



AGENDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF PORT ORANGE

Meeting Date: Wednesday, October 22, 2025

Time: 9:00 AM

Type of Meeting: Regular

Location: Council Chambers, City Hall
1000 City Center Circle
Port Orange, Florida

A. CALL TO ORDER

1. Attorney Overview of Special Magistrate Code Enforcement Process
2. Consideration of Minutes - October 8, 2025

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 25-1043
Respondent: Sunshine Housing LLC
Address of Violation: 5841 BoggsFord Road
Code Officer: James Johnston
First Notified: 8/8/2025

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), (f) Garbage, waste, trash, etc. prohibited of the City of Port Orange Code of Ordinances.

4. **CEB Case No.:** 25-2601
Respondent: Mary D Lenihan
Address of Violation: 4654 Secret River Trail
Code Officer: Jackson Concepcion
First Notified: 9/16/2025

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.

C. ORDER IMPOSING FINE/LIEN

5. **CEB Case No.:** 25-2585

Respondent: Francis E Thompson

Address of Violation: 1292 Harms Way

Code Officer: Dena Joseph

First Notified: 9/15/2025

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. 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.

D. ADJOURNMENT

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



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



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

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

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

CODE ENFORCEMENT SPECIAL MAGISTRATE
MEETING MINUTES
COUNCIL CHAMBERS – CITY HALL
1000 CITY CENTER CIRCLE
PORT ORANGE, FLORIDA
OCTOBER 8, 2025

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

PRESENT: David Fuller Jr., Special Magistrate

ALSO PRESENT: Scott Allman, Code Enforcement Officer
Dena Joseph, Code Enforcement Officer
Rachel Lippens, Code Enforcement Officer
Tracee Cody, Records Coordinator

Oaths

Code Enforcement Officers Dena Joseph, Rachel Lippens, and Scott Allman were sworn in by Special Magistrate Fuller.

CALL TO ORDER

1. Attorney Overview of Special Magistrate Code Enforcement Process

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

2. Consideration of Minutes - September 10, 2025

Special Magistrate Fuller approved the September 10, 2025 meeting minutes as presented.

FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 25-2143
Respondent: FL & Z INC.
Address of Violation: 5545 S. Williamson Blvd.
Code Officer: Dena Joseph
First Notified: 5/27/2025

Compliance: No

Cited for violation(s) - FL NFPA 01 2021 Chapter 13 Fire Protection Systems 13.3.3.2 (Fire Sprinkler System Not Inspected/Maintained Per NFPA 25)A sprinkler system installed in accordance with this code, shall be inspected, tested and maintained in accordance with NFPA 25; and FL NFPA 01 2021 Chapter 13 Fire Protection Systems 13. 7.1.4.2 (Fire Alarm System Not Inspected or Maintained) To ensure operational integrity, the fire alarm system shall have an approved maintenance and testing program complying with the applicable requirements of NFPA 70 AND NFPA 72.

Dena Joseph, Code Enforcement Officer, was sworn in by Special Magistrate Fuller and requested a continuation of the case until November 12, 2025. Special Magistrate Fuller granted the continuation request.

4. **CEB Case No.:** 25-2585

Respondent: Francis E Thompson

Address of Violation: 1292 Harms Way

Code Officer: Dena Joseph

First Notified: 9/15/2025

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. 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.

Ms. Joseph was sworn in by Special Magistrate Fuller and testified as to the condition of the property, as well as the notice provided to the property owner. Photos were submitted into evidence and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected immediately by mowing, weed-eating, removing all undergrowth, and blowing all debris back onto the property. Additionally, all the weeds in the landscaped areas must be weed-eated, and all grass must be removed off the sidewalk and driveway.

