AGENDA

CODE ENFORCEMENT SPECIAL MAGISTRATE

CITY OF PORT ORANGE

Meeting Date: Wednesday, January 11, 2017 **Time:** 9:00 AM

Type of Meeting: Regular **Location:** Council Chambers
City Hall, 1000 City Center Circle

A. CALL TO ORDER

1. Attorney Overview of Special Magistrate Code Enforcement Process
2. Consideration of Minutes - December 14, 2016

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 16-1638
   Respondent: George & Ethel M. Morgan
   Address of Violation: 709 Sheldon Cir., Port Orange, FL 32127
   Code Officer: Deborah Faircloth
   First Notified: 11/07/2016

   Compliance: No

   Cited for violation(s) - Chapter 3, Section 304.1.1 (7 & 8) (Unsafe Conditions) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code; as well as Chapter 3, 304.2 Protective Treatment, Section 304.5 Foundation Walls, 304.6 Exterior walls, 304.7 Roofs & Drainage, 304.10 Stairways, decks, porches and balconies, 304.15 Doors, 304.18 Building Security and Chapter 42, Article V, Division 3 - Abatement of Unsafe Structures of the City of Port Orange Code of Ordinances.

4. **CEB Case No.:** 16-1457
   Respondent: Terri G. Curatolo
   Address of Violation: 3640 Scott Street, Port Orange, FL 32129
   Code Officer: Dena Joseph
   First Notified: 11/29/2016

   Compliance: No

   Cited for violation(s) - Chapter 3 (General Requirements), Section 303 (Swimming Pools, Hot Tubs & Spas), 303.1 (Swimming Pools), of the International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange

Code of Ordinances,

Chapter 3 (General Requirements), Section 303 (Swimming Pools, Hot Tubs & Spas), 303.2 (Enclosures), of the International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances, and

Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (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.:** 16-1612
   Respondent: Jaqueline M. & Donald A. Acosta
   Address of Violation: 825 Upland Drive, Port Orange, FL 32127
   Code Officer: Scott Allman
   First Notified: 09/28/2016

Compliance: No

Cited for violation(s) - Chapter 42 (Nuisances) of the City of Port Orange Code of Ordinances, Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of Property Generally-Duty of Owner), (d) Maintenance of Improved Residential Lots.

6. **CEB Case No.:** 16-1498
   Respondent: Jaqueline M. & Donald A. Acosta
   Address of Violation: 825 Upland Drive, Port Orange, FL 32127
   Code Officer: Scott Allman
   First Notified: 09/10/2016

Compliance: No

Cited for violation(s) - Chapter 3, Section 303 Swimming Pools, Spas, and Hot Tubs of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances, 303.1 Swimming Pools

7. **CEB Case No.:** 16-1832
   Respondent: Scott T. Gilroy
   Address of Violation: 104 Tumbler Drive, Port Orange, FL 32129
   Code Officer: Amanda Bonin
   First Notified: 11/11/2016

Compliance: No

Cited for violation(s) - Chapter 42 Nuisances Article 2 Garbage, Junk and Undergrowth, Section 42-26 - Cleanliness of property generally-Duty of owner, (d) Maintenance of improved residential lots.

8. **CEB Case No.:** 16-1833
   Respondent: Scott T. Gilroy
   Address of Violation: 104 Tumbler Drive, Port Orange, FL 32129
   Code Officer: Amanda Bonin
   First Notified: 11/11/2016

Compliance: No

Cited for violation(s) - Chapter 16 Miscellaneous Regulations Section 3: Fences and walls Modified (b) General Provisions (4) Design and maintenance (a) and (b) of the City of Port Orange Land Development Code and

Chapter 3, Section 303 Swimming Pools, Spas, and Hot Tubs of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances, specially 303.1 Swimming Pools.

9. **CEB Case No.:** 16-1054
   Respondent: Bryon Dickerson
   Address of Violation: 5434 Hibiscus Ave., Port Orange, FL 32127
   Code Officer: Deborah Faircloth
   First Notified: 10/14/2016

Compliance: No

Cited for violation(s) - City of Port Orange Code of Ordinances, Chapter 42, Article II, Section 42-26 (d) (f) & (h) and Port Orange Land Development Code, Chapter 16, Section 3 (b)(4)(b)(d) as relates to fencing.

10. **CEB Case No.:** 16-1677
    Respondent: Karen Baker Antico TR
    Eva Baker Revoc Trust
    Address of Violation: 831 McDonald Road, Port Orange, FL 32129
    Code Officer: Dena Joseph
    First Notified: 11/08/2016

Compliance: No

Cited for violation(s) - Chapter 42 (Nuisances), Article II (Sanitary Conditions), Section 42-54 (Sanitary Nuisance Prohibited) of the City of Port Orange Code of Ordinances;

Chapter 42 (Nuisances), Article V (Unsafe Conditions), Division 3 (Abatement of Unsafe Structures), Section 42-108 (Unsafe Conditions, Nuisance, (a), (4) of the City of Port Orange Code of Ordinances;

Chapter 42 (Nuisances), Article II (Garbage, waste, trash, etc. prohibited), 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, waste, trash, etc. prohibited), 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 3 (General Requirements), Section 309 (Pest Elimination), 309.1 (Infestation) of the International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances;

Chapter 5 (Plumbing Facilities and Fixture Requirements), Section 504 (Plumbing Systems and Fixtures), 504.3 (Plumbing System Hazards) of the International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances; and

Chapter 5 (Plumbing Facilities and Fixture Requirements), Section 505 (Water System), 505.1 (General) of the International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port ORange Code of Ordinances.

D. ADJOURNMENT

ANY PERSON WHO DECIDES TO APPEAL ANY DECISION MADE BY THE **CODE ENFORCEMENT SPECIAL MAGISTRATE** WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE HE OR SHE MAY NEED TO ENSURE AT HIS OR HER OWN EXPENSE FOR THE TAKING AND PREPARATION OF A VERBATIM RECORD OF ALL TESTIMONY AND EVIDENCE OF THE PROCEEDINGS UPON WHICH THE APPEAL IS TO BE BASED. NOTE: 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, WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING DATE; IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 1-800-955-8771.

PORT ORANGE CODE ENFORCEMENT
SPECIAL MAGISTRATE MINUTES
COUNCIL CHAMBERS
1000 CITY CENTER CIRCLE
DECEMBER 14, 2016

THE SPECIAL MAGISTRATE HEARING of the City of Port Orange was called to order by Special Magistrate Branch at 9:15 a.m.

PRESENT:	Raymond Branch, Special Magistrate
ALSO PRESENT:	Deborah Faircloth, Code Compliance Inspector Amanda Bonin, Code Compliance Inspector Dena Joseph, Code Compliance Inspector Chris Hutchison, Code Enforcement Manager Robin Fenwick, City Clerk

Consideration of Minutes

Special Magistrate Branch approved the November 9, 2016 meeting minutes as presented.

Oaths

Code Compliance Inspectors Scott Allman, Deborah Faircloth, Amanda Bonin, and Dena Joseph were sworn in by Special Magistrate Branch.

FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 16-1597
   Respondent: Judith A. Anderson
   Address of Violation: 101 Aloha Terrace, Port Orange, FL 32129
   Code Officer: Dena Joseph
   First Notified: 10/28/2016

Compliance: No

Cited for violation(s) - Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of Property General-Duty of Owner), (d) Maintenance of Improved Residential Lots and (f) Garbage, waste, trash, etc. prohibited of the City of Port Orange Code of Ordinances

Dena Joseph, Code Compliance Inspector, was sworn in by Special Magistrate Branch, and testified as to the notices provided to the property owner and the condition of the property. The violation was to be corrected on or before November 13, 2016 by mowing the entire property, cleaning up all fallen limbs and yard debris, and removing lattice

that is broken and on the ground. Photographs of the violations taken by Ms. Joseph were tendered into evidence with no objections and were admitted by Special Magistrate Branch.

Ms. Joseph recommended the property owner be found in violation of the above referenced code with the violations to be corrected on or before December 25, 2016, or the City shall have the option to abate the violation. The Cost Sheet in the amount of $41.68 was tendered into evidence and admitted by Special Magistrate Branch with no objections. She requested the property be found a health, safety, and wellness violation. The death certificate of Judith A. Anderson was tendered into evidence and was admitted by the Special Magistrate.

Special Magistrate Branch granted the recommendations as presented with immediate notice to be provided to the City Council to abate the violation due to the death of the property owner and the health, safety, and wellness violation. No fine was awarded. Costs in the amount of $41.68 were awarded to the City.

4. **CEB Case No.:** 16-1596
   Respondent: Florida Community Bank NA
   Address of Violation: 190 Sand Pebble Circle, Port Orange, FL 32129
   Code Officer: Dena Joseph
   First Notified: 10/19/2016

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 and

Chapter 3 (General Requirements), Section 304 (Exterior Structure), 304.13 (Window, skylight and door frames) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

Ms. Joseph testified as to the notices provided to the property owner and the condition of the property. The violation was to be corrected on or before October 29, 2016 by mowing the entire property, removing all fallen limbs and yard debris and repairing or securing all broken windows on site. Photographs of the violations taken by Ms. Joseph were tendered into evidence with no objections and were admitted by Special Magistrate Branch.

Ms. Joseph recommended the property owner be found in violation of the above referenced codes with the violations to be corrected on or before December 28, 2016, or the City shall have the option to abate the violation. The Cost Sheet in the amount of $41.68 was tendered into evidence and admitted by Special Magistrate Branch with no objections.

Special Magistrate Branch granted the recommendations as submitted and declared a health, safety and wellness violation on the property. The property owner has until December 28, 2016 to bring the property into compliance and shall notify the code officer for re-inspection. The case may be referred to the City Council for possible abatement if it is not in compliance by December 28, 2016. Costs were awarded in the amount of $41.68. A $250.00 per day shall be imposed for each day the property remains in violation after December 28, 2016.

5. **CEB Case No.:** 16-1695
   Respondent: Country Manor Assisted Living
   Address of Violation: 1152 Old Hammock Road, Port Orange, FL 32129
   Code Officer: Amanda Bonin
   First Notified: 10/21/2016

Compliance: No

Cited for violation(s) - Chapter 16 Miscellaneous Regulations Section 3, Fences and walls (b) General provisions (4) Design and maintenance, (b) (c) and (f) of the City of Port Orange Land Development Code; Chapter 1, Section 109 Emergency Measures of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances [A] Section 109.1 Imminent Danger; and Chapter 3, Section 304 Exterior Structure of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances 304.13 Window, skylight and door frames.

Amanda Bonin testified as to the notices provided to the property owner and the condition of the property. The violation was to be corrected on or before November 10, 2016 by replacing the fencing that separates the residential area of Brandy Hills from the assisted living property as it is rotting and the fence is falling apart (a building permit is required); removing/replacing/repairing the screened enclosure in the rear of the building (a building permit is required if replacing); and repairing or replacing the broken and/or missing windows on the building (a building permit is required). Photographs of the violations taken by Ms. Bonin were tendered into evidence with no objections and were admitted by Special Magistrate Branch. Ms. Bonin requested that subsection (f) be stricken as it should have been subsection (b) cited.

Gene Kirk, 1126 Meditation Loop, was sworn in by Special Magistrate Branch and testified as to the condition of the property, specifically the condition of the screened-in enclosure in the back of the property.

Ms. Bonin recommended the property owner be found in violation of the above referenced codes (minus (f)) with the violations to be corrected on or before December 28, 2016, or a $250.00 daily fine shall be imposed for every day the property remains in violation. The City shall have the option to abate the violation should the corrective action not be taken on or before December 28, 2016. The Cost Sheet in the amount of

$41.68 was tendered into evidence and admitted by Special Magistrate Branch with no objections.

Special Magistrate Branch granted the recommendations of Ms. Bonin including the health, safety, and welfare violation and ordered the property owner to contact the Code Compliance Inspector for a re-inspection of the property to verify compliance with the Finding of Fact, Conclusion of Law & Order being entered but did not enter a fine against the property. The abatement must take place prior to December 28, 2016 or the City shall have the option to abate the violation upon referral to the City Council. Costs in the amount of $41.68 were awarded to the City.

6. **CEB Case No.:** 16-1140
   Respondent: Country Manor Assisted Living
   Address of Violation: 1152 Old Hammock Road, Port Orange, FL 32129
   Code Officer: Amanda Bonin
   First Notified: 10/20/2016

Compliance: No

Cited for violation(s) - Section 42-26 Cleanliness of property generally-Duty of owner (c) maintenance of commercial and industrial zoned lots and (f) Garbage, waste, trash, etc. prohibited.

Ms. Bonin testified as to the notices provided to the property owner and the condition of the property. The violation was to be corrected immediately as it was a repeat violation by mowing the entire property and trimming all high weeds and grass and removing all trash and debris on site including lawn/tree debris. Photographs of the violations taken by Ms. Bonin were tendered into evidence with no objections and were admitted by Special Magistrate Branch.

Ms. Bonin recommended the property owner be found in violation of the above referenced code with the violations to be corrected immediately or the City shall have the option to abate the violation. The Cost Sheet in the amount of $41.68 was tendered into evidence and admitted by Special Magistrate Branch with no objections. She requested the property be found a health, safety, and wellness violation.

Special Magistrate Branch granted the recommendations as presented with notice to the City Council to abate the violation. No fine was awarded. Costs in the amount of $41.68 were awarded to the City.

7. **CEB Case No.:** 16-1832
   Respondent: Scott T. Gilroy
   Address of Violation: 104 Tumbler Drive, Port Orange, FL 32129
   Code Officer: Amanda Bonin
   First Notified: 11/11/2016

Compliance: No

Cited for violation(s) - Chapter 42 Nuisances Article 2 Garbage, Junk and Undergrowth, Section 42-26 - Cleanliness of property generally-Duty of owner, (d) Maintenance of improved residential lots.

Ms. Bonin testified as to the notices provided to the property owner and the condition of the property. The violation was to be corrected immediately as this is a repeat violation by mowing the entire property and trimming all high weeds and grass and removing all trash and debris on the site immediately. Photographs of the violations taken by Ms. Bonin were tendered into evidence with no objections and were admitted by Special Magistrate Branch.

Ms. Bonin recommended the property owner be found in violation of the above referenced code with the violations to be corrected immediately or the City shall have the option to abate the violation. The Cost Sheet in the amount of $41.68 was tendered into evidence and admitted by Special Magistrate Branch with no objections. She requested the property be found a health, safety, and wellness violation.

Special Magistrate Branch granted the recommendations as presented with notice to the City Council to abate the violation. No fine was awarded. He requested staff to send a letter to SunTrust Bank notifying them of the possible lien. Costs were awarded to the City in the amount of $41.68.

8. **CEB Case No.:** 16-1833
   Respondent: Scott T. Gilroy
   Address of Violation: 104 Tumbler Drive, Port Orange, FL 32129
   Code Officer: Amanda Bonin
   First Notified: 11/11/2016

Compliance: No

Cited for violation(s) - Chapter 16 Miscellaneous Regulations Section 3: Fences and walls Modified (b) General Provisions (4) Design and maintenance (a) and (b) of the City of Port Orange Land Development Code and

Chapter 3, Section 303 Swimming Pools, Spas, and Hot Tubs of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances, specially 303.1 Swimming Pools.

Ms. Bonin testified as to the notices provided to the property owner and the condition of the property. The violation was to be corrected on or before November 30, 2016 by repairing or replacing the fence to its original and upright condition and cleaning and covering the swimming pool. Photographs of the violations taken by Ms. Bonin were tendered into evidence with no objections and were admitted by Special Magistrate Branch.

Ms. Bonin recommended the property owner be found in violation of the above referenced code with the violations to be corrected on or before December 28, 2016 or a $250.00 per day fine shall be imposed for each day the violations remain. The City shall have the option to abate the violation should the property not be in compliance by December 28, 2016. The Cost Sheet in the amount of $42.10 was tendered into evidence and admitted by Special Magistrate Branch with no objections. She requested the property be found a health, safety, and wellness violation because of the exposed pool.

Special Magistrate Branch granted the recommendations as presented with notice to the City Council to abate the violation. The daily fine of $250.00 was granted for each day after December 28, 2016 that the property is not in compliance. Costs in the amount of $42.10 were awarded to the City. He requested staff to send a letter to SunTrust Bank notifying them of the possible lien.

9. **CEB Case No.:** 16-1403
   Respondent: Linda Kennedy, Maureen Kennedy, and John Kennedy
   Address of Violation: 5204 Sydney Street, Port Orange, FL 32127
   Code Officer: Deborah Faircloth
   First Notified: 10/25/2016

Compliance: No

Cited for violation(s) - Chapter 42 (Nuisances), Article II (Garbage, Junk & undergrowth), Section 42-26 (Cleanliness of property generally - duty of owner) (d) Maintenance of improved residential lots & (f) Garbage, waste, trash, etc. prohibited of the City of Port Orange Code of Ordinances

Ms. Faircloth testified as to the notices provided to the property owner and the condition of the property. The violation was to be corrected immediately as it is a repeat violation by mowing and cutting back all undergrowth on the entire property and removing all trash and debris. Photographs of the violations taken by Ms. Faircloth were tendered into evidence with no objections and were admitted by Special Magistrate Branch.

Ms. Faircloth recommended the property owner be found in violation of the above referenced code with the violations to be corrected on or before January 2, 2017, or the City shall have the option to abate the violation should the property not be in compliance by January 2, 2017. The Cost Sheet in the amount of $71.04 was tendered into evidence and admitted by Special Magistrate Branch with no objections. She requested the property be found a health, safety, and wellness violation and a recommendation to foreclose on the property.

