove Avenue
Port Orange, FL 32129
Parcel ID: 6305-05-05-0080

Respondents,

AFFIDAVIT OF NON-COMPLIANCE

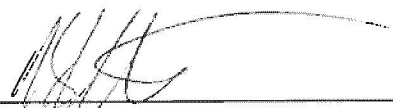
STATE OF FLORIDA
COUNTY OF VOLUSIA

BEFORE ME, the undersigned authority, personally appeared; Daniel Bungart, Code Enforcement Officer for the City of Port Orange, Florida. Who, after being duly sworn, deposes and says:

1. That on December 8, 2021, the Special Magistrate held a public hearing and issued his Order in the above-styled matter.
2. That pursuant to said Order, Respondents were to have taken certain corrective action on or before December 13, 2021.
3. That a re-inspection was performed on December 14, 2021.
4. That the re-inspection revealed that the corrective action ordered by the Special Magistrate has not been taken. In that, high weeds and grass were not trimmed and outdoor storage located on side and rear of property was still present.

FURTHER AFFIANT SAYETH NOT.

DATED this 12th day of January, 2022.



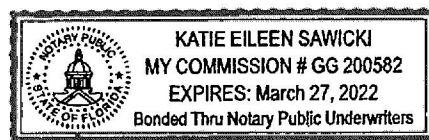
Code Enforcement Officer
City of Port Orange

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing was sworn to and subscribed before me by means of ☒ physical presence or ☐ online notarization, this 12th day of January, 2022, by Daniel Bungan, as the Code Enforcement Officer of the City of Port Orange, Florida, and who ☒ is personally known to me, or ☐ has produced _____ as identification.



Notary Public, State of Florida at Large
Printed name, commission and expiration:



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 14 day of Jan, 2022
By: [Signature]

**CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE**

CASE NO. ²¹20-1777

CITY OF PORT ORANGE,
a Florida municipal corporation

Petitioner,

v.

Stephen Stewart

Property Address: 717 Dove Avenue
Parcel Number: 6305-05-05-0080

Respondent.

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Space Reserved for Recording Data

ORDER IMPOSING FINE/LIEN

This cause came on for public hearing before the Code Enforcement Special Magistrate of the City of Port Orange, after due notice to the Respondent, on the 8th day of December 2021, at which time Staff and the Respondent (who did not appear) had the opportunity to be heard and the Magistrate made findings of fact, conclusions of law, and thereupon issued a written order finding that a violation existed, a copy having been furnished by U. S. Mail to the Respondent.

Said Order found Respondent in violation of the Port Orange 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, 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 Chapter 42, (Nuisances), Article II (Garbage, junk and undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), (h) Abutting property owner maintenance of parkages as the same pertains to trimming all high weeds and grass and blowing debris back onto the property and removing all outdoor storage on the side of the house, and required Respondent to take certain corrective action no later than December 13th, 2021. In the event of non-compliance by Respondent a fine in the amount of \$100.00 a day was imposed. The violation was found to present a serious threat to the public health, safety, and welfare and, as a result, it was referred to the local governing body with the authority to make all repairs reasonably required to bring the property into compliance.

In consideration of the testimony taken and evidence presented at hearing, it is found as follows:

Respondent failed to take action to correct the violations by December 13th, 2021 as ordered. An Affidavit of Non-Compliance was filed with the Special Magistrate and testimony was presented by Code Enforcement Officer Daniel Bungart, certifying under oath that an inspection of the property revealed that the required corrective action had not been taken by the Respondent as ordered and a true and correct copy of that affidavit is attached hereto as Exhibit "A," and incorporated herein by reference.

After such non-compliance, the City retained vendor Mark Solomon Properties, who abated the violations at the cost of \$106.00, on December 17, 2021. An invoice reflecting these charges was placed into evidence.

The City has incurred total costs in the amount of \$90.72 by virtue of Respondent non-compliance.