Ms. Joseph recommended the property owners be found in violation of the above referenced codes with the violations to be corrected immediately by mowing and weed-eating the entire property, removing all undergrowth, and blowing debris back onto the property. Additionally, all the weeds in the landscaped areas must be weed-eated and all grass must be removed off the sidewalk and driveway. In the event the property is not brought into compliance on or before the compliance date, and/or not maintained in a state of compliance, a one-time fine in the amount of \$500.00 shall be imposed. Accused should be further ordered to contact the Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the order. Ms. Joseph requested any future violations under this ordinance be considered repeat, and that the property be deemed a health and safety concern for the surrounding neighbors in that the high grass and weeds could be a habitat for vermin, snakes, insects, etc. The cost sheet in the amount of \$51.61 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Special Magistrate Fuller granted the recommendation as presented and deemed the property a health and safety violation. The property owner has immediately to mow and weed-eat the entire property, remove all undergrowth, and blow debris back onto the property. Additionally, all the weeds in the landscaped areas must be weed-eated and all grass must be removed off the sidewalk and driveway or a one-time fine in the amount of \$500.00 shall be imposed. Costs in the amount of \$51.61 were awarded to the City.

5. **CEB Case No.:** 25-1334
Respondent: JMCG S NOVA RD LLC
Address of Violation: 5231 S Nova Road
Code Officer: Joseph Brewer
First Notified: 8/10/2025

Compliance: No

Cited for violation(s) - Chapter 42, (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of property generally - duty of owner), (C) (Maintenance of Commercial and Industrial Zoned lots) of the City of Port Orange Code of Ordinances.

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

ORDER IMPOSING FINE/LIEN

6. **CEB Case No.:** 25-0828
Respondent: Rainbow Development Group LLC
Address of Violation: 4015 S. Williamson Blvd.
Code Officer: Rachel Lippens
First Notified: 6/4/2025

Compliance: No

Cited for violation(s) - 2024 International Property Maintenance Code, Chapter 3, Section 304 Exterior Structure, as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: 304.7 Roofs and drainage. City of Port Orange Land Development Code, Chapter 16 (Miscellaneous Regulations), Section 1 (Accessory Uses and Structures), (e) Outside Storage (3) (a) Commercial Vehicles and Equipment. Chapter 14, Article VII, Section 318 (b), (1), (4) - sign and (c), (3) - Fence. Chapter 14, Article VII, Section 314 (a), (1) and (2) Maintenance of trees and shrubs and (d) (2) and (7) irrigation.

Rachel Lippens, Code Enforcement Officer, was sworn in by Special Magistrate Fuller and requested an Order Setting Fine/Lien as the property was not in compliance by September 23, 2025, as ordered in the previous hearing on July 23, 2025, by the Special Magistrate. She requested a daily fine in the amount of \$100.00 per day beginning September 24, 2025, for each and every day the violation exists, as ordered in the Finding of Fact, Conclusion of Law & Order. Ms. Lippens noted that when she re-inspected the property, the shrubs had been planted but the irrigation system is still in non-compliance. A cost sheet for mailing and recording costs in the amount of \$97.01 was tendered and submitted into evidence without objection.

Dr. Ammar Hemaïdan, property owner, was sworn in by Special Magistrate Fuller and testified as to the condition of the property. He stated he corrected all the violations he could; however, he could not do the irrigation himself. He hired a company that he thought could do the work in time, but the company didn't have any workers available and delayed

Code Enforcement Special Magistrate Meeting

October 8, 2025

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the progress. Dr. Hemaidan since then has hired a new company that informed him, they should be done by September 22, 2025. Dr. Hemaidan requested the Special Magistrate extend his compliance date until the end of October to allow for completion.

Special Magistrate Fuller found the property in non-compliance and awarded a daily fine in the amount of \$100.00 beginning September 24, 2025, through and including September 30, 2025, for each and every day the violation exists; however, imposing the daily fine will be suspended from October 1, 2025, through October 31, 2025. Special Magistrate Fuller further imposed the mailing and recording costs, which to date, are in the amount of \$97.01. A lien in the amount of \$97.01 shall be imposed.