Special Magistrate Branch granted the recommendations as presented with notice to the City Council to abate the violation. No daily fine was awarded; however, costs in the amount of $71.04 were awarded to the City.

10. **CEB Case No.:** 16-889
Respondent: Sara R. Bonner
Address of Violation: 52 Woodfield Drive, Port Orange, FL 32129
Code Officer: Deborah Faircloth
First Notified: 10/25/2016

Compliance: Yes

Cited for violation(s) - City of Port Orange Code of Ordinances, Chapter 42, Article II, Section 42-26 Cleanliness of property generally-Duty of owner (d) Maintenance of improved residential lots, (f) Garbage, waste, trash, etc. prohibited, (h) abutting property owner maintenance of parkages.

Ms. Faircloth requested the case be dismissed as it is in compliance with the Notice. Special Magistrate Branch granted the request.

11. **CEB Case No.:** 16-1054
Respondent: Bryon Dickerson
Address of Violation: 5434 Hibiscus Ave., Port Orange, FL 32127
Code Officer: Deborah Faircloth
First Notified: 10/14/2016

Compliance: No

Cited for violation(s) - City of Port Orange Code of Ordinances, Chapter 42, Article II, Section 42-26 (d) (f) & (h) and Port Orange Land Development Code, Chapter 16, Section 3 (b)(4)(b) and (d) as relates to fencing.

Ms. Faircloth testified as to the notices provided to the property owner and the condition of the property. The violation was to be corrected on or before October 31, 2016 by mowing and cleaning up all undergrowth and yard debris, storm debris, and repairing/replacing the fence. Photographs of the violations taken by Ms. Faircloth were tendered into evidence with no objections and were admitted by Special Magistrate Branch.

Ms. Faircloth recommended the property owner be found in violation of the above referenced code with the violations to be corrected on or before January 2, 2017, or a fine in the amount of $100.00 be imposed for every day the property remains in non-compliance after January 2, 2017. The City shall have the option to abate the violation should the property not be in compliance by January 2, 2017. The Cost Sheet in the amount of $59.00 was tendered into evidence and admitted by Special Magistrate Branch with no objections. She requested the property be found a health, safety, and wellness violation and a recommendation to foreclose on the property. She will forward a copy of the Finding of Fact to TD Bank as the mortgage holder.

Special Magistrate Branch granted the recommendations as presented with notice to the City Council to abate the violation. A daily fine in the amount of $100.00 shall be imposed for each day the property remains in non-compliance after January 2, 2017. Costs in the amount of $59.00 were awarded to the City.

12. **CEB Case No.:** 16-1638
Respondent: George Morgan & Ethel M. Morgan
Address of Violation: 709 Sheldon Circle, Port Orange, FL 32127
Code Officer: Deborah Faircloth
First Notified: 11/10/2016

Compliance: No

Cited for violation(s) - City of Port Orange Code of Ordinances, Chapter 32, Article II, Section 32-26(d)(f);

Chapter 3, Section 304.1.1 (7 & 8) (Unsafe Conditions) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code;

Chapter 3, 304.2 Protective Treatment, Section 304.5 Foundation Walls, 304.6 Exterior walls, 304.7 Roofs and drainage, 304.10 Stairways, decks, porches, and balconies, 304.15 Doors, 304.18 Building Security; and

Chapter 42, Article V, Division 3, Abatement of Unsafe Structures of the City of Port Orange Code of Ordinances.

Ms. Faircloth testified as to the notices provided to the property owner and the condition of the property. The violation was to be corrected on or before December 5, 2016 by mowing and cleaning up the entire property and applying for a demolition permit to demolish and remove the unsafe structure. Photographs of the violations taken by Ms. Faircloth were tendered into evidence with no objections and were admitted by Special Magistrate Branch. Al Tischler, Interim Building Inspector, deemed the property unsafe prior to the notice being posted.

Ms. Faircloth requested a continuance of the case as to the demolition notice so that publication can be completed since the mailings were returned unclaimed. Special Magistrate Branch continued the case as to demolition to January 11, 2017. An Amended Notice of Violation/Notice of Hearings will be posted and a notice published regarding the demolition.

Ms. Faircloth recommended the property owner be found in violation of Chapter 32, Article II, Section 32-26 (d) (f) of the City of Port Orange Code of Ordinances. Special Magistrate Branch granted the City the option to abate subject to the filing of proof of the death of the property owners.

The Cost Sheet in the amount of $99.30 was tendered into evidence with no objections and admitted by Special Magistrate Branch. Costs were awarded to the City in the amount of $99.30.

13. **CEB Case No.:** 16-1247
Respondent: James E. Redmond
Address of Violation: 5400 Turton Lane, Port Orange, FL 32127
Code Officer: Deborah Faircloth
First Notified: 08/26/2016

Compliance: No

Cited for violation(s) - City of Port Orange Land Development Code, Chapter 16 (Miscellaneous Regulations), Section 3 (Fences and Walls), 4(a)(b)(c) and (d) (Design and Maintenance) and

Section 303 (Swimming Pools, Spas, and Hot Tubs) 303.1 (Swimming Pools) & 303.2 (Enclosures) of the 2015 International Property Maintenance Code as adopted by the City of Port Orange Code of Ordinances Chapter 14, Article II.

Ms. Faircloth testified as to the notice provided to the property owner and the condition of the property. The violation was to be corrected immediately as it was a repeat violation by mowing and cleaning up the entire property and applying for a demolition permit to demolish and remove the unsafe structure. Photographs of the violations taken by Ms. Faircloth were tendered into evidence with no objections and were admitted by Special Magistrate Branch.

Michael Ciochetti, Attorney for Code Enforcement, requested abatement by the City through a pool cover.

Ms. Faircloth recommended the property owner be found in violation of the above referenced code with the violations to be corrected on or before January 9, 2017 or the City shall have the option to abate the violation by covering the pool and placing a lien against the property owner.

The Cost Sheet in the amount of $34.09 was tendered into evidence without objection and admitted into evidence by Special Magistrate Branch. She asked for the property to be ruled a health, safety, and welfare violation due to the height of the grass and the trash and debris on the property.

Special Magistrate Branch granted the recommendations of Ms. Faircloth including the health, safety, and welfare violation and ordered the property owner to contact the Code Compliance Inspector for a re-inspection of the property to verify compliance with the Finding of Fact, Conclusion of Law & Order being entered. The case will be referred to the City Council for possible abatement if there is no compliance on or before January 9, 2017. Costs in the amount of $34.09 were awarded to the City.

ORDER IMPOSING FINE/LIEN

14. **CEB Case No.:** 16-1538
Respondent: Pro Tax Financial, LLC
Address of Violation: 118 Carlton Place, Port Orange, FL 32127
Code Officer: Deborah Faircloth
First Notified: 09/28/2016

Compliance: No

Cited for violation(s) - City of Port Orange Code of Ordinances, Article II (Garbage, junk and Undergrowth), Chapter 42 (Nuisances), Section 42-26 (Cleanliness of property generally-Duty of owner (d) and (f))

Ms. Faircloth requested an Order Setting Fine/Lien as the property was not in compliance as of November 16, 2016 as ordered by the Special Magistrate. The City's vendor has abated the violation and the property is now in compliance. A fine of $100.00 per day should be imposed from November 17, 2016 through November 29, 2016 totally $1,300. Ms. Faircloth requested mailing costs in the amount of $103.02 be awarded to the City, as well as vendor costs in the amount of $250.00. Special Magistrate Branch granted the recommendation as presented. The total due to the City is $1,653.02.

15. **CEB Case No.:** 16-1612
Respondent: Jaqueline M. & Donald A. Acosta
Address of Violation: 825 Upland Drive, Port Orange, FL 32127
Code Officer: Scott Allman
First Notified: 09/29/2016

Compliance: No

Cited for violation(s) - Chapter 42 (Nuisances) of the City of Port Orange Code of Ordinances, Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of Property Generally-Duty of Owner), (d) Maintenance of Improved Residential Lots.

Motion was made by Ms. Faircloth on behalf of Scott Allman to continue this case January 11, 2017 to allow time to receive the vendor's invoice. Special Magistrate Branch granted the motion.

16. **CEB Case No.:** 16-1498
Respondent: Jaqueline M. & Donald A. Acosta
Address of Violation: 825 Upland Drive, Port Orange, FL 32127
Code Officer: Scott Allman
First Notified: 09/10/2016

Compliance: No

Cited for violation(s) - Chapter 3, Section 303 Swimming Pools, Spas, and Hot Tubs of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances, 303.1 Swimming Pools

Motion was made by Ms. Faircloth on behalf of Scott Allman to continue this case January 11, 2017 to allow time to receive the vendor's invoice. Special Magistrate Branch granted the motion.

17. **CEB Case No.:** 16-1324
    Respondent: HSBC Bank Natl Assoc Tr c/o Carrington Mtg Services LLC
    Address of Violation: 6716 Merryvale Lane, Port Orange, FL 32128
    Code Officer: Scott Allman
    First Notified: 09/23/2016

Compliance: Yes

Cited for violation(s) - Chapter 3, Section 303 Swimming Pools, Spas and Hot Tubs of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances, 303.1 Swimming Pools and

Chapter 42 (Nuisances) of the City of Port Orange Code of Ordinances, Article II, (Garbage, Junk and Undergrowth), Section 42-46, (Cleanliness of Property Generally Duty of Owner), (d) Maintenance of improved residential lots.

Motion to dismiss the case as it is in compliance based on the Finding of Fact, Conclusion of Law, and Order was made by Ms. Faircloth on behalf of Mr. Allman. Motion to dismiss was granted by Special Magistrate Branch.

18. **CEB Case No.:** 15-1481
    Respondent: Judith Anderson
    Address of Violation: 156 Sand Pebble Circle, Port Orange, FL 32129
    Code Officer: Dena Joseph
    First Notified: 04/27/2016

Compliance: No

Cited for violation(s) - Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment), 108.1.1 (Unsafe Structures) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II, of the City of Port Orange Code of Ordinances,

Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment), 108.1.5 (Dangerous Structure or Premises, (7) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II, of the City of Port Orange

Code of Ordinances,

Chapter 1 (Scope and Administration), Section 108 (Unsafe Structures and Equipment), 108.1.3 of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II, of the City of Port Orange Code of Ordinances,

Chapter 42 (Nuisances), Article V (Unsafe Conditions), Division 3 (Abatement of Unsafe Structures), Section 42-108 (Unsafe Conditions; Nuisance), (a) and (b) of the International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

Ms. Joseph testified as to the costs incurred to abate the violations by mowing the property and demolishing the structure was $5,717.25; mailing costs are $844.12 for a total due of $6,591.37.

Special Magistrate Branch awarded mailing and abatement costs in the amount of $6,591.37 to the City.

PUBLIC COMMENTS – There were no public comments.

ADJOURNMENT – 10:18 a.m.

Special Magistrate Raymond Branch

Case Cost Sheet Log

Case No. 16-1638

Name	Activity	Activity_Date	Status	Cost
Daytona Beach NewsJournal	Publication of Notice of Demolition request	12/21/2016	Published as requested on December 21, 2016 and December 28, 2016	$604.43

Total: 604.43

AMENDED NOTICE OF VIOLATION AS TO HEARING DATES
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 16-1638

To:
George Morgan &
Ethel M. Morgan
709 Sheldon Cir.
Port Orange, FL 32127

Re: 709 Sheldon Cir., Port Orange, FL 32127
Port Orange, FL 32127
Parcel ID: 6315-04-11-0660
LEGAL DESCRIPTION: LOT 66 BLK 11 COMMONWEALTH MOBILE ESTS FIRST ADD MB 29 PG 47 PER OR 2479 PG 1092

Volusia County Public Records
Volusia County, FL

This property has been deemed an unsafe structure by Interim Building Official, Al Tischler.
The relief sought is demolition of the unsafe structure.

An inspection of the premises on November 7, 2016, indicates that certain violation(s) of the City of Port Orange Code exists. Hurricane Matthew removed the roof, insulation, screen room, etc.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by **December 5, 2016.**

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

1. Chapter 3, Section 304.1.1 (7, & 8)(Unsafe Conditions) of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code.
   - The mobile home is structurally compromised and is, therefore, considered unsafe and a hazard to the public health, safety and welfare.
2. Additionally, Chapter 3, 304.2 Protective Treatment, Section 304.5 Foundation Walls, 304.6 Exterior walls, 304.7 Roofs and drainage, 304.10 Stairways, decks, porches and balconies, 304.15 Doors, 304.18 Building Security.
   - All of the above structural elements have been affected by Hurricane Matthew and are considered hazardous to the public health, safety, and welfare.
3. Chapter 42, Article V, Division 3. – Abatement of Unsafe Structures of the City of Port Orange Code of Ordinances.
   - The Interim Building Official, Al Tischler, has personally inspected the mobile home and deems the mobile home to be unsafe due to the aforementioned damage. Pursuant to the instant ordinance, the unit shall be demolished by either interested party.

Attachments: ☒ Copy of code ☒ Copy of Deed ☒ Copy of Tax Roll

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 code enforcement board or 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 specified time for correction by the Code Compliance Inspector, the case shall be presented to the **Special Magistrate** on the date set forth below, even if the violation has been corrected prior to this scheduled hearing.

The burden shall rest upon the Respondent to request a re-inspection by the Code Compliance Inspector to determine whether the property is in compliance.

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 January 11, 2017, 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 below, 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 Inspector. 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 $ 99.30 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 **January 11, 2017,** enters a Final Order finding a violation as alleged, pursuant to Chapter 7, 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 Code Enforcement Special Magistrate on **February 22, 2017, 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 Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

For further information regarding this matter, you may contact the undersigned Code Compliance Inspector at (386) 506-5644.

DATED this 21st day of December, 2016.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Deborah Faircloth
Deborah Faircloth

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to George Morgan & Ethel M Morgan, 709 Sheldon Cir, Port Orange, FL 32127, was

- ☐ Hand-delivered
- ☒ Posted at the property

Time: approx. 1:55 pm

this 21st day of December, 2016.

Deborah Faircloth

Deborah Faircloth

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to George Morgan & Ethel M Morgan, 709 Sheldon Cir, Port Orange, FL 32127 was

- ☒ Posted at City Hall
- ☐ Sent via certified and regular

this 22 day of December, 2016.

Secretary, Special Magistrate

RIGHT TO APPEAL

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE **SPECIAL MAGISTRATE** WITH RESPECT TO ANY MATTER CONSIDERED AT THE MEETING OR HEARING, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS, AND, FOR SUCH PURPOSE HE OR SHE MAY NEED TO ENSURE AT HIS OR HER OWN EXPENSE FOR THE TAKING AND PREPARATION OF A VERBATIM RECORD OF ALL TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

ACCOMMODATIONS

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, WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING DATE; IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 1-800-955-8771.

Case Cost Sheet Log

Case No. 16-1457

Name	Activity	Activity_Date	Status	Cost
Terri G. Curatolo	Cost to mail the Notice of Violation/Notice of Hearings (via certified & regular)	11/30/2016	Regular mail returned unclaimed; Certified mail not returned or signed for	$7.34
The Bank of New York Mellon	Cost to mail the Notice of Violation/Notice of Hearings (via certified & regular)	11/30/2016	Green card signed on 12/5/16	$7.34
Clerk of Court	Cost to record Finding of Fact, Conclusion of Law & Order	01/11/2017		$27.00
Terri G. Curatolo	Cost to mail Finding of Fact, Conclusion of Law & Order (via certified & regular mail)	01/11/2017		$7.34
The Bank of New York Mellon	Cost to mail Finding of Fact, Conclusion of Law & Order (via certified & regular mail)	01/11/2017		$7.34

Total: 56.36

NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 16-1457

To: Terri G. Curatolo
Property Owner
707 Paddock Club Drive
Panama City Beach, FL 32047

Re: 3640 Scott Street
Port Orange, FL 32129
Parcel ID: 6337-07-04-0090
LEGAL DESCRIPTION: LOT 9 BLK 4 BEACON WOODS UNIT 3 MB 34 PG 104 PER OR 5128 PG 2097
Volusia County Public Records
Volusia County, FL

An inspection of the premises on August 31, 2016, indicates that certain violation(s) of the City of Port Orange Code exists.

Property owner was notified of the violations noted below and given 10 days to correct. A re-inspection was done on November 15, 2016, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by December 14, 2016.

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

1. Chapter 3 (General Requirements), Section 303 (Swimming Pools, Hot Tubs and Spas), 303.1 (Swimming Pools), of the International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Swimming pools shall be maintained in a clean and sanitary condition and in good repair.
   - Inspection revealed that the pool is green and has debris inside it. A cover was placed on the pool at one time but the materials are rotting and the wire meshing is coming up which has caused exposed areas in the cover where someone could fall in. The cover needs to be replaced or repaired with effective materials so that there are no exposed areas.

2. Chapter 3 (General Requirements), Section 303 (Swimming Pools, Hot Tubs and Spas), 303.2 (Enclosures), of the International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: ...No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.
   - Inspection revealed that the enclosure does have locking mechanisms but there are large areas where the screen is out which could be easily accessible by children. The screened areas must be repaired in such a way that a child could not access the pool by climbing through the broken areas and fall through the cover.

3. 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 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.

- While on the property, I noticed a lot of yard debris to include fallen limbs and trees and high weeds. The property needs to be cleaned up in its entirety to include mowing of yard, weed eating, and trimming of any and all high weeds and removing all yard debris.

Attachments: ☒ Copy of code ☒ Copy of Deed ☒ Copy of Tax Roll

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 code enforcement board or 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 specified time for correction by the Code Compliance Inspector, the case shall be presented to the **Special Magistrate** on the date set forth below, even if the violation has been corrected prior to this scheduled hearing.