Based upon the foregoing premises, and by the authority of Section 162.09, Florida Statutes and Article V, Part II, of the Code of Ordinances for the City of Port Orange, Florida; it is hereby,

ORDERED:

1. A fine in the amount of \$100.00 per day beginning on the 14th day of December, 2021, until the 16th day of December, 2021 is hereby imposed upon the Respondent, Stephen Stewart. Said daily fine shall run in favor of the local governing body of the City of Port Orange, Florida, and shall be payable to the order of:

CITY OF PORT ORANGE
1000 City Center Circle
Port Orange, FL 32129

2. In addition to said fine, Respondent shall pay to the City of Port Orange at the aforesaid address, the amount of \$106.00 representing vendor costs and \$90.72 representing costs of enforcement.
3. A lien is imposed on the subject property in the amount of \$496.72 representing the total of fines, vendor abatement costs, and cost of enforcement as aforesaid.

A certified copy of this Order shall be recorded in the Official Records of the office of the Clerk of the Circuit Court in Volusia County, Florida, and such recordation shall constitute a lien against all of the Respondent's real and personal property, in accordance with Florida Statute 162.09, said property to include, but is not limited to that real property described as follows:

Tax Parcel ID: 6305-05-05-0080
Street address: 717 Dove Avenue, Port Orange, Florida 32129
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

Respondent(s) shall be responsible for all charges incurred to record any lien, or satisfaction of lien, with the Clerk of Court

DONE AND ORDERED the 12 day of Jan, 2022, in the City of Port Orange, Volusia County, Florida.

SPECIAL MAGISTRATE
CITY OF PORT ORANGE, FLORIDA

By: 

Special Magistrate

I HEREBY CERTIFY that a true and correct copy of the foregoing order has been furnished to the Respondent by U.S. Mail this 14 day of Jan, 2022.


Secretary, Special Magistrate

RIGHT TO APPEAL

PURSUANT TO F.S. CH. 162.11, 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 THIS ORDER. SUCH AN APPEAL SHALL BE LIMITED TO APPELLATE REVIEW OF THE TESTIMONY AND EVIDENCE OF THE PROCEEDING CREATED BEFORE THE SPECIAL MAGISTRATE.

Exhibit A
Affidavit of Non-Compliance

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

Vs.

CASE NO: 21-1777

Stephen Stewart

Property Address: 717 Dove Avenue
Port Orange, FL 32129
Parcel ID: 6305-05-05-0080

Respondents,

AFFIDAVIT OF NON-COMPLIANCE

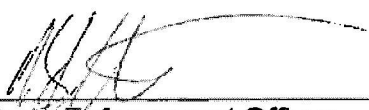
STATE OF FLORIDA
COUNTY OF VOLUSIA

BEFORE ME, the undersigned authority, personally appeared; Daniel Bungart, Code Enforcement Officer for the City of Port Orange, Florida. Who, after being duly sworn, deposes and says:

1. That on December 8, 2021, the Special Magistrate held a public hearing and issued his Order in the above-styled matter.
2. That pursuant to said Order, Respondents were to have taken certain corrective action on or before December 13, 2021.
3. That a re-inspection was performed on December 14, 2021.
4. That the re-inspection revealed that the corrective action ordered by the Special Magistrate has not been taken. In that, high weeds and grass were not trimmed and outdoor storage located on side and rear of property was still present.

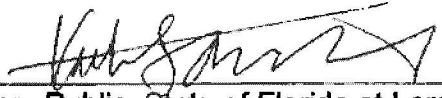
FURTHER AFFIANT SAYETH NOT.

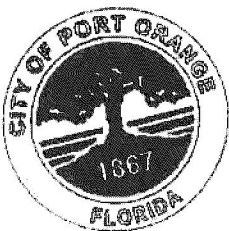
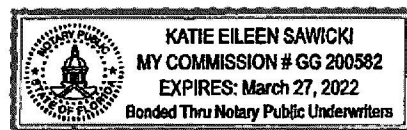
DATED this 12th day of January, 2022.


Code Enforcement Officer
City of Port Orange

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing was sworn to and subscribed before me by means of ☒ physical presence or ☐ online notarization, this 12th day of January, 2022, by Daniel Bunkart, as the Code Enforcement Officer of the City of Port Orange, Florida, and who ☒ is personally known to me, or ☐ has produced _____ as identification.


Notary Public, State of Florida at Large
Printed name, commission and expiration:



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 14 day of Jan, 2022
By: [Signature]

**CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE**

CASE NO. 22-0817

CITY OF PORT ORANGE,
a Florida municipal corporation

Petitioner,

v.