7. **CEB Case No.:** 25-1589

Respondent: Fair Value Homebuyers LLC

Address of Violation: 830 Sugar House Blvd

Code Officer: Scott Allman

First Notified: 6/18/2025

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. Chapter 42, (Nuisances), Article V (Unsafe Conditions), Division 2 (Nuisance Trees), Section 42-103 (Declaration of Nuisance) of the City of Port Orange Code of Ordinances.

Scott Allman, Code Enforcement Officer, was sworn in by Special Magistrate Fuller and requested an Order Setting Fine/Lien as the property was not in compliance by August 25, 2025, as ordered in the previous hearing on August 13, 2025, by the Special Magistrate. Mr. Allman requested a daily fine in the amount of \$100.00 per day beginning August 26, 2025, and running through and including August 27, 2025, for a total of one day as ordered in the Finding of Fact, Conclusion of Law & Order. The City retained vendor Scott Boy Landscaping, who abated the violation(s) at the cost of \$950.00. A cost sheet for mailing and recording costs in the amount of \$109.04 was tendered and submitted into evidence without objection.

Special Magistrate Fuller found the property in non-compliance and awarded a daily fine in the amount of \$100.00 beginning August 26, 2025, and running through and including August 27, 2025, for a total of \$100.00, abatement costs of \$950.00 and mailing and recording costs to date of \$109.04. A lien in the amount of \$1,159.04 shall be imposed.

ADJOURNMENT – 9:21 a.m.

Special Magistrate David Fuller Jr.

Case Cost Sheet Log

Case No. 25-1043

Name	Activity	Activity_Date	Status	Cost
Sunshine Housing LLC - Owner	Cost to mail Notice of Hearing	9/16/2025	Signed by (illegible) on 9/23/2025	\$11.18
Novia Bent (Registered Agent)	Cost to mail Notice of Hearing	9/16/2025		\$11.18
Sunshine Housing LLC - Owner (Ft Lauderdale)	Cost to mail Notice of Hearing	9/16/2025		\$11.18
Sunshine Housing LLC - Owner (Ft Lauderdale)	Cost to mail Finding of Fact	10/22/2025		\$11.18
Clerk of Court	Cost to record Finding of Fact	10/22/2025		\$29.25

Total: \$73.97



NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

CASE NO. 25-1043

To: SUNSHINE HOUSING LLC (Owner)
5300 NW 12TH AVE STE 12
FORT LAUDERDALE FL 33309 3164

NOVIA BENT (Registered Agent)
5300 NW 12TH AVE STE 12
FORT LAUDERDALE FL 33309 3164

RE: 5841 BOGGS FORD RD

Port Orange, FL 32127

Parcel ID: 632001000260

LEGAL DESCRIPTION: LOT 26 MAC JOHN SUB MB 27 PG 223 AKA S 100 FT OF N 450 FT OF E 252.14 FT ON N/L & 252 FT ON S/L OF W 3/4 OF SW 1/4 OF NW 1/4 OF 20-16-33 EXC ST PER OR 0497 PG 0219 PER OR 1294 PG 0

Volusia County Public Records

Volusia County, FL

You received a Notice of Violation ("NOV") dated August 8, 2025, describing one or more violations of the City of Port Orange Code and you were given a reasonable amount of time to correct said violation(s). An inspection of the premises on August 5, 2025, indicates that one or more violations of the City of Port Orange Code continue to exist.

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

CH 42, ART.2, SEC. 42-26 (D) Code of Ordinances

High Weeds and Grass Residential

(d) Maintenance of improved residential lots. The owner of an improved lot in a residential zone with lot sizes of one acre or less 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.