The burden shall rest upon the Respondent to request a re-inspection by the Code Compliance Inspector to determine whether the property is in compliance.

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 January 11, 2017, 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 below, 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 Inspector. 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 $ 14.68 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 **January 11, 2017**, enters a Final Order finding a violation as alleged, pursuant to Chapter 7, 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 Code Enforcement Special Magistrate on **February 22, 2017, 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 Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

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

DATED this 29th day of November, 2016.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Dena Joseph
Dena Joseph, Code Compliance Inspector

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Terri G. Curatolo, Property Owner, 707 Paddock Club Drive, Panama City Beach, FL 32047, RE: 3640 Scott Street, Port Orange, FL 32129, was

☐ Hand-delivered Recipient of hand delivered documents: _____

☒ Posted at the property

this 29th day of November, 2016.

Time: approx. 11:35 AM

Dena Joseph
Dena Joseph, Code Compliance Inspector

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Terri G. Curatolo, Property Owner, 707 Paddock Club Drive, Panama City Beach, FL 32047, RE: 3640 Scott Street, Port Orange, FL 32129 and also to the following:

The Bank of New York Mellon, FKA The Bank of New York, as Trustee for the Certificate Holders of CWALT Inc., Alternative Loan Trust 2005-84, Mortgage Pass-Through Certificates, Series 2005-84, 101 Barclay Street-4W, New York, NY 10286 was

☒ Posted at City Hall

☒ Sent via certified and regular

this 30 day of NOV., 2016.

Secretary, Special Magistrate

RIGHT TO APPEAL

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE **SPECIAL MAGISTRATE** WITH RESPECT TO ANY MATTER CONSIDERED AT THE MEETING OR HEARING, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS, AND, FOR SUCH PURPOSE HE OR SHE MAY NEED TO ENSURE AT HIS OR HER OWN EXPENSE FOR THE TAKING AND PREPARATION OF A VERBATIM RECORD OF ALL TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

ACCOMMODATIONS

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, WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING DATE; IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 1-800-955-8771.

Volusia County FLORIDA

Volusia County Property Appraiser

Morgan B. Gilreath Jr. M.A., C.F.A.

Parcel Information: 6337-07-04-0090 **2017 Working Tax Roll** Last Updated: 11-27-2016

Owner Name and Address

Alternate Key	3683145	**Parcel Status**	Active Parcel (Real Estate)
Short Parcel ID	6337-07-04-0090	**Mill Group**	402 Port Orange
Full Parcel ID	37-16-33-07-04-0090	**2016 Final Mill Rate**	20.05190
Created Date	31 DEC 1981		
Property Class	01 Single Family		
Ownership Type	Fee Simple	**Ownership Percent**	100
Owner Name	CURATOLO TERRI G		
Owner Name/Address 1			
Owner Address 2	707 PADDOCK CLUB DR		
Owner Address 3	PANAMA CITY BEACH FL		
Owner Zip/Postal Code	32047		
Situs Address	3640 SCOTT ST PORT ORANGE 32129		

Legal Description

LOT 9 BLK 4 BEACON WOODS UNIT 3 MB 34 PG 104 PER OR 5128 PG 2097

Sales History

Book	Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
5128	2097	07/2003	Warranty Deed	Qualified Sale	Yes	146,000
2055	1131	03/1979	Warranty Deed	Qualified Sale	Yes	59,500
1923	1813	08/1977	Warranty Deed	Qualified Sale	Yes	44,000

History of Values

Year	Land	Bldg(s)	Misc. Impr.	Just Value	School Assessed	Non-School Assessed	School Exemption	School Taxable	Non-School Exemption	Non-School Taxable
2016	22,315	98,947	12,252	133,514	133,514	133,514	0	133,514	0	133,514
2015	22,315	90,080	12,085	124,480	124,480	124,480	0	124,480	0	124,480

Display Value History

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
0101	IMP PVD THRU .49 AC	84.0	109.0	84.00	FRONT FEET	279.99	95	100	100	100	22,315

Neighborhood 5276 BEACON WOODS, UNITS 1 THRU 5

Total Land Classified 0

Total Land Just 22,315

Building Characteristics

Building Number: 120232 **(Building 1 of 1)**

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
120232	Single Family	194	1977	300		27%	0%	0%	2999

Roof Type	GABLE	**Floors**	Carpet	**Bedrooms**	3	**4 Fixture Bath**	0		
Roof Cover	ASPHALT SHINGL	**Wall Type**	Plaster	**X Fixture Bath**	0	**5 Fixture Bath**	0		
Heat Type1	Forced Ducted	**Heat Source1**	Electricity	**2 Fixture Bath**	0	**6 Fixture Bath**	0		
Heat Type2		**Heat Source2**		**3 Fixture Bath**	2	**7 Fixture Bath**	0		
Foundation	Concrete Slab	**Year Remodeled**		**Fireplaces**	1	**A/C**	Yes		

Section Number	Area Type	Exterior Wall Type	Number Stories	Year Built	Attic Finish	Bsmt Area	Bsmt Finish	Floor Area
001	Res BASE Area (BAS)	C B STUCCO	1.0	1977	N	0%	0%	1605 Sq. Feet
002	Porch, Open Finished (FOP)	Non-Applicable	1.0	1977	N	0%	0%	116 Sq. Feet
003	Finished Garage (FGR)	Non-Applicable	1.0	1977	N	0%	0%	549 Sq. Feet
004	Porch, Open Unfinished (UOP)	Non-Applicable	1.0	1998	N	0%	0%	144 Sq. Feet

07/31/2003 08:28 AM
Doc stamps 1022.00
(Transfer Amt $ 146000)
Instrument# 2003-185114
Book: 5128
Page: 2097
Diane M. Matousek
Volusia County, Clerk of Court

Dustin C. Shaffer
Waterside Title Co.
640 Dunlawton Ave.
Port Orange, FL 32127

Parcel ID Number: 6337-07-04-0090

Warranty Deed

This Indenture, Made this 21st day of July , 2003 A.D. **Between**
Lila L. Parks, a single woman

of the County of Volusia , State of Florida , **grantor,** and
Joseph A. Curatolo and Terri G. Curatolo, husband and wife

whose address is: 3640 Scott St., Port Orange, FL 32129

of the County of Volusia , State of Florida , **grantees.**

Witnesseth that the GRANTOR, for and in consideration of the sum of
----------TEN DOLLARS ($10)---------- DOLLARS,
and other good and valuable consideration to GRANTOR in hand paid by GRANTEES, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said GRANTEES and GRANTEES' heirs, successors and assigns forever, the following described land, situate, lying and being in the County of Volusia State of Florida to wit:

Lot 9, Block 4, BEACON WOODS UNIT #3, according to the plat thereof, recorded in Map Book 34, Page(s) 104 of the Public Records of Volusia County, Florida.

Subject to restrictions, reservations and easements of record, if any, and taxes subsequent to 2002.

and the grantor does hereby fully warrant the title to said land, and will defend the same against lawful claims of all persons whomsoever.

In Witness Whereof, the grantor has hereunto set her hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Printed Name: Margaret M. Patchett
Witness

Printed Name: DUSTIN SHAFFER
Witness

Lila L. Parks (Seal)
Lila L. Parks
P.O. Address: 136 Fairview Ave #505, Daytona Beach, FL 32114

STATE OF Florida
COUNTY OF Volusia

The foregoing instrument was acknowledged before me this 21st day of July , 2003 by
Lila L. Parks, a single woman

she is personally known to me or she has produced her U.S. driver's license as identification.

MARGARET M. PATCHETT
MY COMMISSION # DD 073860
EXPIRES: November 25, 2005
Bonded Thru Notary Public Underwriters

Printed Name: Margaret M. Patchett
Notary Public
My Commission Expires:

03-1430

Laser Generated by © Display Systems, Inc., 2000 (863) 763-5555 Form FLWD-1

CHAPTER 3
GENERAL REQUIREMENTS

SECTION 301
GENERAL

301.1 Scope. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and *exterior property.*

301.2 Responsibility. The *owner* of the *premises* shall maintain the structures and *exterior property* in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy *premises* that are not in a sanitary and safe condition and that do not comply with the requirements of this chapter. *Occupants* of a *dwelling unit*, *rooming unit* or *housekeeping unit* are responsible for keeping in a clean, sanitary and safe condition that part of the *dwelling unit*, *rooming unit*, *housekeeping unit* or *premises* which they occupy and control.

301.3 Vacant structures and land. Vacant structures and *premises* thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

SECTION 302
EXTERIOR PROPERTY AREAS

302.1 Sanitation. *Exterior property* and *premises* shall be maintained in a clean, safe and sanitary condition. The *occupant* shall keep that part of the *exterior property* that such *occupant* occupies or controls in a clean and sanitary condition.

302.2 Grading and drainage. *Premises* shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Exception: *Approved* retention areas and reservoirs.

302.3 Sidewalks and driveways. Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

302.4 Weeds. *Premises* and *exterior property* shall be maintained free from weeds or plant growth in excess of **[JURISDICTION TO INSERT HEIGHT IN INCHES]**. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the *owner* or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the *owner* or agent responsible for the property.

302.5 Rodent harborage. Structures and *exterior property* shall be kept free from rodent harborage and *infestation.* Where rodents are found, they shall be promptly exterminated by *approved* processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

302.6 Exhaust vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another *tenant.*

302.7 Accessory structures. Accessory structures, including *detached* garages, fences and walls, shall be maintained structurally sound and in good repair.

302.8 Motor vehicles. Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any *premises*, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an *approved* spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and *approved* for such purposes.

302.9 Defacement of property. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the *owner* to restore said surface to an *approved* state of maintenance and repair.

SECTION 303
SWIMMING POOLS, SPAS AND HOT TUBS

303.1 Swimming pools. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

303.2 Enclosures. Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier not less than 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is not less than 54 inches (1372 mm) above the bottom of the

gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Exception: Spas or hot tubs with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.

SECTION 304
EXTERIOR STRUCTURE

304.1 General. The exterior of a structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

304.1.1 Unsafe conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the *International Building Code* or the *International Existing Building Code* as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The *anchorage* of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;
5. Structural members that have evidence of *deterioration* or that are not capable of safely supporting all nominal loads and load effects;
6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;
7. Exterior walls that are not *anchored* to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly *anchored* or are not capable of supporting all nominal loads and resisting all load effects;
8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of *deterioration*, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;
9. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of *deterioration* or fatigue, are not properly *anchored* or are incapable of supporting all nominal loads and resisting all load effects;
10. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
11. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects;
12. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including *guards* and handrails, are not structurally sound, not properly *anchored* or that are *anchored* with connections not capable of supporting all nominal loads and resisting all load effects; or
13. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly *anchored*, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. Where substantiated otherwise by an *approved* method.
2. Demolition of unsafe conditions shall be permitted where *approved* by the *code official*.

304.2 Protective treatment. Exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. Siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and water tight. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

[F] 304.3 Premises identification. Buildings shall have *approved* address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be not less than 4 inches (102 mm) in height with a minimum stroke width of 0.5 inch (12.7 mm).

Sec. 42-26. - Cleanliness of property generally—Duty of owner.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Improved lot means any lot which improvements have been made, including, but not limited to, change of grade through filling or excavation, installation of water or sewer line, clearing of property to begin construction, or any other physical alteration which has significantly disturbed the natural vegetation on the site.

Undergrowth means herbaceous plants, plants and grasses with stems that wither away annually as distinguished from trees or shrubs with woody stems that live from year to year.

Unimproved lot means any lot which remains undisturbed and in a natural vegetative state.

(b) *Purpose and intent.* The city recognizes the need to protect the health, safety and welfare of the citizens of the city through control and elimination of aesthetically displeasing and potentially dangerous accumulations of garbage, waste, trash, debris, junk and undergrowth. It is, therefore, the purpose and intent of this section to reduce or eliminate such conditions within reasonable limits by hereby establishing a duty and responsibility on the part of the owner of designated lots located within the city to keep such lot free and clear of garbage, waste, trash, debris, junk and undergrowth.

(c) *Maintenance of commercial and industrial zoned lots.* The owner of every improved lot, piece and parcel of land located within a commercial or industrial zone within the city shall keep each such lot, piece or parcel of land free and clear of all fallen trees and limbs and undergrowth exceeding 12 inches in height. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than 12 inches within such natural areas. Owners of unimproved vacant parcels in such zones shall similarly maintain such portion of their property as lies within ten feet of any improved property, any sidewalk, roadway or bicycle path.

(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.

(e)

Case Cost Sheet Log

Case No. 16-1612

Name	Activity	Activity_Date	Status	Cost
Jaqueline M. & Donald A Acosta	Cost to mail Notice of Repeat Violation/Notice of Hearings to 825 Upland Drive, Port Orange, FL 32127 (via certified & regular)	10/05/2016	Certified mailings returned UNCLAIMED; regular mail not returned	$14.68
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law & Order	11/09/2016		$18.50
Jaqueline M. & Donald A Acosta	Cost to mail Finding of Fact, Conclusion of Law & Order to 825 Upland Drive, Port Orange, FL 32127 (via certified & regular)	11/09/2016		$14.68
Clerk of Court	Fee to record Order Setting Fine/Lien	01/11/2017		$44.00
Jaqueline M. & Donald A Acosta	Cost to mail Order Imposing Fine/Lien to 825 Upland Drive, Port Orange, FL 32127 (via certified & regular)	01/11/2017		$14.68

Total: 106.54

NOTICE OF REPEAT VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 16-1612

To: Jaqueline M. & Donald A. Acosta
Re: 825 Upland Dr
Port Orange, FL 32127
Parcel ID: 6321-04-00-1150
LEGAL DESCRIPTION: LOT 115 THE HAMLET SUB 1ST ADDITION MB 35 PGS 99-100 INC PER OR 4975 PG 1225 PER OR 5864 PG 4185 PER D/C 5865 PG 4113 PER OR 5910 PG 1211 PER OR 5947 PGS 4351-4352 PER OR 5952 PGS 0372-0373 PER OR 5969 PGS 2888-2890 INC
Volusia County Public Records
Volusia County, FL

An inspection of the premises on September 27, 2016, indicates that certain repeat violation(s) of the City of Port Orange Code exists.

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

- Chapter 42 (Nuisances) of the City of Port Orange Code of Ordinances, Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of Property Generally-Duty of Owner), (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 (10) inches.
- An inspection of the property was conducted on September 27, 2016. During that inspection, I observed a repeat violation. See attached Finding of Fact and Conclusion of Law and Order. Case # 15-048. To correct the repeat violation, the property needs to be mowed, maintained and all high weeds trimmed.

Attachments: ☒ Copy of code ☒ Copy of Deed ☒ Copy of Tax Roll

A fine up to $5000 per day per violation for a repeat violation may be assessed by the Special Magistrate.

The burden shall rest upon the Respondents to request a re-inspection by the Code Compliance Inspector to determine whether the property is in compliance.

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 9, 2016 **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 below, 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 Inspector. 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 $14.68 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 9, 2016 enters a Final Order finding a violation as alleged, pursuant to Chapter 7, 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 Code Enforcement Special Magistrate on December 14, 2016, **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 Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

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

DATED this 28th day of September, 2016.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: J. Scott Allman
J. Scott Allman

X I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Jaqueline M. & Donald A. Acosta, RE: 825 Upland Dr, Port Orange, FL 32127, was

□ Hand-delivered Recipient of hand delivered documents: _____

X Posted at the property

Time: 11:50 A.M.

this 29 day of September, 2016.

J. Scott Allman
J. Scott Allman

X I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Jaqueline M. & Donald A. Acosta, RE: 825 Upland Dr, Port Orange, FL 32127, was

□ Posted at City Hall

X Sent via certified and regular

this 5 day of October, 2016.

Secretary, Special Magistrate

RIGHT TO APPEAL

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE **SPECIAL MAGISTRATE** WITH RESPECT TO ANY MATTER CONSIDERED AT THE MEETING OR HEARING, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS, AND, FOR SUCH PURPOSE HE OR SHE MAY NEED TO ENSURE AT HIS OR HER OWN EXPENSE FOR THE TAKING AND PREPARATION OF A VERBATIM RECORD OF ALL TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

ACCOMMODATIONS

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, WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING DATE; IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 1-800-955-8771.

Volusia County FLORIDA

Volusia County
Property Appraiser

Morgan B. Gilreath Jr.
M.A., C.F.A.