Stephen Stewart
717 Dove Avenue
Port Orange, FL 32129

Property Address: 717 Dove Avenue
Port Orange, FL 32129
Parcel ID: 6305-05-05-0080

Respondent. _____

Space Reserved for Recording Data

ORDER IMPOSING FINE/LIEN

This cause came on for public hearing before the Code Enforcement Special Magistrate of the City of Port Orange, after due notice to the Respondent(s), on the 14th day of September, 2022, at which time Staff and the Respondent(s) had the opportunity to be heard and the Magistrate made findings of fact, conclusions of law, and thereupon issued a written order finding that a violation existed, a copy having been furnished by U. S. Mail to the Respondent.

Said Order found Respondent(s) in 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) and (h) Abutting property owner maintenance of parkages of the City of Port Orange Code of Ordinances as the same pertains to high weeds and grass and required Respondent(s) to take certain corrective action no later than September 21, 2022. In the event of non-compliance by Respondent(s) a fine in the amount of \$150.00 per day was imposed.

In consideration of the testimony taken and evidence presented at hearing, it is found as follows:

Respondent(s) failed to take action to correct the violations by September 21, 2022, by mowing entire property to area behind fence which belongs to the owner and weed eating the property as ordered. An Affidavit of Non-Compliance was filed with the Special Magistrate and testimony was presented by Code Enforcement Officer Dena Joseph, certifying under oath that an inspection of the property revealed that the

required corrective action had not been taken by the Respondent(s) as ordered and a true and correct copy of that affidavit is attached hereto as Exhibit "A," and incorporated herein by reference.

Based upon the foregoing premises, and by the authority of Section 162.09, Florida Statutes and Article V, Part II, of the Code of Ordinances for the City of Port Orange, Florida; it is hereby,

ORDERED:

1. A fine in the amount of \$150.00 per day beginning on the 22nd day of September, 2022, is hereby imposed upon the Respondent(s), Stephen Stewart. Said daily fine shall continue to accrue thereafter in the amount of \$150.00 per day for each and every day the violation exists, and in either event shall run in favor of the local governing body of the City of Port Orange, Florida, and shall be payable to the order of:

CITY OF PORT ORANGE
1000 City Center Circle
Port Orange, FL 32129

2. In addition to said fine, Respondent(s) shall pay to the City of Port Orange at the aforesaid address, the amount of \$100.67 representing costs of enforcement.
3. The Respondent shall notify Code Enforcement Officer Dena Joseph, to request a re-inspection, if the Respondent complies with the Magistrate's Order of finding that a violation exists.

A certified copy of this Order shall be recorded in the Official Records of the office of the Clerk of the Circuit Court in Volusia County, Florida, and such recordation shall constitute a lien against all of the Respondent's real and personal property, in accordance with Florida Statute 162.09, said property to include, but is not limited to that real property described as follows:

Tax Parcel ID: 6305-05-05-0080
Street address: 717 Dove Avenue, Port Orange, Florida.
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, of the Public Records of Volusia County, Florida; and per deed recorded in Book 7821, page 3394, Public Records of Volusia County, Florida.

Respondent(s) shall be responsible for all charges incurred to record any lien, or satisfaction of lien, with the Clerk of Court

DONE AND ORDERED the 26 day of October, 2022, in the City of Port Orange, Volusia County, Florida.

SPECIAL MAGISTRATE
CITY OF PORT ORANGE, FLORIDA

By: [Signature]
Special Magistrate

I HEREBY CERTIFY that a true and correct copy of the foregoing order has been furnished to the Respondent by U.S. Mail this 26 day of October, 2022.

[Signature]
Secretary, Special Magistrate

RIGHT TO APPEAL

PURSUANT TO F.S. CH. 162.11, 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 THIS ORDER. SUCH AN APPEAL SHALL BE LIMITED TO APPELLATE REVIEW OF THE TESTIMONY AND EVIDENCE OF THE PROCEEDING CREATED BEFORE THE SPECIAL MAGISTRATE.