CH 42, ART.2, SEC. 42-26 (F) Code of Ordinances

Garbage, Trash, Junk, Debris

(f) Garbage, waste, trash, etc., prohibited. 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 burden shall rest upon the Respondent to request a re-inspection by the Code Enforcement Officer to determine whether the property is in compliance. If the violation is corrected and then recurs or if the violation is not corrected by the time specified for correction by the code inspector, as stated in the NOV, the case may be presented to the Special Magistrate even if the violation has been corrected prior to the hearing.

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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 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 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 an Order affording the proper relief. A certified copy of the 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.

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$9.61 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.

For further information regarding this matter, you may contact the undersigned Code Enforcement Officer at **(386) 506-5604**.

NOTICE OF HEARING IMPOSING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **October 22, 2025** enters an 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 26, 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 imposing the appropriate fine and 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.

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. Please govern yourself accordingly.

For further information regarding this matter, you may contact the Code Enforcement Office at **(386) 506-5604**.

DATED this 16th day of September, 2025

CITY OF PORT ORANGE, FLORIDA
Secretary, Special Magistrate

By: 
Amanda Bonin, Deputy City Clerk

I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Hearing to: **RE: 5300 NW 12th Ave STE 12 Fort Lauderdale, FL 33309**, was sent via certified and regular mail this 16 day of September, 2025.


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. 25-2601

Name	Activity	Activity_Date	Status	Cost
Mary D Lenihan - Owner	Cost to mail NOH	9/25/2025		\$11.18
Tammy Vieco -	Cost to mail NOH	9/25/2025		\$11.18
Tammy Vieco -	Cost to mail Finding of Fact	10/22/2025		\$11.18
Mary D Lenihan - Owner	Cost to mail Finding of Fact	10/22/2025		\$11.18
Clerk of Court	Cost to record Finding of Fact	10/22/2025		\$29.25

Total: \$73.97



NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

CASE NO. 25-2601

To: Mary D Lenihan
4654 Secret River Tr
Port Orange, FL 32129

Tammy Vieco
1228 West Ave Apt 1003
Miami Beach, FL 33139

RE: 4654 Secret River Tr
Port Orange, FL 32129
Parcel ID: 630714000680
LEGAL DESCRIPTION: LOT 68 CROSS CREEK PHASE I MB 42 PGS 22-23 INC PER OR 4923 P
G 0215 PER OR 6359 PG 3306 PER OR 7268 PG 3810
Volusia County Public Records
Volusia County, FL

You received a Notice of Violation ("NOV") dated September 16th, 2025, describing one or more violations of the City of Port Orange Code and you were given a reasonable amount of time to correct said violation(s). An inspection of the premises on September 24th, 2025, indicates that one or more violations of the City of Port Orange Code continue to exist.

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

CH 42, ART.2, SEC. 42-26 (D) Code of Ordinances

High Weeds and Grass Residential

(d) Maintenance of improved residential lots. The owner of an improved lot in a residential zone with lot sizes of one acre or less shall keep such lot free and clear of all fallen trees and limbs. All weeds, grass and undergrowth shall be cut to a height not exceeding ten inches. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than ten inches within such natural areas.

The burden shall rest upon the Respondent to request a re-inspection by the Code Enforcement Officer to determine whether the property is in compliance. If the violation is corrected and then recurs or if the violation is not corrected by the time specified for correction by the code inspector, as stated in the NOV, the case may be presented to the Special Magistrate even if the violation has been corrected prior to the hearing.

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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 22nd 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 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 an Order affording the proper relief. A certified copy of the 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.

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 \$22.36 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.

For further information regarding this matter, you may contact the undersigned Code Enforcement Officer at **(386) 506-5642**.

NOTICE OF HEARING IMPOSING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **October 22nd 2025** enters an 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 12th 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 imposing the appropriate fine and 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.

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. Please govern yourself accordingly.

For further information regarding this matter, you may contact the Code Enforcement Office at **(386) 506-5604**.