Notice of Proposed Taxes Estimate of Taxes

Parcel Information: 6321-04-00-1150 **2016 Preliminary Tax Roll** **Last Updated: 09-27-2016**

Owner Name and Address

Alternate Key	3660951	**Parcel Status**	Active Parcel (Real Estate)
Short Parcel ID	6321-04-00-1150	**Mill Group**	402 Port Orange
Full Parcel ID	21-16-33-04-00-1150	**2015 Final Mill Rate**	20.86510
Created Date	31 DEC 1981		
Property Class	01 Single Family		
Ownership Type		**Ownership Percent**	100
Owner Name	ACOSTA JACQUELINE M &		
Owner Name/Address 1	DONALD A ACOSTA		
Owner Address 2	825 UPLAND DRIVE		
Owner Address 3	PORT ORANGE FL		
Owner Zip/Postal Code	32127		
Situs Address	825 UPLAND DR PORT ORANGE 32127		

Legal Description

LOT 115 THE HAMLET SUB 1ST ADDITION MB 35 PGS 99-100 INC PER OR 4975 PG 1225 PER OR 5864 PG 4185 PER D/C 5865 PG 4113 PER OR 5910 PG 1211 PER OR 5947 PGS 4351-4352 PER OR 5952 PGS 0372-0373 PER OR 5969 PGS 2888-2890 INC

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
5969 2888	12/2006	Warranty Deed	Unqualified Sale	Yes	100
5952 0372	11/2006	Quit Claim Deed	Unqualified Sale	Yes	100
5947 4351	11/2006	Quit Claim Deed	Unqualified Sale	Yes	100
5910 1211	09/2006	Personal Rep.	Unqualified Sale	Yes	100
5864 4185	06/2006	Warranty Deed	Affiliated Parties	Yes	15,000
5865 4113	03/2003	Death Certificate	Unqualified Sale	Yes	100
4975 1225	10/2002	Warranty Deed	Qualified Sale	Yes	150,000
2562 1689	05/1984	Warranty Deed	Addition after sale	Yes	53,500
2467 1812	08/1983	Warranty Deed	Unqualified Sale	No	100
2467 1813	07/1983	Warranty Deed	Qualified Sale	No	13,200

History of Values

Year	Land	Bldg(s)	Misc. Impr.	Just Value	School Assessed	Non-School Assessed	School Exemption	School Taxable	Non-School Exemption	Non-School Taxable
2015	15,019	120,281	12,281	147,581	147,581	147,581	0	147,581	0	147,581
2014	15,019	109,167	10,107	134,293	134,293	134,293	0	134,293	0	134,293

Display Value History

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
0101	IMP PVD THRU .49 AC	84.0	167.0	84.00	FRONT FEET	160.00	112	100	100	100	15,019

Neighborhood 5680 DEVONWOOD,HAMLET,HAMLET 1ST

Total Land Classified 0

Total Land Just 15,019

Building Characteristics

Building Number: 118384 **(Building 1 of 1)**

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
118384	Single Family	208	1984	300		19%	0%	0%	2999

Roof Type	GABLE	**Floors**	Carpet	**Bedrooms**	3	**4 Fixture Bath**		0
Roof Cover	ASPHALT SHINGL	**Wall Type**	Drywall	**X Fixture Bath**	0	**5 Fixture Bath**		0
Heat Type1	Forced Ducted	**Heat Source1**	Electricity	**2 Fixture Bath**	0	**6 Fixture Bath**		0
Heat Type2		**Heat Source2**		**3 Fixture Bath**	2	**7 Fixture Bath**		0
Foundation	Concrete Slab	**Year Remodeled**		**Fireplaces**	1	**A/C**		Yes

11/14/2006 08:56 AM
Doc stamps .70
(Transfer Amt $ 10)
Instrument# 2006-283229 # 1
Book: 5952
Page: 372

Prepared by:
Stepniak & Wrenn, P.A.
958 S. Ridgewood Avenue
Daytona Beach, Florida 32114

Return to:
Stepniak & Wrenn, P.A.
958 S. Ridgewood Avenue
Daytona Beach, Florida 32114

QUITCLAIM DEED

This Quitclaim Deed made this 15th day of November, 2006, by STEPNIAK & WRENN, P.A. a Corporation, as Grantor, to JACQUELINE M. ACOSTA & DONALD A. ACOSTA, of 5808 Wales Ave. Port Orange, Florida 32127, as Grantee.

NOW THEREFORE, Grantor, in consideration of Ten Dollars ($10.00) and other good and valuable consideration in hand, paid by Grantee, the receipt whereof is hereby acknowledged, does hereby remise, release and quitclaim to Grantee forever, all the right, title, interest, claim and demand which she has in and to that real property located in Volusia County, Florida, and more particularly described as follows:

THE FOLLOWING DESCRIBED LOT, PIECE OR PARCEL OF LAND, SITUATE, LYING AND BEING IN THE COUNTY OF VOLUSIA STATE OF FLORIDA:

LOT 115 THE HAMLET SUB 1ST ADDITION MB 35 PGS 99-100 INC PER OR 4975 PG 1225 PER OR 5864 PG 4185 PER D/C 5865 PG 4113 PE

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of Grantor, either in law or equity, to the only proper use and benefit of Grantee forever.

Instrument# 2006-283229 # 2
Book: 5952
Page: 373
Diane M. Matousek
Volusia County, Clerk of Court

IN WITNESS WHEREOF, Grantor has executed this Quitclaim Deed on the day and year first written above.

Grantor

WITNESSES:

Witness Signature
Print Name: Jane Stepniak

Witness Signature
Print Name: Sherry A. Huskey Hopson

STATE OF FLORIDA)
)
COUNTY OF VOLUSIA)

The foregoing instrument was acknowledged before me, this 13th day of November 2006, by Robert F. Stepniak who is personally known to me or who has produced _____ as identification.

NOTARY PUBLIC-STATE OF FLORIDA
Minokah Lipps
Commission # DD525382
Expires: MAR. 06, 2010
Bonded Thru Atlantic Bonding Co., Inc.

NOTARY PUBLIC

Sec. 42-26. - Cleanliness of property generally—Duty of owner.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Improved lot means any lot which improvements have been made, including, but not limited to, change of grade through filling or excavation, installation of water or sewer line, clearing of property to begin construction, or any other physical alteration which has significantly disturbed the natural vegetation on the site.

Undergrowth means herbaceous plants, plants and grasses with stems that wither away annually as distinguished from trees or shrubs with woody stems that live from year to year.

Unimproved lot means any lot which remains undisturbed and in a natural vegetative state.

(b) *Purpose and intent.* The city recognizes the need to protect the health, safety and welfare of the citizens of the city through control and elimination of aesthetically displeasing and potentially dangerous accumulations of garbage, waste, trash, debris, junk and undergrowth. It is, therefore, the purpose and intent of this section to reduce or eliminate such conditions within reasonable limits by hereby establishing a duty and responsibility on the part of the owner of designated lots located within the city to keep such lot free and clear of garbage, waste, trash, debris, junk and undergrowth.

(c) *Maintenance of commercial and industrial zoned lots.* The owner of every improved lot, piece and parcel of land located within a commercial or industrial zone within the city shall keep each such lot, piece or parcel of land free and clear of all fallen trees and limbs and undergrowth exceeding 12 inches in height. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than 12 inches within such natural areas. Owners of unimproved vacant parcels in such zones shall similarly maintain such portion of their property as lies within ten feet of any improved property, any sidewalk, roadway or bicycle path.

(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.

(e)

Instrument# 2015-055510 # 1
Book: 7099
Page: 972

CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 15-048

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

Jacqueline M. & Donald A. Acosta
825 Upland Drive
Port Orange, FL 32127
6321-04-00-1150

Respondent.
_____/

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

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on March 25, 2015, after due notice to the Respondent(s), and the Special Magistrate having heard testimony under oath, received evidence and heard argument from Staff thereupon issues its Findings of Fact, Conclusions of Law, and Order, as follows:

FINDINGS OF FACT:

A. Respondent(s), Jacqueline M. & Donald A. Acosta, whose mailing address is 825 Upland Drive, Port Orange, FL 32127, is/are the owner(s) of the property located at 825 Upland Drive, Port Orange, FL 32127, and more particularly described as:

LOT 115 THE HAMLET SUB 1ST ADDITION MB 35 PGS 99-100 INC PER OR 4975 PG 1225 PER OR 5864 PG 4185 PER D/C 5865 PG 4113 PE R OR 5910 PG 1211 PER OR 5947 PGS [redacted] PER OR 5952 PGS [redacted] PER OR 5969 PGS [redacted] INC

B. The property is overgrown and full of yard debris. This condition was first observed at the real property described above on January 16, 2015; re-inspections made on February 16, 2015 and March 24, 2015 confirmed the condition as being the same. Respondent(s), Jacqueline M. & Donald A. Acosta, received notice via certified mail and posted at City hall on February 6, 2015 as well as property posting on February 5, 2015. The aforesaid conditions constituted a violation of Chapter 42, Article II, Section 42-26(d)(f)(h) of the City of Port Orange Code of Ordinance, and was to be corrected by February 12, 2015.

C. At the time of the hearing on March 25, 2015, the violations cited above: [√] continue to exist, or [___] remained noncompliant until _____ [Date].

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

CONCLUSION OF LAW:

Respondent(s), Jacqueline M. & Donald A. Acosta, by reason of the foregoing, has/have violated Chapter 42, Article II, Section 42-26(d)(f)(h) of the City of Port Orange Code of Ordinance, in that the Respondent(s) failed, on or before the date set in the notice of violation, to remedy the conditions of the overgrowth and yard debris, is 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 maintaining the entire property to the street and cleaning up and removing all yard debris along with any garbage or trash on or before April 2, 2015. If paragraph D. above is checked and the Respondent(s) has/have not abated the condition by April 2, 2015, 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 the 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 sub section (a)." The cost to date is $54.30 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. 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.

C. 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. 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.

Book: 7099
Page: 974
Diane M. Matousek
Volusia County, Clerk of Court

DONE AND ORDERED this 25 day of March, 2015

Attest: _____
Secretary, Code Enforcement Special Magistrate

By: _____
Code Enforcement Special Magistrate

I HEREBY ACKNOWLEDGE AND AGREE that the foregoing findings are true and accurate to the best of my knowledge.

_____
Code Compliance Inspector

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), Jacqueline M. & Donald A. Acosta, 825 Upland Drive, Port Orange, FL 32127 by Certified and Regular Mail this 26 day of March, 2015.

_____
Secretary, Code Enforcement Special Magistrate

CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 16-1612

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

Jaqueline M. & Donald A. Acosta
825 Upland Drive, Port Orange, FL 32127
PARCEL ID: 6321-04-00-1150

Respondent.
_____/

Recorded in the Public Records:
Instrument # 2016 207 576 11-10-16 @ 11:20 a.m.
Book:7324 Page: 989

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 November 9, 2016, after due notice to the Respondent(s), and the Special Magistrate having heard testimony under oath, received evidence and heard argument from Staff thereupon issues its Findings of Fact, Conclusions of Law, and Order, as follows:

FINDINGS OF FACT:

A. Respondent(s), Jaqueline M. & Donald A. Acosta, (hereinafter referred to as "Respondent(s)", whose mailing address is 825 Upland Drive, Port Orange, FL 32127, is/are the owner(s) of the property located at 825 Upland Drive, Port Orange, FL 32127, and more particularly described as:

LOT 115 THE HAMLET SUB 1ST ADDITION MB 35 PGS 99-100 INC PER OR 4975 PG 1225 PER OR 5864 PG 4185 PER D/C 5865 PG 4113 PER OF 5910 PG 1211 PER OR 5947 PGS 4351-4352 PER OR 5952 PGS 0372-0373 PER OR 5969 PGS 2888-2890 INC

B. The property is overgrown and needs to be completely mowed and high weeds trimmed. This condition was first observed at the real property described above on September 27, 2016; re-inspection was made on November 8, 2016 and confirmed the condition as being the same. Respondent(s) received notice via regular and certified mail on October 5, 2016, posting of the property on September 29, 2016 and posting at City Hall on October 5, 2016, that the aforesaid conditions constituted a repeat violation of Chapter 42 (Nuisances) of the City of Port Orange Code of Ordinances, Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of Property Generally-Duty of Owner), (d) Maintenance of Improved Residential Lots, and was to be corrected immediately.

C. At the time of this hearing, the violations cited above: [_X_] continue to exist, or [___] remained noncompliant until _____ [Date].

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

CONCLUSION OF LAW:

Respondent(s), by reason of the foregoing, has/have violated the above referenced code, in that the Respondent(s) failed, on or before the date set in the notice of violation, to remedy the conditions as stated is therefore subject to the provisions of the City of Port Orange Municipal Code 2.207.

ORDER:

A. Respondent(s) shall correct the aforesaid repeat violation by mowing the entire property and trimming all high weeds, as well as maintaining the property on or before November 18, 2016. In the event that the property is not brought into compliance on or before November 18, 2016, and/or not maintained in a state of compliance, the City shall have the option of abating the repeat violation as this is a health, safety and welfare violation. Notice of the repeat violation will be given to the City Council. The City Council may repair the condition and charge the Respondent(s) with the 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 sub section (a)." The cost to date is $56.36 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. 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.

C. 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. 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 9th day of November, 2016.

Attest: _____
Secretary, Code Enforcement Special Magistrate

By: _____
Code Enforcement Special Magistrate

I HEREBY ACKNOWLEDGE AND AGREE that the foregoing findings are true and accurate to the best of my knowledge.

_____
Code Compliance Inspector

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), Jaqueline M. & Donald A. Acosta, 825 Upland Drive, Port Orange, FL 32127 by Certified and Regular Mail this 10th day of November, 2016.

_____
Secretary, Code Enforcement Special Magistrate

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 10th day of November, 2016.
By: _____
/s/ Robin L. Fenwick

Case Cost Sheet Log

Case No. 16-1498

Name	Activity	Activity_Date	Status	Cost
Jaqueline M. & Donald A. Acosta	Cost to mail Notice of Violation/Notice of Hearing to each Respondent via regular and certified mail	09/12/2016	Certified mail returned unclaimed	$14.68
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law & Order	10/19/2016		$18.50
Jaqueline M. & Donald A. Acosta	Cost to mail Finding of Fact, Conclusion of Law & Order via regular and certified mail	10/19/2016	Regular mailings were not returned; certified mailings were "unclaimed/unable to forward"	$13.84
Clerk of Court	Fee to record Order Imposing Fine/Lien	01/11/2017		$44.00
Jaqueline M. & Donald A. Acosta	Cost to mail Order Imposing Fine/Lien to 825 Uplandd Drive, Port Orange, FL 32127 (via regular and certified mail)	01/11/2017		$13.84

Total: 104.86

NOTICE OF REPEAT VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 16-1498

To: Jaqueline M. & Donald A. Acosta
Re: 825 Upland Dr
Port Orange, FL 32127
Parcel ID: 6321-04-00-1150
LEGAL DESCRIPTION: LOT 115 THE HAMLET SUB 1ST ADDITION MB 35 PGS 99-100 INC PER OR 4975 PG 1225 PER OR 5864 PG 4185 PER D/C 5865 PG 4113 PER OR 5910 PG 1211 PER OR 5947 PGS 4351-4352 PER OR 5952 PGS 0372-0373 PER OR 5969 PGS 2888-2890 INC
Volusia County Public Records
Volusia County, FL

An inspection of the premises on September 8, 2016, indicates that certain repeat violation(s) of the City of Port Orange Code exists.

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

1. Chapter 3, Section 303 Swimming Pools, Spas and Hot Tubs of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances, 303.1 Swimming Pools.

   - An inspection of the property was conducted on September 8, 2016. I observed an unsanitary pool with a thick layer of green algae covering the top. A violation of the above stated ordinance was previously found in Case # 13-1335. See attached Finding of Fact and Conclusion of Law. To correct the repeat violation, the pool must be cleaned and maintained or properly covered with a hard cover.

Attachments: ☒ Copy of code ☒ Copy of Deed ☒ Copy of Tax Roll

A fine up to $5000 per day per violation for a repeat violation may be assessed by the Special Magistrate.

The burden shall rest upon the Respondents to request a re-inspection by the Code Compliance Inspector to determine whether the property is in compliance.

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 12, 2016 **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 below, 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 Inspector. 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 $14.68 as indicated on the cost sheet submitted into evidence. The respondents 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 12, 2016 enters a Final Order finding a violation as alleged, pursuant to Chapter 7, 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 Code Enforcement Special Magistrate on December 14, 2016, **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 Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

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

DATED this 10th day of September, 2016.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: J. Scott Allman
J. Scott Allman

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Jaqueline M. & Donald A. Acosta, RE: 825 Upland Dr, Port Orange, FL, 32127, was

☐ Hand-delivered Recipient of hand delivered documents: _____

☒ Posted at the property

this 10th day of September, 2016.

Time: 10:30 a.m.

J. Scott Allman
J. Scott Allman

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Jaqueline M. & Donald A. Acosta, RE: 825 Upland Dr, Port Orange, FL, 32127, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 12th day of Sept., 2016.

Secretary, Special Magistrate

RIGHT TO APPEAL

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE **SPECIAL MAGISTRATE** WITH RESPECT TO ANY MATTER CONSIDERED AT THE MEETING OR HEARING, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS, AND, FOR SUCH PURPOSE HE OR SHE MAY NEED TO ENSURE AT HIS OR HER OWN EXPENSE FOR THE TAKING AND PREPARATION OF A VERBATIM RECORD OF ALL TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

ACCOMMODATIONS

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, WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING DATE; IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 1-800-955-8771.

Volusia County FLORIDA

Volusia County Property Appraiser

Morgan B. Gilreath Jr. M.A., C.F.A.