Exhibit A
Affidavit of Non-Compliance

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

Stephen Stewart
Property Owner
717 Dove Avenue
Port Orange, FL 32129

Property Address: 717 Dove Avenue, Port Orange, FL 32129
Parcel Number: 6305-05-05-0080

Respondents,

AFFIDAVIT OF NON-COMPLIANCE

STATE OF FLORIDA
COUNTY OF VOLUSIA

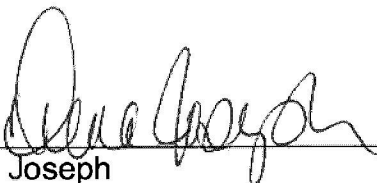
BEFORE ME, the undersigned authority, personally appeared; Dena Joseph, Code Enforcement Officer for the City of Port Orange, Florida. Who, after being duly sworn, deposes and says:

1. That on September 14, 2022, the Special Magistrate held a public hearing and issued his Order in the above-styled matter.
2. That pursuant to said Order, Respondents were to have taken certain corrective action on or before September 21, 2022, by mowing entire property including area behind the fence and weed eating.

3. That a re-inspection was performed on September 22, 2022.
4. That the re-inspection revealed that the corrective action ordered by the Special Magistrate has not been taken. In that, the area behind the fence was not mowed as required.

FURTHER AFFIANT SAYETH NOT.

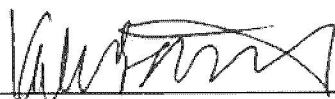
DATED this 25th day of October, 2022.



Dena Joseph
Code Enforcement Officer
City of Port Orange

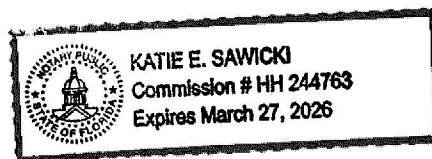
STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing was sworn to and subscribed before me by means of ☒ physical presence or ☐ online notarization, this 25 day of October, 2022, by Dena Joseph, as the Code Enforcement Officer of the City of Port Orange, Florida, and who ☒ is personally known to me, or ☐ has produced _____ as identification.



Notary Public, State of Florida at Large
Printed name, commission and expiration:

6



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 26 day of October, 2022
By: Scotty

**CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE**

CASE NO. 23-0373

CITY OF PORT ORANGE,
a Florida municipal corporation

Petitioner,

v.

Stephen Stewart
Property Owner
717 Dove Avenue
Port Orange, Florida 32129

Property Address: 717 Dove Avenue Port Orange, Florida 32129
Parcel Number: 630505050080

Respondent. _____

Space Reserved for Recording Data

ORDER IMPOSING FINE/LIEN

This cause came on for public hearing before the Code Enforcement Special Magistrate of the City of Port Orange, after due notice to the Respondent(s), on the 14th day of June, 2023, at which time Staff and the Respondent(s) had the opportunity to be heard and the Magistrate made findings of fact, conclusions of law, and thereupon issued a written order finding that a violation existed, a copy having been furnished by U. S. Mail to the Respondent.

Said Order found Respondent(s) in violation of Chapter 6 (Mechanical and Electrical Requirements), Section 601 (General), 601.2 (Responsibility), of the 2021 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of the Port Orange Code of Ordinances as the same pertains to lack of electricity on the property and required Respondent(s) to take certain corrective action no later than June, 17th 2023. In the event of non-compliance by Respondent(s) a fine in the amount of \$150.00 per day was imposed.

In consideration of the testimony taken and evidence presented at the hearing, it is found as follows:

Respondent(s) failed to take action to correct the violations by (June, 17th 2023 by re-establishing electrical service to the property.) as ordered. An Affidavit of Non-Compliance was filed with the Special Magistrate and testimony was presented by Code Enforcement Officer Bailey Hornbuckle, certifying under oath that an inspection of the property revealed that the required corrective action had not been taken by the

Respondent(s) as ordered and a true and correct copy of that affidavit is attached hereto as Exhibit "A," and incorporated herein by reference.