DATED this 25 day of September, 2025

CITY OF PORT ORANGE, FLORIDA
Secretary, Special Magistrate

By: 
Amanda Bonin, Deputy City Clerk

I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Hearing to: Mary D Lenihan, Property Owner, 4654 Secret River Tr, Port Orange, FL 32129, RE: 4654 Secret River Tr, Port Orange, FL 32129 was sent via certified and regular mail this 25 day of September, 2025

I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Hearing to: Tammy Vieco, 1228 West Ave Apt 1003, Miami Beach, FL 33139, RE: 4654 Secret River Tr, Port Orange, FL 32129, was sent via certified and regular mail this 25 day of September, 2025


Secretary, Special Magistrate

RIGHT TO APPEAL

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ACCOMMODATIONS

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Case Cost Sheet Log

Case No. 25-2585

Name	Activity	Activity_Date	Status	Cost
Francis E Thompson	Mailing of NOV	9/18/2025	Return to Sender	\$11.18
Francis E Thompson	Mailing of Finding of Fact	10/8/2025	Return to Sender - Vacant	\$11.18
Clerk of Court	Cost to record Finding of Fact	10/8/2025		\$29.25
Clerk of Court	Cost to record Order Imposing Fine/Lien	10/22/2025		\$46.25
Francis E Thompson	Cost to mail Order Imposing Fine/Lien	10/22/2025		\$11.18

Total: \$109.04



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

CITY OF PORT ORANGE, FLORIDA

CITY OF PORT ORANGE,

Petitioner

CASE NO. 25-2585

To: Francis E Thompson
1292 Harms Way
Port Orange, FL 32119

Re: 1292 Harms Way
Port Orange, FL 32119

Parcel ID: 6317-27-00-0450

LEGAL DESCRIPTION: LOT 45 HORIZON P.U.D. MB 46 PGS 197 & 198 INC PER OR 4666 PG 4365
Volusia County Public Records
Volusia County, FL

An inspection of the premises on September 15, 2025, indicates that certain violation(s) of the City of Port Orange Code exist. This correspondence will serve as official notification that the below-stated violation(s) must be corrected immediately, by doing the following: mowing entire property to include weed eating of all high weeds on site and blowing yard debris back onto the property.

You have previously (within the past five years) been found by the Special Magistrate to have violated the above-referenced code section(s) on April 9, 2025, under Case No. 25-0274

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

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

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

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

adjacent parkage, but the placement of refuse for collection in a manner and in containers specified by other provisions of this Code is not prohibited.

- The initial inspection of this property found high weed and grass. To correct the violation, the property must be mowed and maintained to include weed eating of all high weeds on site and blowing yard debris back onto the property.

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

NOTICE OF HEARING AS TO REPEAT VIOLATION(S) ALLEGED

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

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

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

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$ 11.18 as indicated on the cost sheet submitted into evidence. The respondent shall be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **October 8, 2025**, 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 **October 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 17th day of September, 2025.

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 Francis E. Thompson, Property Owner, 1292 Harms Way, Port Orange, FL 32129, RE: 1292 Harms Way, Port Orange, FL 32129, was:

- Hand-delivered Recipient of hand delivered documents: _____
 Posted at the property September 17, 2025 (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 Francis E. Thompson, Property Owner, 1292 Harms Way, Port Orange, FL 32129, RE: 1292 Harms Way, Port Orange, FL 32129, was sent via certified and regular mail this 18 day of September, 2025


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

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**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 25-2585**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

FRANCIS E. THOMPSON
PROPERTY OWNER

VIOLATION ADDRESS 1292 HARMS WAY
PORT ORANGE, FL 32129
PARCEL ID: 6317-27-00-0450

Respondent.