Notice of Proposed Taxes | Estimate of Taxes

Parcel Information: 6321-04-00-1150 2016 Preliminary Tax Roll Last Updated: 09-04-2016

Owner Name and Address

Alternate Key	3660951	**Parcel Status**	Active Parcel (Real Estate)
Short Parcel ID	6321-04-00-1150	**Mill Group**	402 Port Orange
Full Parcel ID	21-16-33-04-00-1150	**2015 Final Mill Rate**	20.86510
Created Date	31 DEC 1981		
Property Class	01 Single Family		
Ownership Type		**Ownership Percent**	100
Owner Name	ACOSTA JACQUELINE M &		
Owner Name/Address 1	DONALD A ACOSTA		
Owner Address 2	825 UPLAND DRIVE		
Owner Address 3	PORT ORANGE FL		
Owner Zip/Postal Code	32127		
Situs Address	825 UPLAND DR PORT ORANGE 32127		

Legal Description

LOT 115 THE HAMLET SUB 1ST ADDITION MB 35 PGS 99-100 INC PER OR 4975 PG 1225 PER OR 5864 PG 4185 PER D/C 5865 PG 4113 PER OR 5910 PG 1211 PER OR 5947 PGS 4351-4352 PER OR 5952 PGS 0372-0373 PER OR 5969 PGS 2888-2890 INC

Sales History

Book	Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
5969	2888	12/2006	Warranty Deed	Unqualified Sale	Yes	100
5952	0372	11/2006	Quit Claim Deed	Unqualified Sale	Yes	100
5947	4351	11/2006	Quit Claim Deed	Unqualified Sale	Yes	100
5910	1211	09/2006	Personal Rep.	Unqualified Sale	Yes	100
5864	4185	06/2006	Warranty Deed	Affiliated Parties	Yes	15,000
5865	4113	03/2003	Death Certificate	Unqualified Sale	Yes	100
4975	1225	10/2002	Warranty Deed	Qualified Sale	Yes	150,000
2562	1689	05/1984	Warranty Deed	Addition after sale	Yes	53,500
2467	1812	08/1983	Warranty Deed	Unqualified Sale	No	100
2467	1813	07/1983	Warranty Deed	Qualified Sale	No	13,200

History of Values

Year	Land	Bldg(s)	Misc. Impr.	Just Value	School Assessed	Non-School Assessed	School Exemption	School Taxable	Non-School Exemption	Non-School Taxable
2015	15,019	120,281	12,281	147,581	147,581	147,581	0	147,581	0	147,581
2014	15,019	109,167	10,107	134,293	134,293	134,293	0	134,293	0	134,293

Display Value History

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
0101	IMP PVD THRU .49 AC	84.0	167.0	84.00	FRONT FEET	160.00	112	100	100	100	15,019

Neighborhood 5680 DEVONWOOD,HAMLET,HAMLET 1ST

Total Land Classified 0

Total Land Just 15,019

Building Characteristics

Building Number: 118384 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
118384	Single Family	208	1984	300		19%	0%	0%	2999

Roof Type	GABLE	**Floors**	Carpet	**Bedrooms**	3	**4 Fixture Bath**	0		
Roof Cover	ASPHALT SHINGL	**Wall Type**	Drywall	**X Fixture Bath**	0	**5 Fixture Bath**	0		
Heat Type1	Forced Ducted	**Heat Source1**	Electricity	**2 Fixture Bath**	0	**6 Fixture Bath**	0		
Heat Type2		**Heat Source2**		**3 Fixture Bath**	2	**7 Fixture Bath**	0		
Foundation	Concrete Slab	**Year Remodeled**		**Fireplaces**	1	**A/C**	Yes		

11/14/2006 08:56 AM
Doc stamps .70
(Transfer Amt $ 10)
Instrument# 2006-283229 # 1
Book: 5952
Page: 372

Prepared by:
Stepniak & Wrenn, P.A.
958 S. Ridgewood Avenue
Daytona Beach, Florida 32114

Return to:
Stepniak & Wrenn, P.A.
958 S. Ridgewood Avenue
Daytona Beach, Florida 32114

QUITCLAIM DEED

This Quitclaim Deed made this 15th day of November, 2006, by STEPNIAK & WRENN, P.A. a Corporation, as Grantor, to JACQUELINE M. ACOSTA & DONALD A. ACOSTA, of 5808 Wales Ave. Port Orange, Florida 32127, as Grantee.

NOW THEREFORE, Grantor, in consideration of Ten Dollars ($10.00) and other good and valuable consideration in hand, paid by Grantee, the receipt whereof is hereby acknowledged, does hereby remise, release and quitclaim to Grantee forever, all the right, title, interest, claim and demand which she has in and to that real property located in Volusia County, Florida, and more particularly described as follows:

THE FOLLOWING DESCRIBED LOT, PIECE OR PARCEL OF LAND, SITUATE, LYING AND BEING IN THE COUNTY OF VOLUSIA STATE OF FLORIDA:

LOT 115 THE HAMLET SUB 1ST ADDITION MB 35 PGS 99-100 INC PER OR 4975 PG 1225 PER OR 5864 PG 4185 PER D/C 5865 PG 4113 PE

TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatsoever of Grantor, either in law or equity, to the only proper use and benefit of Grantee forever.

Instrument# 2006-283229 # 2
Book: 5952
Page: 373
Diane M. Matousek
Volusia County, Clerk of Court

IN WITNESS WHEREOF, Grantor has executed this Quitclaim Deed on the day and year first written above.

Grantor

WITNESSES:

Witness Signature
Print Name: Jane Stepniak

Witness Signature
Print Name: Sherry A. Huskey Hopson

STATE OF FLORIDA)
)
COUNTY OF VOLUSIA)

The foregoing instrument was acknowledged before me, this 13th day of November 2006, by Robert F. Stepniak who is personally known to me or who has produced _____ as identification.

NOTARY PUBLIC-STATE OF FLORIDA
Minokah Lipps
Commission # DD525382
Expires: MAR. 06, 2010
Bonded Thru Atlantic Bonding Co., Inc.

NOTARY PUBLIC

CHAPTER 3
GENERAL REQUIREMENTS

SECTION 301
GENERAL

301.1 Scope. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and *exterior property*.

301.2 Responsibility. The *owner* of the *premises* shall maintain the structures and *exterior property* in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy *premises* that are not in a sanitary and safe condition and that do not comply with the requirements of this chapter. *Occupants* of a *dwelling unit*, *rooming unit* or *housekeeping unit* are responsible for keeping in a clean, sanitary and safe condition that part of the *dwelling unit*, *rooming unit*, *housekeeping unit* or *premises* which they occupy and control.

301.3 Vacant structures and land. Vacant structures and *premises* thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

SECTION 302
EXTERIOR PROPERTY AREAS

302.1 Sanitation. *Exterior property* and *premises* shall be maintained in a clean, safe and sanitary condition. The *occupant* shall keep that part of the *exterior property* that such *occupant* occupies or controls in a clean and sanitary condition.

302.2 Grading and drainage. *Premises* shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Exception: *Approved* retention areas and reservoirs.

302.3 Sidewalks and driveways. Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

302.4 Weeds. *Premises* and *exterior property* shall be maintained free from weeds or plant growth in excess of **[JURISDICTION TO INSERT HEIGHT IN INCHES]**. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the *owner* or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the *owner* or agent responsible for the property.

302.5 Rodent harborage. Structures and *exterior property* shall be kept free from rodent harborage and *infestation*. Where rodents are found, they shall be promptly exterminated by *approved* processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

302.6 Exhaust vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another *tenant*.

302.7 Accessory structures. Accessory structures, including *detached* garages, fences and walls, shall be maintained structurally sound and in good repair.

302.8 Motor vehicles. Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any *premises*, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an *approved* spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and *approved* for such purposes.

302.9 Defacement of property. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the *owner* to restore said surface to an *approved* state of maintenance and repair.

SECTION 303
SWIMMING POOLS, SPAS AND HOT TUBS

303.1 Swimming pools. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

303.2 Enclosures. Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier not less than 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is not less than 54 inches (1372 mm) above the bottom of the

10/31/2013 09:55 AM
Instrument# 2013-210995 # 1
Book: 6924
Page: 1518

CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 13-1335

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

v.

Jacqueline & Donald Acosta
825 Upland Drive
Port Orange, FL 32127
6321-04-00-1150

Respondents.
_____/

FINDING OF FACT, CONCLUSION OF LAW AND ORDER

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on October 23, 2013, after due notice to the Respondents, 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, Jacqueline & Donald Acosta, whose mailing address is 825 Upland Drive, Port Orange, FL 32127, is the owners of the property located at 825 Upland Drive, Port Orange, FL 32127, and more particularly described as:

LOT 115 THE HAMLET SUB 1ST ADDITION MB 35 PGS 99-100 INC PER OR 4975 PG 1225 PER OR 5864 PG 4185 PER D/C 5865 PG 4113 PE

B. The condition of the fence having missing pickets that need to be replaced and the possibility of the need to replace some posts that may be rotten. The swimming pool is green and not being maintained. The Screen enclosure is missing screens and does not prevent access. There needs to be a lock on gate(s) into back yard to prevent access until pool enclosure is repaired, was first observed at the real property described above on May 24, 2013; re-inspections made on September 23, 2013, confirmed the condition as being the same. The most recent inspection was on October 15, 2013 and October 22, 2013 resulting in non-compliance. Respondents, Jacqueline & Donald Acosta, received notice via certified mail on September 20, 2013, that the aforesaid conditions constituted a violation of the CITY OF PORT ORANGE LAND DEVELOPMENT CODE, CHAPTER 16, SECTION 3: FENCES & WALLS,(b) General Provisions, (4) Design and Maintenance,(b)(d)(f). All fencing, wood or chain link, must be maintained in its original upright condition. Any missing or broken pickets must be replaced and all gates and latches must operate as they were designed. 2009 INTERNATIONAL PROPERTY MAINTENANCE CODE, CHAPTER 3, GENERAL REQUIREMENTS, SECTION 303 SWIMMING POOLS, SPAS AND HOT TUBS. 303.1 Swimming pools. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair. 303.2 Enclosures. Private swimming pools...No existing Pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Pool enclosure structure must be repaired and screens installed, and were to be corrected by October 4, 2013.

C. At the time of the hearing on October 23, 2013, the violations cited above continue to exist.

CONCLUSION OF LAW:

Respondents, Jacqueline & Donald Acosta, by reason of the foregoing, has violated the CITY OF PORT ORANGE LAND DEVELOPMENT CODE, CHAPTER 16, SECTION 3: FENCES & WALLS,(b) General Provisions, (4) Design and Maintenance,(b)(d)(f). All fencing, wood or chain link, must be maintained in its original upright condition. Any missing or broken pickets must be replaced and all gates and latches must operate as they were designed. 2009 INTERNATIONAL PROPERTY MAINTENANCE CODE, CHAPTER 3, GENERAL REQUIREMENTS, SECTION 303 SWIMMING POOLS, SPAS AND HOT TUBS. 303.1 Swimming pools. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair. 303.2 Enclosures. Private swimming pools...No existing Pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier. Pool enclosure structure must be repaired and screens installed, in that the respondent failed, on or before the date set in the notice of violation, to remedy the condition of the fence having missing pickets that need to be replaced and the possibility of the need to replace some posts that may be rotten. The swimming pool is green and not being maintained. The Screen enclosure is missing screens and does not prevent access. There needs to be a lock on gate(s) into back yard to prevent access until pool enclosure is repaired, and is therefore subject to the provisions of Chapter 162, Florida Statutes (2011).

ORDER:

A. Respondents shall correct the aforesaid violation by repairing fencing and screened pool enclosure, cleaning/sanitizing pool and maintaining this property in compliance on or before November 8, 2013. In the event that the property is not brought into compliance on or before November 8, 2013, a fine of **$100.00** per day shall be imposed for each day the violation continues past November 8, 2013 and run until the property is brought into compliance. The City shall have the option to abate the violation and future violations of the same ordinances, as long as the property is legally owned by Jacqueline & Donald Acosta and lien the property for the total cost of the abatement. Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the code enforcement board may impose additional fines to cover all costs incurred by the city in enforcing its codes and all costs or repairs pursuant to sub section (a)." The cost to date is $13.02 as indicated on the cost sheet submitted into evidence. The respondents will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

B. In the event that the Respondents complete the requirements listed above, Respondents shall request a re-inspection by the Code Compliance Inspector to determine whether the violation has been brought into compliance.

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 Respondents and if the violation concerns real property, any subsequent purchasers, successors in interest, or assigns pursuant to Section 162.07, Florida Statutes (2011).

Instrument# 2013-210995 # 3
Book: 6924
Page: 1520
Diane M. Matousek
Volusia County, Clerk of Court

DONE AND ORDERED this 23 day of October, 2013.

Attest: _____ By: _____
Secretary, Code Enforcement Special Magistrate — Code Enforcement Special Magistrate

I HEREBY ACKNOWLEDGE AND AGREE that the foregoing findings are true and accurate to the best of my knowledge.

_____
Code Compliance Inspector

I HEREBY CERTIFY that a true and correct copy of the foregoing Findings of Fact, Conclusion of Law, and Order have been furnished to Respondents Jacqueline & Donald Acosta at 825 Upland Drive, Port Orange, FL 32127, by Certified and Regular U.S. Mail this 24th day of October, 2013.

_____
Secretary, Code Enforcement Special Magistrate

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 29 day of October, 2013.
By: _____
CITY CLERK

CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 16-1498

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

Recorded in the Public Records:
Instrument #2016 192 109 10-19-16 @ 03:00 p.m.
Book: 7315 Page: 2379

JAQUELINE M. & DONALD A. ACOSTA
825 UPLAND DRIVE
PORT ORANGE, FL 32127
PARCEL ID #6321-04-00-1150

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 19, 2016, after due notice to the Respondent(s), and the Special Magistrate having heard testimony under oath, received evidence and heard argument from Staff thereupon issues its Findings of Fact, Conclusions of Law, and Order, as follows:

FINDINGS OF FACT:

A. Respondent(s), Jaqueline M. & Donald A. Acosta, (hereinafter referred to as "Respondent(s)", whose mailing address is 825 Upland Drive, Port Orange, FL 32127, is/are the owner(s) of the property located at 825 Upland Drive, Port Orange, FL 32127, and more particularly described as:

LOT 115 THE HAMLET SUB 1ST ADDITION MB 35 PGS 99-100 INC PER OR 4975 PG 1225 PER OR 5864 PG 4185 PER D/C 5865 PG 4113 PER OR 5910 PG 1211 PER OR 5947 PGS 4351-4352 PER OR 5852 PGS 0372-0373 PER OR 5969 PGS 2888-2890 INC

B. The swimming pool is unsanitary with a thick layer of green algae covering the top. This condition was first observed at the real property described above on September 8, 2016. Respondent(s) received notice via posting on the property on September 10, 2016, as well as certified and regular mail and posting at City Hall on September 12, 2016, that the aforesaid conditions constituted a repeat violation of Chapter 3, Section 303, Swimming Pools, Spas and Hot Tubs of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances, 303.1 Swimming Pools, and was to be corrected by October 12, 2016.

C. At the time of this hearing, the violations cited above: [_X_] continue to exist, or [___] remained noncompliant until _____ [Date].

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

CONCLUSION OF LAW:

Respondent(s), by reason of the foregoing, has/have violated the above referenced code, in that the Respondent(s) failed to remedy the conditions as stated is therefore subject to the provisions of the City of Port Orange Municipal Code 2.207.

ORDER:

A. Respondent(s) shall correct the aforesaid repeat violation by this ORDER immediately. In the event that the property is not brought into compliance immediately by cleaning and maintaining the pool in a good and sanitary condition or by installing a hard cover, the City shall have the option of abating the repeat violation as this is a health, safety and welfare violation. Notice of the repeat violation will be given to the City Council. The City Council may repair the condition and charge the Respondent(s) with the 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 sub section (a)." The cost to date is $55.52 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. 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.

C. 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. 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 19th day of October, 2016.

Attest: _____
Secretary, Code Enforcement Special Magistrate

By: _____
Code Enforcement Special Magistrate

I HEREBY ACKNOWLEDGE AND AGREE that the foregoing findings are true and accurate to the best of my knowledge.

_____
Code Compliance Inspector

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), Jaqueline M. & Donald A. Acosta, 825 Upland Drive, Port Orange, FL 32127 by Certified and Regular Mail this 19 day of October, 2016.

_____
Secretary, Code Enforcement Special Magistrate

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 19 day of October, 2016.
By: _____

CITY OF PORT ORANGE 1867 FLORIDA

Case Cost Sheet Log

Case No. 16-1832

Name	Activity	Activity_Date	Status	Cost
Scott T. Gilroy	Cost to mail Notice of Repeat Violation/Notice of Hearings to 104 Tumbler Drive, Port Orange, FL 32129 (via regular & certified mail)	11/11/2016	Both mailings returned unable to forward	$7.34
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law & Order	12/14/2016		$27.00
Scott T. Gilroy	Cost to mail Finding of Fact, Conclusion of Law & Order to 104 Tumbler Drive, Port Orange, FL 32129 (via regular & certified mail)	12/14/2016		$7.34
Clerk of Court	Fee to record Order Imposing Fine/Lien	01/11/2017		$44.00
Scott T. Gilroy	Cost to mail Order Imposing Fine/Lien to 104 Tumbler Drive, Port Orange, FL 32129 (via regular & certified mail)	01/11/2017		$7.34

Total: 93.02

NOTICE OF REPEAT VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 16-1832

To: Scott T Gilroy
104 Tumbler Drive
Port Orange, FL 32129

Re: 104 Tumbler Drive
Port Orange, FL 32129
Parcel ID: 6308-03-00-1040
LEGAL DESCRIPTION: LOT 104 BRANDY HILLS UNIT 1 MB 34 PGS 110 & 111 PER OR 4934 PG 1679
Volusia County Public Records
Volusia County, FL

An inspection of the premises on October 25, 2016, indicates that certain violation(s) of the City of Port Orange Code exists.

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

1. City of Port Orange Code of Ordinances, Chapter 42 Nuisances Article 2 Garbage Junk and Undergrowth, Sec. 42-26. - Cleanliness of property generally—Duty of owner. (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 entire yard needs to be mowed and all high weeds and grass need to be trimmed.

Attachments: ☒ Copy of code ☒ Copy of Deed ☒ Copy of Tax Roll

A fine up to $5000 per day per violation for a repeat violation may be assessed by the Special Magistrate.

The burden shall rest upon the Respondent to request a re-inspection by the Code Compliance Inspector to determine whether the property is in compliance.