Based upon the foregoing premises, and by the authority of Section 162.09, Florida Statutes and Article V, Part II, of the Code of Ordinances for the City of Port Orange, Florida; it is hereby,

ORDERED:

1. A fine in the amount of \$150.00 per day beginning on the 18th day of June 2023, is hereby imposed upon the Respondent(s), Stephen Stewart. Said daily fine shall continue to accrue thereafter in the amount of \$150.00 per day for each and every day the violation exists, and in either event shall run in favor of the local governing body of the City of Port Orange, Florida, and shall be payable to the order of:

CITY OF PORT ORANGE
1000 City Center Circle
Port Orange, FL 32129

2. In addition to said fine, Respondent(s) shall pay to the City of Port Orange at the aforesaid address, \$102.06 representing costs of enforcement.
3. The Respondent shall notify Code Enforcement Officer Bailey Hornbuckle, to request a re-inspection, if the Respondent complies with the Magistrate's Order of finding that a violation exists.

A certified copy of this Order shall be recorded in the Official Records of the office of the Clerk of the Circuit Court in Volusia County, Florida, and such recordation shall constitute a lien against all of the Respondent's real and personal property, in accordance with Florida Statute 162.09, said property to include, but is not limited to that real property described as follows:

Tax Parcel ID: 630505050080
Street address: 717 Dove Avenue, Port Orange, Florida.
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, of the Public Records of Volusia County, Florida; and per deed recorded in Book 7821, page 3394, Public Records of Volusia County, Florida.

Respondent(s) shall be responsible for all charges incurred to record any lien, or satisfaction of lien, with the Clerk of Court

DONE AND ORDERED the 26 day of July, 2023, in the City of Port Orange, Volusia County, Florida.

**SPECIAL MAGISTRATE
CITY OF PORT ORANGE, FLORIDA**

By: [Signature]
Special Magistrate

I HEREBY CERTIFY that a true and correct copy of the foregoing order has been furnished to the Respondent by U.S. Mail this 26 day of July, 2023.

[Signature]
Secretary, Special Magistrate

RIGHT TO APPEAL

PURSUANT TO F.S. CH. 162.11, 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 THIS ORDER. SUCH AN APPEAL SHALL BE LIMITED TO APPELLATE REVIEW OF THE TESTIMONY AND EVIDENCE OF THE PROCEEDING CREATED BEFORE THE SPECIAL MAGISTRATE.

Exhibit A
Affidavit of Non-Compliance

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

Vs.

CASE NO: 23-0373

Stephen Stewart
Property Owner
717 Dove Avenue
Port Orange Florida 32129

Property Address: 717 Dove Avenue
Port Orange, FL 32129
Parcel ID: 630505050080

Respondents,

AFFIDAVIT OF NON-COMPLIANCE

STATE OF FLORIDA
COUNTY OF VOLUSIA

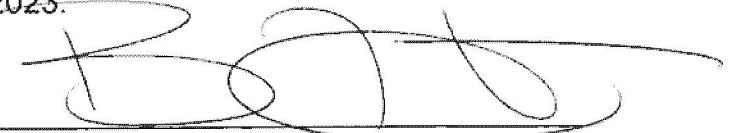
BEFORE ME, the undersigned authority personally appeared; Bailey Hornbuckle, Code Enforcement Officer for the City of Port Orange, Florida. Who, after being duly sworn, deposes and says:

1. That on June 14th, 2023 the Special Magistrate held a public hearing and issued his Order in the above-styled matter.
2. That pursuant to said Order, Respondents were to have taken certain corrective action on or before June 17th, 2023.
3. That a re-inspection was performed on June 20th, 2023.

4. That the re-inspection revealed that the corrective action ordered by the Special Magistrate has not been taken. In that, the electrical service has not been re-established to the property.

FURTHER AFFIANT SAYETH NOT.

DATED this 25th day of July, 2023.



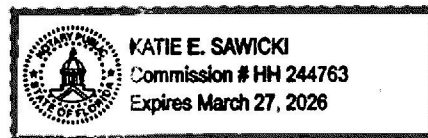
Code Enforcement Officer
City of Port Orange

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing was sworn to and subscribed before me by means of ☒ physical presence or ☐ online notarization, this 25th day of July, 2023, by Bailey Hornbuckle, as the Code Enforcement Officer of the City of Port Orange, Florida, and who ☒ is personally known to me, or ☐ has produced _____ as identification.



Notary Public, State of Florida at Large
Printed name, commission and expiration:



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 26 day of July, 2023
By: [Signature]

**CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE**

CASE NO. 24-0332

CITY OF PORT ORANGE,
a Florida municipal corporation

Petitioner,

v.