_____ /

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

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on October 8, 2025, after due notice to the Respondent(s), and the Special Magistrate having heard testimony under oath, received evidence and heard argument from Staff thereupon issues its Findings of Fact, Conclusions of Law, and Order, as follows:

FINDINGS OF FACT:

A. Respondents, FRANCIS E. THOMPSON, whose mailing address is 1292 HARMS WAY, PORT ORANGE, FL 32129, is the owner of the property located at 1292 HARMS WAY, PORT ORANGE, FL 32129, and more particularly described as:

LOT 45 HORIZON P.U.D. MB 46 PGS 197 & 198 INC PER OR 4666 PG 4365

B. The violation was to be corrected immediately as this is a repeat violation case, by doing the following: The entire property needs to be mowed, weed-eated, all undergrowth removed, and all debris blown back onto the property. Additionally, all the weeds in the landscaped areas must be weed-eated and all grass must be removed off the sidewalk and driveway. This condition was first observed at the real property described above on September 15, 2025; re-inspection was conducted on September 22, 2025, and confirmed the condition as being the same. Respondent received notice via posting at City Hall and regular and certified mail on September 18, 2025, as well as posted on the property on September 17, 2025, that the aforesaid conditions constituted a repeat 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 and was to be corrected by immediately.

C. At the time of the hearing, the violations cited above: continued to exist, or remained non-compliant until _____ [Date].

D. The condition described above presents a serious threat to the public health, safety and welfare or is irreparable or irreversible.

E. You have previously (within the past five years) been found by the Special Magistrate to have violated the above-referenced code section (s) on April 9, 2025. Under Case No 25-0274.

CONCLUSION OF LAW:

Respondent(s), by reason of the foregoing, has/have violated the above-referenced code(s) in that the Respondent(s) failed, on or before the date set in the notice of violation, to remedy the conditions as stated in the notice of violation is/are therefore subject to the provisions of the City of Port Orange Municipal Code 2-207.

ORDER:

A. Respondent(s) shall correct the aforesaid violation by mowing and weed-eating the entire property, removing all undergrowth, and blowing debris back onto the property. Additionally, all the weeds in the landscaped areas must be weed-eated and all grass must be removed off the sidewalk and driveway immediately ("Compliance Date"). In the event that the property is not brought into compliance on or before the Compliance Date, and/or not maintained in a state of compliance, a one-time fine of \$500.00 will be assessed if the property is in violation beyond the Compliance Date. If paragraph D. above is checked and the Respondent(s) has/have not abated the condition by the Compliance Date, then notice of the violation will be given to the City Council. The City Council may repair the condition and charge the Respondent(s) with reasonable costs of the repairs. Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the Special Magistrate may impose additional fines to cover all costs incurred by the city in enforcing its codes and all costs or repairs pursuant to subsection (a)." The costs to date are \$ 51.61 as indicated on the cost sheet submitted into evidence. The Respondent(s) will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion. Any future violations under this ordinance shall be considered repeat violations.

B. A certified copy of this Order may be recorded in the public records of Volusia County, Florida, and shall thereafter constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property. The findings in this Order shall be binding upon Respondent(s) and if the violation concerns real property, any subsequent purchasers, successors in interest, or assigns pursuant to the City of Port Orange Municipal Code 2-207 and 2-213. Failure to comply with this Order shall result in the issuance of an Order

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

DONE AND ORDERED this 8 day of October, 2025.

Attest: J. Cody
Secretary, Code Enforcement Special Magistrate

By: David Fuller
David Fuller, Code Enforcement Special Magistrate

I HEREBY CERTIFY that a true and correct copy of the foregoing Findings of Fact, Conclusion of Law, and Order have been furnished to Respondent(s), FRANCIS E. THOMPSON, 1292 HARMS WAY, PORT ORANGE, FL 32129 by Certified and Regular Mail this 8 day of October, 2025.

J. Cody
Secretary, Code Enforcement Special Magistrate

The Findings of Fact and Conclusions of Law set forth in the Order of the Special Magistrate constitute a final administrative order which may be appealed by filing a notice of appeal with the Circuit Court within 30 days of the signing of this order.