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 14, 2016, 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 below, 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 Inspector. 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 $ 66.07 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 14, 2016,** enters a Final Order finding a violation as alleged, pursuant to Chapter 7, 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 Code Enforcement Special Magistrate on **January 11, 2017, 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 Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

For further information regarding this matter, you may contact the undersigned Code Compliance Inspector at (386) 506-5616.

DATED this 11th day of November, 2016.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: _____
Amanda Bonin

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Scott T Gilroy 104 Tumbler Drive Port Orange, FL 32129, RE: 104 Tumbler Drive Port Orange, FL 32129, was

☐ Hand-delivered Recipient of hand delivered documents: _____

☒ Posted at the property

Time: approx. 12:55 pm

this 11th day of November, 2016.

_____
Amanda Bonin

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Scott T Gilroy 104 Tumbler Drive Port Orange, FL 32129, RE: 104 Tumbler Drive Port Orange, FL 32129, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 11th day of November, 2016.

_____
Secretary, Special Magistrate

RIGHT TO APPEAL

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE **SPECIAL MAGISTRATE** WITH RESPECT TO ANY MATTER CONSIDERED AT THE MEETING OR HEARING, SUCH PERSON WILL NEED A RECORD OF THE

PROCEEDINGS, AND, FOR SUCH PURPOSE HE OR SHE MAY NEED TO ENSURE AT HIS OR HER OWN EXPENSE FOR THE TAKING AND PREPARATION OF A VERBATIM RECORD OF ALL TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

ACCOMMODATIONS

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, WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING DATE; IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 1-800-955-8771.

Volusia County FLORIDA

Volusia County Property Appraiser

Morgan B. Gilreath Jr. M.A., C.F.A.

Notice of Proposed Taxes Estimate of Taxes

Parcel Information: 6308-03-00-1040 **2017 Working Tax Roll** **Last Updated: 10-29-2016**

Owner Name and Address

Alternate Key	3601670	**Parcel Status**	Active Parcel (Real Estate)
Short Parcel ID	6308-03-00-1040	**Mill Group**	402 Port Orange
Full Parcel ID	08-16-33-03-00-1040	**2016 Final Mill Rate**	20.05190
Created Date	31 DEC 1981		
Property Class	01 Single Family		
Ownership Type		**Ownership Percent**	100
Owner Name	GILROY SCOTT T		
Owner Name/Address 1			
Owner Address 2	104 TUMBLER DR		
Owner Address 3	PORT ORANGE FL		
Owner Zip/Postal Code	32129		
Situs Address	104 TUMBLER DR PORT ORANGE 32129		

Legal Description

LOT 104 BRANDY HILLS UNIT 1 MB 34 PGS 110 & 111 PER OR 4934 PG 1679

Sales History

Book	Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
4934	1679	09/2002	Warranty Deed	Qualified Sale	Yes	134,000
3936	4767	07/1994	Quit Claim Deed	Unqualified Sale	Yes	100
3936	4770	06/1994	Warranty Deed	Qualified Sale	Yes	74,900
2032	0309	11/1978	Warranty Deed	Qualified Sale	Yes	52,900
1931	1711	10/1977	Warranty Deed	Qualified Sale	Yes	38,000

History of Values

Year	Land	Bldg(s)	Misc. Impr.	Just Value	School Assessed	Non-School Assessed	School Exemption	School Taxable	Non-School Exemption	Non-School Taxable
2016	11,868	100,933	11,169	123,970	123,970	115,133	0	123,970	0	115,133
2015	11,868	87,176	11,003	110,047	110,047	104,666	0	110,047	0	104,666

Display Value History

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
0101	IMP PVD THRU .49 AC	86.0	100.0	86.00	FRONT FEET	150.00	92	100	100	100	11,868

Neighborhood 5992 BRANDY HILLS-UNIT 1 MB 34 PG'

Total Land Classified 0

Total Land Just 11,868

Building Characteristics

Building Number: 113104 **(Building 1 of 1)**

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
113104	Single Family	184	1977	300		30%	0%	0%	2999

Roof Type	GABLE	**Floors**	Carpet	**Bedrooms**	3	**4 Fixture Bath**	0		
Roof Cover	ASPHALT SHINGL	**Wall Type**	Plaster	**X Fixture Bath**	0	**5 Fixture Bath**	0		
Heat Type1	Forced Ducted	**Heat Source1**	Electricity	**2 Fixture Bath**	0	**6 Fixture Bath**	0		
Heat Type2		**Heat Source2**		**3 Fixture Bath**	2	**7 Fixture Bath**	0		
Foundation	Concrete Slab	**Year Remodeled**		**Fireplaces**	0	**A/C**	Yes		

Section Number	Area Type	Exterior Wall Type	Number Stories	Year Built	Attic Finish	Bsmt Area	Bsmt Finish	Floor Area
001	Res BASE Area (BAS)	C B STUCCO	1.0	1977	N	0%	0%	1419 Sq. Feet

09/25/2002 15:29
Doc stamps 938.00

(Transfer Amt $ 134000)
Instrument # 2002-219247
Book: 4934
Page: 1679
Diane M. Matousek
Volusia County, Clerk of Court

Return to:
Name:
Address:

This Instrument Prepared:
Andrea Swanto Boswell , C.L.C.
Southern Title of Central Florida, LLC.
404 SEABREEZE BLVD.
DAYTONA BEACH, Florida 32118
as a necessary incident to the fulfillment of conditions contained in a title insurance commitment issued by it.

Property Appraisers Parcel I.D. (Folio) Number(s):
6308-03-00-1040
Grantee(s) S.S.#(s):
File No:**SB025780**

WARRANTY DEED

This Warranty Deed Made the **20th day of September, 2002**, by **RANDY L. WILLIAMSON,** hereinafter called the grantor, whose post office address is: **183 SIDDINGTON WAY, LEXINGTON, South Carolina 29073**

to **SCOTT T. GILROY,** whose post office address is: **104 TUMBLER DR., PORT ORANGE, Florida 32129,** hereinafter called the grantee,

WITNESSETH: That said grantor, for and in consideration of the sum of $10.00 Dollars and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in **Volusia** County, Florida, viz:

LOT 104, BRANDY HILLS - UNIT 1, ACCORDING TO THE PLAT THEREOF RECORDED IN MAP BOOK 34, PAGE 110, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

SOUTHERN TITLE

The property **is not** the homestead of the Grantor(s) nor does it lie adjacent or contiguous to his homestead property.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.
To Have and to Hold, the same in fee simple forever.
And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to **2001**, reservations, restrictions and easements of record, if any.
(The terms "grantor" and "grantee" herein shall be construed to include all genders and singular or plural as the context indicates.)
In Witness Whereof, Grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Witness Signature: Denise A. Cochran
Printed Name: Denise A. Cochran

RANDY L. WILLIAMSON

Witness Signature: Debbie M. Siedschlag
Printed Name: Debbie M. Siedschlag

Witness Signature: _____
Printed Name:

Witness Signature: _____
Printed Name:

STATE OF **SOUTH CAROLINA**
COUNTY OF LEXINGTON

The foregoing instrument was acknowledged before me this **19th day of September, 2002**, by **RANDY L. WILLIAMSON**, who is/are personally known to me or who has/have produced driver license(s) as identification.

Sec. 42-26. - Cleanliness of property generally—Duty of owner.

(a) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Improved lot means any lot which improvements have been made, including, but not limited to, change of grade through filling or excavation, installation of water or sewer line, clearing of property to begin construction, or any other physical alteration which has significantly disturbed the natural vegetation on the site.

Undergrowth means herbaceous plants, plants and grasses with stems that wither away annually as distinguished from trees or shrubs with woody stems that live from year to year.

Unimproved lot means any lot which remains undisturbed and in a natural vegetative state.

(b) Purpose and intent. The city recognizes the need to protect the health, safety and welfare of the citizens of the city through control and elimination of aesthetically displeasing and potentially dangerous accumulations of garbage, waste, trash, debris, junk and undergrowth. It is, therefore, the purpose and intent of this section to reduce or eliminate such conditions within reasonable limits by hereby establishing a duty and responsibility on the part of the owner of designated lots located within the city to keep such lot free and clear of garbage, waste, trash, debris, junk and undergrowth.

(c) Maintenance of commercial and industrial zoned lots. The owner of every improved lot, piece and parcel of land located within a commercial or industrial zone within the city shall keep each such lot, piece or parcel of land free and clear of all fallen trees and limbs and undergrowth exceeding 12 inches in height. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than 12 inches within such natural areas. Owners of unimproved vacant parcels in such zones shall similarly maintain such portion of their property as lies within ten feet of any improved property, any sidewalk, roadway or bicycle path.

(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.

(e) Maintenance of unimproved residential lots. The owner of an unimproved lot in a residential zone with lot sizes of one acre or less shall keep that portion of his property abutting and within

ten feet of any improved lot, sidewalk, street or bicycle path free and clear of all fallen trees and limbs, and all weeds, grass and undergrowth therein shall be cut to a height not exceeding 12 inches within such area.

(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.

(g) No property maintenance permit required; other restrictions and requirements applicable. No permit shall be required for the limited property maintenance required by this section; however, the requirements, restrictions and limitations imposed by other sections of this Code and applicable provisions of the land development code pertaining to environmental preservation, tree removal, change of grade, etc., shall be effective. In the event of any conflict between this section and any other provision of this Code or applicable provision of the land development code, the other sections of this Code or applicable provisions of the land development code shall prevail and govern.

(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 moved 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.

(Code 1981, § 10-1; Ord. No. 1994-5, § 1, 3-15-94)

CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 16-1832

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

Recorded in the Public Records:
Instrument #2016 232 771 12-16-16 @ 10:35 a.m.
Book: 7338 Page: 2243

Scott T. Gilroy
104 Tumbler Drive, Port Orange, FL 32129
PARCEL ID 6308-03-00-1040

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 December 14, 2016, after due notice to the Respondent(s), and the Special Magistrate having heard testimony under oath, received evidence and heard argument from Staff thereupon issues its Findings of Fact, Conclusions of Law, and Order, as follows:

FINDINGS OF FACT:

A. Respondent(s), Scott T. Gilroy, (hereinafter referred to as "Respondent(s)", whose mailing address is 104 Tumbler Drive, Port Orange, FL 32129, is/are the owner(s) of the property located at 104 Tumbler Drive, Port Orange, FL 32129, and more particularly described as:

LOT 104 BRANDY HILLS UNIT 1 MB 34 PGS 110 & 111 PER OR 4934 PG 1679

B. The entire yard needs to be mowed and all high weeds and grass need to be trimmed. This condition was first observed at the real property described above on October 25, 2016; re-inspections were made on November 11, 2016 and December 13, 2016 and confirmed the condition as being the same. Respondent(s) received notice via certified mail, posted on the property and City Hall on November 11, 2016, that the aforesaid conditions constituted a violation of City of Port Orange Code of Ordinances, Chapter 42 Nuisances Article 2 Garbage, Junk, and Undergrowth, Section 42-26 Cleanliness of property generally-duty of owner (d) Maintenance of improved residential lots, and was to be corrected immediately as it is a repeat violation of case #16-1059.

C. At the time of this hearing, the repeat violation cited above: [_X_] continued to exist, or [___] remained noncompliant until _____ [Date].

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

CONCLUSION OF LAW:

Respondent(s), by reason of the foregoing, has/have violated the above referenced code, in that the Respondent(s) failed to remedy the conditions as stated in the Notice of Repeat Violation/Notice of Hearings, is therefore subject to the provisions of the City of Port Orange Municipal Code 2.207.

ORDER:

A. Respondent shall correct the aforesaid repeat violation by mowing the entire property and trimming all high weeds and grass and removing all trash and debris on the site immediately. If paragraph D. above is checked and the Respondent(s) does not abate the condition immediately, then notice of the violation will be given to the City Council and the City shall have the option to abate the violations. The City Council may repair the condition and charge the Respondent(s) with the 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 sub section (a)." The cost to date is $41.68 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. 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.

C. 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. 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 14th day of December, 2016.

Attest: _____
Secretary, Code Enforcement Special Magistrate

By: _____
Code Enforcement Special Magistrate

I HEREBY ACKNOWLEDGE AND AGREE that the foregoing findings are true and accurate to the best of my knowledge.

_____
Code Compliance Inspector

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), Scott T. Gilroy, 104 Tumbler Drive, Port Orange, FL 32129 by Certified and Regular Mail this 14 day of December, 2016.

_____
Secretary, Code Enforcement Special Magistrate

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 15 day of December, 2016.
By: _____

/s/ Robin L. Fenwick

ORDER:

A. Respondent shall correct the aforesaid repeat violation by mowing the entire property and trimming all high weeds and grass and removing all trash and debris on the site immediately. If paragraph D. above is checked and the Respondent(s) does not abate the condition immediately, then notice of the violation will be given to the City Council and the City shall have the option to abate the violations. The City Council may repair the condition and charge the Respondent(s) with the 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 sub section (a)." The cost to date is $41.68 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. 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.

C. 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. 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 14th day of December, 2016.

Attest: _____
Secretary, Code Enforcement Special Magistrate

By: _____
Code Enforcement Special Magistrate

I HEREBY ACKNOWLEDGE AND AGREE that the foregoing findings are true and accurate to the best of my knowledge.

_____
Code Compliance Inspector

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), Scott T. Gilroy, 104 Tumbler Drive, Port Orange, FL 32129 by Certified and Regular Mail this 14 day of December, 2016.

_____
Secretary, Code Enforcement Special Magistrate

Case Cost Sheet Log

Case No. 16-1833

Name	Activity	Activity_Date	Status	Cost
Scott T. Gilroy	Cost to mail Notice of Repeat Violation/Notice of Hearings to 104 Tumbler Drive, Port Orange, FL 32129 (via regular & certified mail)	11/11/2016	Both mailings returned unable to forward	$7.76
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law & Order	12/14/2016		$27.00
Scott T. Gilroy	Cost to mail Finding of Fact, Conclusion of Law, & Order to 104 Tumbler Drive, Port Orange, FL 32129 (via regular & certified mail)	12/14/2016		$7.34
Clerk of Court	Fee to record Order Imposing Fine/Lien	01/11/2017		$44.00
Scott T. Gilroy	Cost to mail Order Imposing Fine/Lien to 104 Tumbler Drive, Port Orange, FL 32129 (via regular & certified mail)	01/11/2017		$7.34

Total: 42.10

NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 16-1833

To: Scott T Gilroy
104 Tumbler Drive
Port Orange, FL 32129

Re: 104 Tumbler Drive
Port Orange, FL 32129
Parcel ID: 6308-03-00-1040
LEGAL DESCRIPTION: LOT 104 BRANDY HILLS UNIT 1 MB 34 PGS 110 & 111 PER OR 4934 PG 1679
Volusia County Public Records
Volusia County, FL

An inspection of the premises on October 25, 2016, 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 November 30, 2016.

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

1. City of Port Orange Land Development Code Chapter 16 Miscellaneous Regulations Section 3: - Fences and walls. Modified (b) (4) (a) & (b)
(b) General provisions.
(4) Design and maintenance.
(a) All fences and walls shall be designed to comply with the architectural and landscaping requirements of this code when applicable.
(b) All fences shall be maintained in their original upright condition.

- The fence needs to be repaired to be in its original and upright condition or replaced

2. Chapter 3, Section 303 Swimming Pools, Spas, and Hot Tubs of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances
303.1 Swimming Pools. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

- The swimming pool needs to be cleaned and covered

Attachments: ☒ Copy of code ☒ Copy of Deed ☒ Copy of Tax Roll

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 code enforcement board or 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 specified time for correction by the Code Compliance Inspector, the case shall be presented to the **Special Magistrate** on the date set forth below, even if the violation has been corrected prior to this scheduled hearing.

The burden shall rest upon the Respondent to request a re-inspection by the Code Compliance Inspector to determine whether the property is in compliance.

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 14, 2016, 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 below, 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 Inspector. 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 $ 6.88 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 14, 2016,** enters a Final Order finding a violation as alleged, pursuant to Chapter 7, 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 Code Enforcement Special Magistrate on **January 11, 2017, 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 Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

For further information regarding this matter, you may contact the undersigned Code Compliance Inspector at (386) 506-5616.

DATED this 11th day of November, 2016.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: _____
Amanda Bonin

☑ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Scott T Gilroy 104 Tumbler Drive Port Orange, FL 32129, RE: 104 Tumbler Drive Port Orange, FL 32129, was

☐ Hand-delivered Recipient of hand delivered documents: _____

☑ Posted at the property

Time: approx. 12:55pm

this 11th day of November, 2016.

_____
Amanda Bonin

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Scott T Gilroy 104 Tumbler Drive Port Orange, FL 32129, RE: 104 Tumbler Drive Port Orange, FL 32129, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 11 day of November, 2016.

Secretary, Special Magistrate

RIGHT TO APPEAL

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE **SPECIAL MAGISTRATE** WITH RESPECT TO ANY MATTER CONSIDERED AT THE MEETING OR HEARING, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS, AND, FOR SUCH PURPOSE HE OR SHE MAY NEED TO ENSURE AT HIS OR HER OWN EXPENSE FOR THE TAKING AND PREPARATION OF A VERBATIM RECORD OF ALL TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

ACCOMMODATIONS

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, WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING DATE; IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 1-800-955-8771.

Volusia County FLORIDA

Volusia County Property Appraiser

Morgan B. Gilreath Jr. M.A., C.F.A.