Stephen Stewart

717 Dove Avenue
Port Orange, FL 32129
Parcel Number: 6305-05-05-0080

Respondent.

Space Reserved for Recording Data

ORDER IMPOSING FINE/LIEN

This cause came on for public hearing before the Code Enforcement Special Magistrate of the City of Port Orange, after due notice to the Respondent(s), on the 8th day of May, 2024, at which time Staff and the Respondent(s) had the opportunity to be heard and the Magistrate made findings of fact, conclusions of law, and thereupon issued a written order finding that a violation existed, a copy having been furnished by U. S. Mail to the Respondent.

Said Order found Respondent(s) in violation of

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, as the same pertains to the home not being connected to the city water system and required Respondent(s) to take certain corrective action no later than May 19, 2024. In the event of non-compliance by Respondent(s) a onetime fine in the amount of \$1,000.00 was imposed.

In consideration of the testimony taken and evidence presented at hearing, it is found as follows:

Respondent(s) failed to take action to correct the violations by May 19, 2024, by not connecting to the City of Port Orange water system as ordered. An Affidavit of Non-Compliance was filed with the Special Magistrate and testimony was presented by Code Enforcement Officer Sherry Schimizzi, certifying under oath that a re-inspection of the property revealed that the required corrective action had not been taken by the

Respondent(s) as ordered and a true and correct copy of that affidavit is attached hereto as Exhibit "A," and incorporated herein by reference.

The City has incurred total costs in the amount of \$131.48 by virtue of Respondent(s) non-compliance.

Based upon the foregoing premises, and by the authority of Section 162.09, Florida Statutes and Article V, Part II, of the Code of Ordinances for the City of Port Orange, Florida; it is hereby,

ORDERED:

1. A onetime fine in the amount of \$1,000.00 beginning on the 20th day of May 2024, is hereby imposed upon the Respondent(s), Stephen Stewart. The onetime shall run in favor of the local governing body of the City of Port Orange, Florida, and shall be payable to the order of:

CITY OF PORT ORANGE
1000 City Center Circle
Port Orange, FL 32129

2. In addition to said fine, Respondent(s) shall pay to the City of Port Orange at the aforesaid address, the amount of \$131.48 representing costs of enforcement.
3. A lien is imposed on the subject property in the amount of \$1,131.48 representing the total of fines, and cost of enforcement as aforesaid.
4. The Respondent shall notify Code Enforcement Officer Sherry Schimizzi, to request a re-inspection, if the Respondent complies with the Magistrate's Order of finding that a violation exists.

A certified copy of this Order shall be recorded in the Official Records of the office of the Clerk of the Circuit Court in Volusia County, Florida, and such recordation shall constitute a lien against all of the Respondent's real and personal property, in accordance with Florida Statute 162.09, said property to include, but is not limited to that real property described as follows:

Tax Parcel ID: 6305-05-05-0080

Street address: 717 Dove Ave, Port Orange, Florida.

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, of the Public Records of Volusia County, Florida; and per deed recorded in Book 7821, page 3394, Public Records of Volusia County, Florida.

Respondent(s) shall be responsible for all charges incurred to record any lien, or satisfaction of lien, with the Clerk of Court

DONE AND ORDERED the 12 day of June, 2024, in the City of Port Orange, Volusia County, Florida.

SPECIAL MAGISTRATE
CITY OF PORT ORANGE, FLORIDA

By: 
David Fuller, Special Magistrate

I HEREBY CERTIFY that a true and correct copy of the foregoing order has been furnished to the Respondent by U.S. Mail this 13 day of June, 2024.


Secretary, Special Magistrate

RIGHT TO APPEAL

PURSUANT TO F.S. CH. 162.11, 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 THIS ORDER. SUCH AN APPEAL SHALL BE LIMITED TO APPELLATE REVIEW OF THE TESTIMONY AND EVIDENCE OF THE PROCEEDING CREATED BEFORE THE SPECIAL MAGISTRATE.

Exhibit A
Affidavit of Non-Compliance

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

Vs.