Notice of Proposed Taxes Estimate of Taxes

Parcel Information: 6308-03-00-1040 2017 Working Tax Roll **Last Updated: 10-29-2016**

Owner Name and Address

Alternate Key	3601670	**Parcel Status**	Active Parcel (Real Estate)
Short Parcel ID	6308-03-00-1040	**Mill Group**	402 Port Orange
Full Parcel ID	08-16-33-03-00-1040	**2016 Final Mill Rate**	20.05190
Created Date	31 DEC 1981		
Property Class	01 Single Family		
Ownership Type		**Ownership Percent**	100
Owner Name	GILROY SCOTT T		
Owner Name/Address 1			
Owner Address 2	104 TUMBLER DR		
Owner Address 3	PORT ORANGE FL		
Owner Zip/Postal Code	32129		
Situs Address	104 TUMBLER DR PORT ORANGE 32129		

Legal Description

LOT 104 BRANDY HILLS UNIT 1 MB 34 PGS 110 & 111 PER OR 4934 PG 1679

Sales History

Book	Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
4934	1679	09/2002	Warranty Deed	Qualified Sale	Yes	134,000
3936	4767	07/1994	Quit Claim Deed	Unqualified Sale	Yes	100
3936	4770	06/1994	Warranty Deed	Qualified Sale	Yes	74,900
2032	0309	11/1978	Warranty Deed	Qualified Sale	Yes	52,900
1931	1711	10/1977	Warranty Deed	Qualified Sale	Yes	38,000

History of Values

Year	Land	Bldg(s)	Misc. Impr.	Just Value	School Assessed	Non-School Assessed	School Exemption	School Taxable	Non-School Exemption	Non-School Taxable
2016	11,868	100,933	11,169	123,970	123,970	115,133	0	123,970	0	115,133
2015	11,868	87,176	11,003	110,047	110,047	104,666	0	110,047	0	104,666

Display Value History

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
0101	IMP PVD THRU .49 AC	86.0	100.0	86.00	FRONT FEET	150.00	92	100	100	100	11,868

Neighborhood 5992 BRANDY HILLS-UNIT 1 MB 34 PG'

Total Land Classified 0

Total Land Just 11,868

Building Characteristics

Building Number: 113104 **(Building 1 of 1)**

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
113104	Single Family	184	1977	300		30%	0%	0%	2999

Roof Type	GABLE	**Floors**	Carpet	**Bedrooms**	3	**4 Fixture Bath**	0		
Roof Cover	ASPHALT SHINGL	**Wall Type**	Plaster	**X Fixture Bath**	0	**5 Fixture Bath**	0		
Heat Type1	Forced Ducted	**Heat Source1**	Electricity	**2 Fixture Bath**	0	**6 Fixture Bath**	0		
Heat Type2		**Heat Source2**		**3 Fixture Bath**	2	**7 Fixture Bath**	0		
Foundation	Concrete Slab	**Year Remodeled**		**Fireplaces**	0	**A/C**	Yes		

Section Number	Area Type	Exterior Wall Type	Number Stories	Year Built	Attic Finish	Bsmt Area	Bsmt Finish	Floor Area
001	Res BASE Area (BAS)	C B STUCCO	1.0	1977	N	0%	0%	1419 Sq. Feet

09/25/2002 15:29
Doc stamps 938.00

(Transfer Amt $ 134000)
Instrument # 2002-219247
Book: 4934
Page: 1679
Diane M. Matousek
Volusia County, Clerk of Court

Return to:
Name:
Address:

This Instrument Prepared:
Andrea Swanto Boswell , C.L.C.
Southern Title of Central Florida, LLC.
404 SEABREEZE BLVD.
DAYTONA BEACH, Florida 32118
as a necessary incident to the fulfillment of conditions contained in a title insurance commitment issued by it.

Property Appraisers Parcel I.D. (Folio) Number(s):
6308-03-00-1040
Grantee(s) S.S.#(s):
File No:**SB025780**

WARRANTY DEED

This Warranty Deed Made the **20th day of September, 2002**, by **RANDY L. WILLIAMSON**, hereinafter called the grantor, whose post office address is:**183 SIDDINGTON WAY, LEXINGTON, South Carolina 29073**

to **SCOTT T. GILROY,** whose post office address is: **104 TUMBLER DR., PORT ORANGE, Florida 32129**, hereinafter called the grantee,

WITNESSETH: That said grantor, for and in consideration of the sum of $10.00 Dollars and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in **Volusia** County, Florida, viz:

LOT 104, BRANDY HILLS - UNIT 1, ACCORDING TO THE PLAT THEREOF RECORDED IN MAP BOOK 34, PAGE 110, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

SOUTHERN TITLE

The property **is not** the homestead of the Grantor(s) nor does it lie adjacent or contiguous to his homestead property.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.
To Have and to Hold, the same in fee simple forever.
And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to **2001**, reservations, restrictions and easements of record, if any.
(The terms "grantor" and "grantee" herein shall be construed to include all genders and singular or plural as the context indicates.)

In Witness Whereof, Grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Witness Signature: Denise A. Cochran
Printed Name: Denise A. Cochran

RANDY L. WILLIAMSON

Witness Signature: Debbie M. Siedschlag
Printed Name: Debbie M. Siedschlag

Witness Signature: _____
Printed Name:

Witness Signature: _____
Printed Name:

STATE OF SOUTH CAROLINA
COUNTY OF LEXINGTON

The foregoing instrument was acknowledged before me this **19th day of September, 2002**, by **RANDY L. WILLIAMSON**, who is/are personally known to me or who has/have produced driver license(s) as identification.

Section 3: - Fences and walls.

(a) In general. All fences and walls shall be constructed in compliance with applicable building codes and in accordance with the following dimensional and use regulations.

(b) General provisions.

(1) Restrictions.

(a) No barbed wire, razor wire or similar material shall be allowed for residential uses.

(b) Barbed wire, razor wire, or similar material shall be prohibited for commercial and industrial uses, except when installed at an eight-foot height or greater.

(c) Temporary construction fencing.

(1) Temporary construction fencing shall be allowed for sites in all zoning districts that have been issued a development order by the city.

(2) The city shall require the installation of a temporary construction fence in areas where construction activities create impacts to adjoining properties and rights-of-way such as debris, glare, and noise, which cannot otherwise be mitigated.

(3) A building permit shall be obtained prior to the erection of the temporary construction fence.

(4) The fence shall be constructed according to the adopted standard construction detail for a temporary construction fence. Approved fence materials shall include opaque privacy fencing or other semipermanent materials deemed appropriate by the administrative official.

(5) If the fence or gate is not properly maintained in an upright position with all fabric materials fully attached, or the fence or gates are not in working order, a stop work order shall be issued for the construction site until the fence is determined to be in proper working order as originally permitted.

(6) The temporary construction fence is intended to remain no longer than necessary to mitigate the conflict with other construction infrastructure for the project. Before a certificate of occupancy is issued, the temporary construction fence shall be removed and replaced with the permanent fence and/or wall as required by chapter 13, section 3.5 of this Code.

(7) In the event that the property remains cleared and vacant for a period of one year after the issuance of a development order or a development permit, whichever is in force at the time, the temporary construction fence shall be removed. If vegetation has not been established by the expiration date, the property must be seeded and mulched, or sodded, and vegetation established prior to the removal

of the fence. The removal of the fence and established of vegetation shall be required prior to approval of any requested development order or development permit extension.

(8) If the city in its discretion deems it necessary, the city may upon notice to the property owner, install or remove a temporary construction fence to comply with the requirements of this code at the expense of the property owner. The expense shall be recorded as a lien against the property in noncompliance and the lien shall have such priority as prescribed by ordinance.

(9) A temporary construction fence shall in no way relieve the property owner from performing other construction-related activities that are required by this code or requirements from other jurisdictional agencies.

(2) Height.

(a) For individual single-family and two-family residential lots, no permanent fence or wall shall exceed six feet in height in rear or side yards, except as provided in subparagraph (e) below. In addition, fences and walls shall not exceed four feet in height when erected on an atypical lot within the required rear yard setback, except as provided in subsection (h) below.

(b) For individual single-family and two-family residential lots, no permanent fence or wall shall exceed four feet in height in required front yards abutting rights-of-way, except as provided in subsections (e), (f) and (g) below.

(c) For nonresidential uses, no permanent fence or wall shall exceed ten feet in height unless approved as part of a development plan to meet the buffering requirements between different types of uses, per chapter 13, section 3.5.

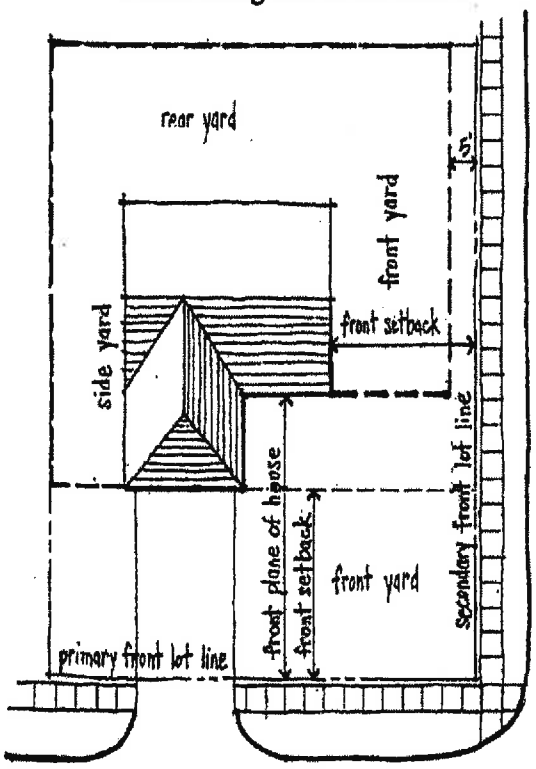
(d) No permanent fence or wall located adjacent to any public right-of-way and designed to be an integral part of a new or existing subdivision improvement, including but not limited to subdivision entrances and subdivision walls, shall exceed 12 feet in height, including columns.

(e) For residential uses adjacent to Interstate 95 right-of-way, no permanent fence or wall shall exceed 12 feet in height adjacent to any property line abutting such right-of-way.

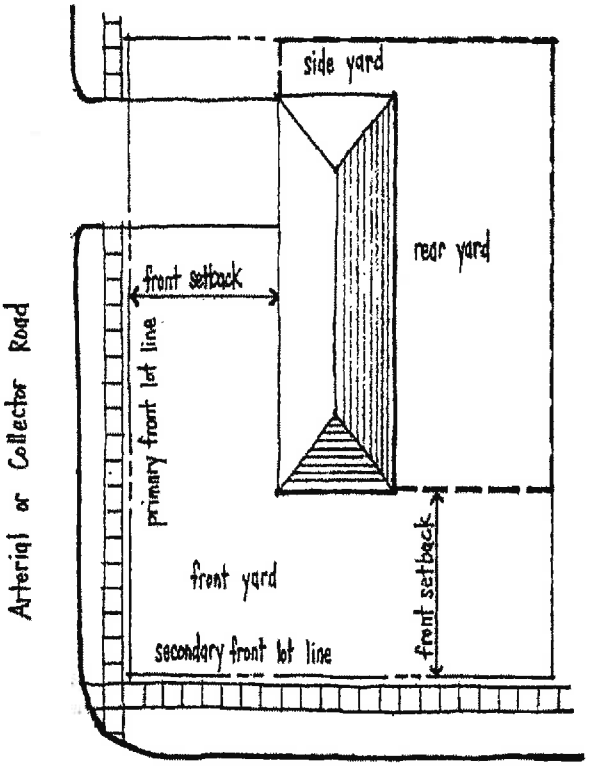
(f) For individual single-family and two-family residential corner lots with a secondary front lot line abutting a local street, a six-foot-tall privacy fence may be placed up to the front plane of the house. For corner lots with a secondary front lot line abutting an arterial or collector road, the six-foot-tall fence may further encroach into the required front yard to within five feet of the secondary front lot line. Fence placement per this subsection

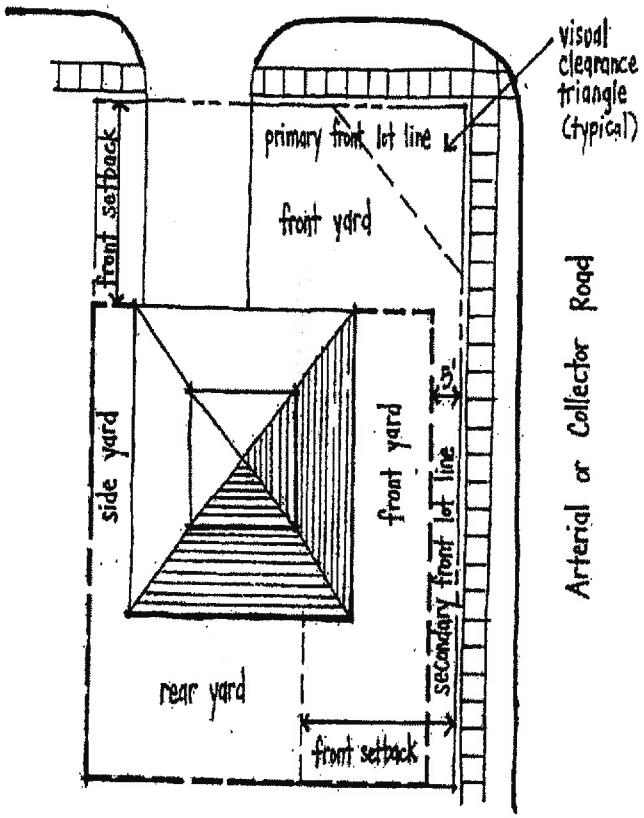
shall also be allowed on legal nonconforming lots, provided visual clearance requirements of section 6 of this chapter can still be met. Please see Figure 16:A below.

Conforming Lot & Structure



Conforming Lot & Structure





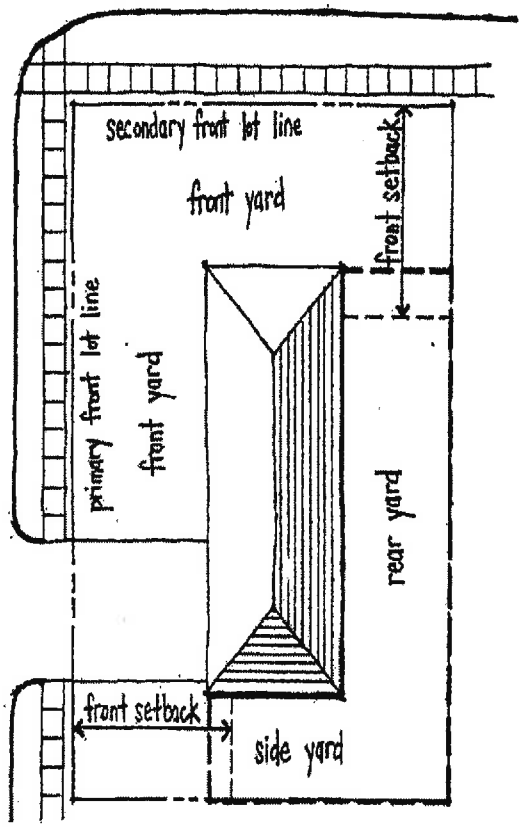


figure16A

(g) For individual single-family and two-family residential through lots with a rear lot line abutting the right-of-way line of a local street or arterial or collector road, a privacy fence not to exceed six feet in height may be placed on the rear lot line.

(h) On atypical lots, chain link fences may not exceed six feet in height when erected within the required rear yard.

(i) Where a fence or wall transitions from a higher to a lower height, the transition must be complete at or before the point where the lower height must begin. For example, where a six-foot-tall fence transitions to a four-foot-tall fence, the transition from higher to lower must be completed where the four-foot height limitation begins, such that no portion of the fence exceeds the height limitation.

(3) Location.

(a) No permanent fence or wall shall be located closer than five feet to any right-of-way line, unless otherwise permitted in this chapter.

(b) No permanent fence or wall shall be located within areas required to provide clearance for visibility in accordance with this chapter.

(4) Design and maintenance.

(a) All fences and walls shall be designed to comply with the architectural and landscaping requirements of this code when applicable.

(b) All fences shall be maintained in their original upright condition.

(c) Fences and walls designed for painting or similar surface finishes shall be maintained in their original condition as designed.

(d) Missing boards, pickets, or posts shall be replaced in a timely manner with material of the same type and quality.

(e) Fences or walls having a side with exposed or irregular structural components and a more finished, uniform and aesthetically attractive side shall be constructed so that the more finished, uniform and aesthetically attractive side faces outward from the fenced property toward the adjoining property. This requirement shall not be construed as to require post components of fences to be invisible from the adjoining property. This requirement may be waived by the administrative official upon approval of a written agreement between the two adjoining property owners.

(f) The side of a fence or wall oriented to an adjoining property shall not create an adverse visual impact on such adjoining property.

(5) Exemptions.

(a) Customary fencing around tennis courts and other approved recreational amenities shall be exempt from height restrictions.

(b) Reserved.

(Ord. No. 1991-20, 8-27-91; Ord. No. 1993-58, 1-18-94; Ord. No. 1996-33, § 9, 11-19-96; Ord. No. 1998-51, § 2, 8-18-98; Ord. No. 1999-47, § 1, 11-16-99; Ord. No. 2001-84, §§ 2, 3, 10-16-01; Ord. No. 2005-55, § 3, 1-17-06; Ord. No. 2009-23, § 2, 11-10-09; Ord. No. 2015-14, § 1, 4-21-2015)

CHAPTER 3
GENERAL REQUIREMENTS

SECTION 301
GENERAL

301.1 Scope. The provisions of this chapter shall govern the minimum conditions and the responsibilities of persons for maintenance of structures, equipment and *exterior property*.