CASE NO: 24-0332

Stephen Stewart
717 Dove Ave
Port Orange, FL 32129
Parcel ID: 6305-05-05-0080

Respondent,

AFFIDAVIT OF NON-COMPLIANCE

STATE OF FLORIDA
COUNTY OF VOLUSIA

BEFORE ME, the undersigned authority, personally appeared; Sherry Schimizzi, Code Enforcement Officer for the City of Port Orange, Florida. Who, after being duly sworn, deposes and says:

1. That on May 8, 2024, the Special Magistrate held a public hearing and issued his Order in the above-styled matter.
2. That pursuant to said Order, Respondent was to take certain corrective action on or before May 19, 2024.
3. That a re-inspection was performed on May 20, 2024.
4. That the re-inspection revealed that the corrective action ordered by the Special Magistrate has not been taken. In that, the property owner did not reestablish a water connection with the City of Port Orange.

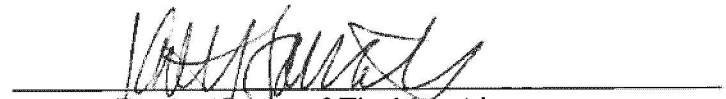
FURTHER AFFIANT SAYETH NOT.

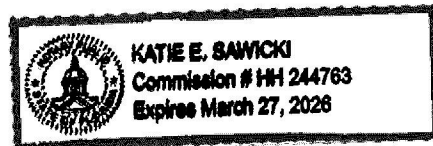
DATED this 10th day of June, 2024.


Code Enforcement Officer
City of Port Orange

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing was sworn to and subscribed before me by means of ☒ physical presence or ☐ online notarization, this 10th day of June, 2024, by Sherry Schimizza, as the Code Enforcement Officer of the City of Port Orange, Florida, and who ☒ is personally known to me, or ☐ has produced _____ as identification.

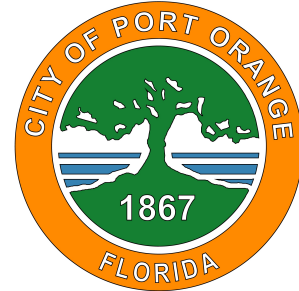

Notary Public, State of Florida at Large
Printed name, commission and expiration:



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 adapted pursuant to Florida law.
This 13 day of June, 2024
By: Scatg



City of Port Orange



Estoppel Letter

Property Address:
717 Dove Ave
Port Orange, Florida 32129

Effective Date:
11/07/2024

Requested By:
Port Orange City Clerk
1000 City Center Cir
Port Orange, Florida 32129

Folio#: 630505050080

1. Utility Charges (Water/Sewer/Solid Waste/Drainage)

Customer #/Location ID:	Per Diem (If Applicable)*:	Amount Due:	Utility Lien (Book/Page):
173527-14903	1.22	\$1,632.42	8525/48

Notes:

2. Code Enforcement

Case #:	Amount Due:	Per Diem (If Applicable)*:	Code Lien (Book/Page):	Comments:
21-1777	\$590.55		8190/2073, 8188/459	
24-0332	\$131.48		8570/382	
23-0373	\$45,160.55		8439/4049	
22-0817	\$11,687.60		8328/4637	
21-1131	\$3,356.15		8136/4051	

3 Building Permits

Permit #**:	Permit Description:	Permit Status:
None Found		

Notes:

4. Miscellaneous Charges

Type :	Amount Due:	Per Diem (if Applicable)*:	Book/Page:	Comments:
None				

Total Due:

\$62,558.75

*: Per Diem to be added to Total Due if paid after 10 days from date of this Estoppel Report.

** : Permit Charges Include: Fire, Parks, Transportation Impact Fees, Connection Charges.

Contact Orange Lien Data to get up-to-date payment information, before remitting payment or with any questions concerning this report.

*****PLEASE MAKE TOTAL DUE, shown on above report, PAYABLE DIRECTLY TO: City of Port Orange, Customer Service, 1000 City Center Circle, Port Orange, FL 32129.*****

*****Please return a copy of this report to the City with your TOTAL DUE payment and indicate the name of the person paying the 'Total Due'*****

The above charges include late fees, interest, lien filing fees, release fees, and per diem fees. This report is valid if the 'TOTAL DUE' is received by the City within ten (10) days from the date of this report.

*****THIS IS NOT A FINAL BILL*****

If there is an open/expired permit listed above, you MUST contact the City of Port Orange Building Department in person or by calling 386-506-5602 for instructions on inspections and closing out the permit(s).

Should you have a Department related questions, please see below:

1. Utility questions/payments? Call 386-506-5720
2. Code questions/payments ? Call 386-506-5644
3. Permit or Community Development questions/payments? Call 386-506-5611
4. Lot Mow or False Alarm questions/payments? Call 386-506-5716

THIS COMPANY, in issuing this Municipal Information Report Report (hereinafter referred to as the "Report"), assumes no liability on account of any instrument or proceedings which may contain defects that would render such instrument or proceedings null and void or defective. All information pertaining to the Property are assumed to be good and valid. Customer, by accepting this Report, agrees to indemnify and hold Company harmless from any claims or losses in excess of the limited amount agreed upon by the parties. This Report contains no expressed or implied opinion, warranty, guarantee, insurance or other similar assurance as to the status of title to real property. This report should only be relied upon for unrecorded matters.

Case Cost Sheet Log

Case No. 24-1211

Name	Activity	Activity_Date	Status	Cost
Mark Davison - Spruce Creek Woods Dr	Cost to mail Notice of Violation and Notice of Hearing	09/12/2024	Certified & Regular mail returned not deliverable as addressed	\$10.33
Mark Davison - Bayview Dr	Cost to mail Notice of Violation and Notice of Hearing	09/12/2024		\$10.33
Clerk of Court	Cost to record Finding of Fact	10/23/2024		\$29.25
Mark Davison - Spruce Creek Woods Dr	Cost to mail Finding of Fact	10/23/2024		\$10.33
Mark Davison - Bayview Dr	Cost to mail Finding of Fact	10/23/2024		\$10.33
Mark Davison - Spruce Creek Woods Dr.	Cost to mail Order Imposing Fine/Lien	12/11/2024		\$10.33
Mark Davison - Bayview Drive	Cost to mail Order Imposing Fine/Lien	12/11/2024		\$10.33
Clerk of Court	Cost to record Order Imposing Fine/Lien	12/11/2024		\$29.25

Total: \$120.48



10/23
12/11

**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

CITY OF PORT ORANGE,

Petitioner

CASE NO. 24-1211

To: Mark Davison
5828 Spruce Creek Woods Drive
Port Orange, FL 32127

Re: 1125 Bayview Drive
Port Orange, FL 32127
Parcel ID: 6315-06-01-0130

LEGAL DESCRIPTION: 15-16-33 E 60 FT OF W 785 FT OF N 140 FT OF LOT 7 ASSRS SUB MB 3 PG 82 AKA LOT 13
BLK 1 BAYVIEW HOMESITES UNREC SUB #209 PER OR 5147 PG 3836
Volusia County Public Records
Volusia County, FL

An inspection of the premises on August 30, 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 October 7, 2024, by doing the following: 1) The entire property needs to be mowed, maintained and all high weeds trimmed. The fallen tree and all tree limbs must be removed from the property. 2) The damaged chain-link fence must be repaired to its original and upright condition 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 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:

- 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. Additionally, the fallen tree and all tree limbs must be removed from 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 of this property found a damaged chain-link fence.

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate October 23, 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 \$ 20.66 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 **October 23, 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 **December 11, 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 September, 2024.

CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT OFFICER

By: C. Scott Coleman

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to: Mark Davison, 1125 Bayview Drive, Port Orange, FL 32127, RE: 1125 Bayview Drive, Port Orange, FL 32127, was

☐ Hand-delivered Recipient of hand delivered documents: _____
☒ Posted at the property 9-12-24 (date)
☒ Posted at City Hall 9-12-24 (date)

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

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to: Mark Davison, 1125 Bayview Drive, Port Orange, FL 32127, RE: 1125 Bayview Drive, Port Orange, FL 32127, was sent via certified and regular mail this 12 day of September, 2024

Body
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: Mark Davison, 5828 Spruce Creek Woods Drive, Port Orange, FL 32127, RE: 1125 Bayview Drive, Port Orange, FL 32127, was sent via certified and regular mail this 12 day of September, 2024

Body
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.