301.2 Responsibility. The *owner* of the *premises* shall maintain the structures and *exterior property* in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as owner-occupant or permit another person to occupy *premises* that are not in a sanitary and safe condition and that do not comply with the requirements of this chapter. *Occupants* of a *dwelling unit*, *rooming unit* or *housekeeping unit* are responsible for keeping in a clean, sanitary and safe condition that part of the *dwelling unit*, *rooming unit*, *housekeeping unit* or *premises* which they occupy and control.

301.3 Vacant structures and land. Vacant structures and *premises* thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect the public health or safety.

SECTION 302
EXTERIOR PROPERTY AREAS

302.1 Sanitation. *Exterior property* and *premises* shall be maintained in a clean, safe and sanitary condition. The *occupant* shall keep that part of the *exterior property* that such *occupant* occupies or controls in a clean and sanitary condition.

302.2 Grading and drainage. *Premises* shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any structure located thereon.

Exception: *Approved* retention areas and reservoirs.

302.3 Sidewalks and driveways. Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions.

302.4 Weeds. *Premises* and *exterior property* shall be maintained free from weeds or plant growth in excess of **[JURISDICTION TO INSERT HEIGHT IN INCHES]**. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Upon failure of the *owner* or agent having charge of a property to cut and destroy weeds after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the authority having jurisdiction. Upon failure to comply with the notice of violation, any duly authorized employee of the jurisdiction or contractor hired by the jurisdiction shall be authorized to enter upon the property in violation and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the *owner* or agent responsible for the property.

302.5 Rodent harborage. Structures and *exterior property* shall be kept free from rodent harborage and *infestation*. Where rodents are found, they shall be promptly exterminated by *approved* processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to eliminate rodent harborage and prevent reinfestation.

302.6 Exhaust vents. Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another *tenant*.

302.7 Accessory structures. Accessory structures, including *detached* garages, fences and walls, shall be maintained structurally sound and in good repair.

302.8 Motor vehicles. Except as provided for in other regulations, no inoperative or unlicensed motor vehicle shall be parked, kept or stored on any *premises*, and no vehicle shall at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an *approved* spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and *approved* for such purposes.

302.9 Defacement of property. No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the *owner* to restore said surface to an *approved* state of maintenance and repair.

SECTION 303
SWIMMING POOLS, SPAS AND HOT TUBS

303.1 Swimming pools. Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

303.2 Enclosures. Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier not less than 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is not less than 54 inches (1372 mm) above the bottom of the

CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 16-1833

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

Recorded in the Public Records:
Instrument #2016 232 772 12-16-16 @ 10:35 a.m.
Book: 7338 Page: 2245

Scott T. Gilroy
104 Tumbler Drive, Port Orange, FL 32129
PARCEL ID 6308-03-00-1040

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 December 14, 2016, after due notice to the Respondent(s), and the Special Magistrate having heard testimony under oath, received evidence and heard argument from Staff thereupon issues its Findings of Fact, Conclusions of Law, and Order, as follows:

FINDINGS OF FACT:

A. Respondent(s), Scott T. Gilroy, (hereinafter referred to as "Respondent(s)", whose mailing address is 104 Tumbler Drive, Port Orange, FL 32129, is/are the owner(s) of the property located at 104 Tumbler Drive, Port Orange, FL 32129, and more particularly described as:

LOT 104 BRANDY HILLS UNIT 1 MB 34 PGS 110 & 111 PER OR 4934 PG 1679

B. The fence needs to be repaired to be in its original and upright condition or replaced and the swimming pool needs to be cleaned and covered. These conditions were first observed at the real property described above on October 25, 2016; re-inspections were made on November 11, 2016 and December 13, 2016 and confirmed the condition as being the same. Respondent(s) received notice via certified mail, posted on the property and City Hall on November 11, 2016, that the aforesaid conditions constituted a violation of City of Port Orange Land Development Code Chapter 16 Miscellaneous Regulations Section 3: -Fences and walls. Modified (b) General provisions, (4) Design and maintenance (a) & (b) and Chapter 3, Section 303 Swimming Pools, Spas, and Hot Tubs of the 2015 International Property Maintenance Code 303.1 Swimming Pools, and was to be corrected by November 30, 2016.

C. At the time of this hearing, the repeat violation cited above: [_X_] continued to exist, or [___] remained noncompliant until _____ [Date].

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

CONCLUSION OF LAW:

Respondent(s), by reason of the foregoing, has/have violated the above referenced code, in that the Respondent(s) failed to remedy the conditions as stated in the Notice of Violation/Notice of Hearings, is 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 repairing or replacing the fence to its original and upright condition and cleaning and covering the swimming pool on or before December 28, 2016 ("Compliance Date".) In the event that the property is not brought into compliance on or before the Compliance Date, and/or not maintained in a state of compliance, a daily fine of $250.00 per day will be assessed for each day the property is in violation beyond the Compliance Date. If paragraph D. above is checked and the Respondent(s) has/have not abated the condition by the Compliance Date, then notice of the violation will be given to the City Council. The City Council may repair the condition and charge the Respondent(s) with the 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 sub section (a)." The cost to date is $42.10 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. 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.

C. 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. 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 14th day of December, 2016.

Attest: _____
Secretary, Code Enforcement Special Magistrate

By: _____
Code Enforcement Special Magistrate

I HEREBY ACKNOWLEDGE AND AGREE that the foregoing findings are true and accurate to the best of my knowledge.

_____
Code Compliance Inspector

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), Scott T. Gilroy, 104 Tumbler Drive, Port Orange, FL 32129 by Certified and Regular Mail this 14 day of December, 2016.

_____
Secretary, Code Enforcement Special Magistrate

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 15 day of December, 2016.
By: _____
/s/ Robin L. Fenwick

ORDER:

A. Respondent(s) shall correct the aforesaid violation by repairing or replacing the fence to its original and upright condition and cleaning and covering the swimming pool on or before December 28, 2016 ("Compliance Date".) In the event that the property is not brought into compliance on or before the Compliance Date, and/or not maintained in a state of compliance, a daily fine of $250.00 per day will be assessed for each day the property is in violation beyond the Compliance Date. If paragraph D. above is checked and the Respondent(s) has/have not abated the condition by the Compliance Date, then notice of the violation will be given to the City Council. The City Council may repair the condition and charge the Respondent(s) with the 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 sub section (a)." The cost to date is $42.10 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. 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.

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DONE AND ORDERED this 14th day of December, 2016.

Attest: _____
Secretary, Code Enforcement Special Magistrate

By: _____
Code Enforcement Special Magistrate

I HEREBY ACKNOWLEDGE AND AGREE that the foregoing findings are true and accurate to the best of my knowledge.

_____
Code Compliance Inspector

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), Scott T. Gilroy, 104 Tumbler Drive, Port Orange, FL 32129 by Certified and Regular Mail this 14 day of December, 2016.

_____
Secretary, Code Enforcement Special Magistrate

Case Cost Sheet Log

Case No. 16-1054

Name	Activity	Activity_Date	Status	Cost
Bryon Dickerson	Cost to mail Notice of Violation/Notice of Hearings to 5434 Hibiscus Ave., Port Orange, FL 32127 (via regular & certified mail)	10/18/2016	Green card signed for on 10/20/16	$8.24
TD Bank NA	Cost to mail Notice of Violation/Notice of Hearings to 32 Chestnut Street, Lewiston, ME 04240 (via regular & certified mail)	10/18/2016	Green card signed for but undated. Received by the City Clerk on 10/24/16	$7.76
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law, & Order	12/14/2016		$27.00
Bryon Dickerson	Cost to mail Finding of Fact, Conclusion of Law & Order to 5434 Hibiscus Ave., Port Orange, FL 32127 (via regular & certified mail)	12/14/2016		$8.24
TD Bank NA	Cost to mail Finding of Fact, Conclusion of Law & Order to 32 Chestnut Street, Lewiston, ME 04240 (via regular & certified mail)	12/14/2016		$7.76
Clerk of Court	Cost to record Order Setting Fine/Lien	01/11/2017		$44.00
Bryon Dickerson	Cost to mail Finding of Fact, Conclusion of Law & Order to 5434 Hibiscus Ave., Port Orange, FL 32127 (via regular & certified mail)	01/11/2017		$8.24
TD Bank NA	Cost to mail Order Imposing Fine/Lien to 32 Chestnut Street, Lewiston, ME 04240 (via regular & certified mail)	01/11/2017		$7.76

Total: 119.00

NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 16-1054

To: Bryon Dickerson
5434 Hibiscus Ave.
Port Orange, FL 32127

Re: 5434 Hibiscus Ave.
Port Orange, FL 32127
Parcel ID: 6340-03-03-0070
LEGAL DESCRIPTION: LOT 7 BLK C BAYWOOD REPLAT MB 23 PGS 44-45 INC PER OR 3107 PG 1857 PER OR 6314 PG 3708 PER D/C 6853 PG 4478 PER D/C 6853 PG 4479 PER OR 7027 PG 4518
Volusia County Public Records
Volusia County, FL

An inspection of the premises on June 29, 2016, indicates that certain violation(s) of the City of Port Orange Code exists.

Property owner was notified of the violations noted below and given three (3) days to correct. A re-inspection was done on July 15, 2016 and as recently as October 13, 2016, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by October 31, 2016.

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

1. City of Port Orange Code of Ordinances, Chapter 42, Article II, Section 42-26 (d) (f) & (h)

   On June 29, 2016, I observed this property as being entirely overgrown and needing to be mowed and all overgrowth cut back. All garbage, trash, and debris (including storm debris) shall be removed (debris observed 10/13/16 from neighbor's yard). Additionally, the parkage needs to be mowed and maintained to the street.

2. Port Orange Land Development Code, Chapter 16, Section 3 (b)(4)(b)(d) as relates to fencing.

   On October 13, 2016, I observed the fencing between this property and the adjoining property has been damaged.

Attachments: ☒ Copy of code ☒ Copy of Deed ☒ Copy of Tax Roll

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 code enforcement board or 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 specified time for correction by the Code Compliance Inspector, the case shall be presented to the **Special Magistrate** on the date set forth below, even if the violation has been corrected prior to this scheduled hearing.

The burden shall rest upon the Respondent to request a re-inspection by the Code Compliance Inspector to determine whether the property is in compliance.

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 14, 2016**, 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 below, 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 Inspector. 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 $ 14.64 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 14, 2016**,** enters a Final Order finding a violation as alleged, pursuant to Chapter 7, 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 Code Enforcement Special Magistrate on January 11, 2017**, 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 Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

For further information regarding this matter, you may contact the undersigned Code Compliance Inspector at (386) 506-5644.

DATED this 14th day of October, 2016.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Deborah Faircloth
Deborah Faircloth

X ☐ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Bryon Dickerson, 5434 Hibiscus Ave., Port Orange, FL 32127, RE: 5434 Hibiscus Ave., Port Orange, FL 32127, was

☐ Hand-delivered
X ☒ Posted at the property

Time: approx. 2:00 pm

this 14th day of October, 2016.

Deborah Faircloth
Deborah Faircloth

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Bryon Dickerson, 5434 Hibiscus Ave., Port Orange, FL 32127, RE: 5434 Hibiscus Ave., Port Orange, FL 32127, was

☒ Posted at City Hall
☒ Sent via certified and regular

this 18 day of October, 2016.

Secretary, Special Magistrate

RIGHT TO APPEAL

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE **SPECIAL MAGISTRATE** WITH RESPECT TO ANY MATTER CONSIDERED AT THE MEETING OR HEARING, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS, AND, FOR SUCH PURPOSE HE OR SHE MAY NEED TO ENSURE AT HIS OR HER OWN EXPENSE FOR THE TAKING AND PREPARATION OF A VERBATIM RECORD OF ALL TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

ACCOMMODATIONS

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, WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING DATE; IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 1-800-955-8771.

cc: TD Bank N.A.
32 Chestnut St.
Lewiston, ME 04240

Volusia County FLORIDA

Volusia County Property Appraiser

Morgan B. Gilreath Jr. M.A., C.F.A.

Notice of Proposed Taxes | Estimate of Taxes

Parcel Information: 6340-03-03-0070 **2016 Preliminary Tax Roll** Last Updated: 10-09-2016

Owner Name and Address

Alternate Key	3690273	**Parcel Status**	Active Parcel (Real Estate)
Short Parcel ID	6340-03-03-0070	**Mill Group**	402 Port Orange
Full Parcel ID	40-16-33-03-03-0070	**2015 Final Mill Rate**	20.86510
Created Date	31 DEC 1981		
Property Class	01 Single Family		
Ownership Type	Fee Simple	**Ownership Percent**	100
Owner Name	DICKERSON BRYON		
Owner Name/Address 1			
Owner Address 2	5434 HIBISCUS AVE		
Owner Address 3	PORT ORANGE FL		
Owner Zip/Postal Code	32127		
Situs Address	5434 HIBISCUS AV PORT ORANGE 32127		

Legal Description

LOT 7 BLK C BAYWOOD REPLAT MB 23 PGS 44-45 INC PER OR 3107 PG 1857 PER OR 6314 PG 3708 PER D/C 6853 PG 4478 PER D/C 6853 PG 4479 PER OR 7027 PG 4518

Sales History

Book	Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
7027	4518	08/2014	Warranty Deed	Qualified Sale	Yes	128,100
6853	4479	01/2013	Death Certificate	Unqualified Sale	Yes	100
6853	4478	08/2011	Death Certificate	Unqualified Sale	Yes	100
6314	3708	01/2009	Warranty Deed	Unqualified Sale	Yes	100
3107	1857	02/1988	Warranty Deed	Qualified Sale	Yes	68,000
2860	0792	08/1986	Warranty Deed	Qualified Sale	Yes	71,000
2375	0901	07/1982	Warranty Deed	Qualified Sale	Yes	68,000
2180	0061	07/1980	Warranty Deed	Qualified Sale	No	5,500

History of Values

Year	Land	Bldg(s)	Misc. Impr.	Just Value	School Assessed	Non-School Assessed	School Exemption	School Taxable	Non-School Exemption	Non-School Taxable
2015	14,357	88,654	0	103,011	85,738	85,738	25,000	60,738	25,000	35,738
2014	13,783	82,816	0	96,599	96,599	96,599	0	96,599	0	96,599

Display Value History

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
0101	IMP PVD THRU .49 AC	60.0	125.0	60.00	FRONT FEET	260.01	96	100	100	100	14,932

Neighborhood 5769 HARBOR OAKS UNIT 2 (6340-01)

Total Land Classified 0

Total Land Just 14,932

Building Characteristics

Building Number: 120906 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
120906	Single Family	160	1981	300		24%	0%	0%	2999

Roof Type	GABLE	**Floors**	Carpet	**Bedrooms**	3	**4 Fixture Bath**	0		
Roof Cover	ASPHALT SHINGL	**Wall Type**	Drywall	**X Fixture Bath**	0	**5 Fixture Bath**	0		
Heat Type1	Forced Ducted	**Heat Source1**	Electricity	**2 Fixture Bath**	0	**6 Fixture Bath**	0		
Heat Type2		**Heat Source2**		**3 Fixture Bath**	2	**7 Fixture Bath**	0		
Foundation		**Year Remodeled**		**Fireplaces**	1	**A/C**	Yes		

Section Number	Area Type	Exterior Wall Type	Number Stories	Year Built	Attic Finish	Bsmt Area	Bsmt Finish	Floor Area
001	Res BASE Area (BAS)	WOOD ON SHEATING OR PLYWD	1.0	1981	N	0%	0%	1575 Sq. Feet

Prepared By and Return To:
Lighthouse Title of East Florida, Inc.
104 LaCosta Lane Suite 100
Daytona Beach, FL 32114

Parcel No. 6340-03-03-0070

09/03/2014 01:28 PM
Doc stamps 896.70
(Transfer Amt $ 128100)
Instrument# 2014-158373 # 1
Book: 7027
Page: 4518

WARRANTY DEED

THIS WARRANTY DEED dated August 29, 2014 by **Michael L. Thompson and John H. Thompson,** hereinafter called the grantor, to **Bryon Dickerson,** whose post office address is **5434 Hibiscus Ave., Port Orange, FL 32127,** hereinafter called the grantee:

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives, assigns of individuals, and the successors and assigns of corporations)

WITNESSETH, that the said grantor, for and in consideration of the sum of $128,100.00, and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys, and confirms unto the grantee, all the certain land situated in the County of Volusia, State of Florida, viz:

Lot 7, Block "C", Baywood Replat, as per map in Map Book 23, Pages 44 and 45, of the Public Records of Volusia County, Florida.

Parcel ID#: 6340-03-03-0070

THIS IS NOT THE CONSTITUTIONAL HOMESTEAD OF THE GRANTOR MICHAEL L. THOMPSON WHO RESIDES AT 2703 HUGH ST, PARKERSBURG, WV 26101 AND JOHN H. THOMPSON WHO RESIDES AT 24305 DIXON ROAD, COOLVILLE, OHIO 45723

Subject to easements, restrictions, reservations and limitations of record, if any.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining.

TO HAVE AND TO HOLD the same in Fee Simple forever.

AND the grantor hereby covenants with said grantee that grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to: December 31, 2013.

WARRANTY DEED
(Continued)

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

WITNESSETH:

Tina D Reeder
(Witness Signature)
Tina D Reeder
(Print Name of Witness)
Barbara Crock
(Witness Signature)
Barbara C. Pack
(Print Name of Witness)

Michael L Thompson
Michael L. Thompson

2703 Hugh St.
Parkersburg, WV 26101

STATE OF WEST VIRGINIA
COUNTY OF Wood

The foregoing instrument was acknowledged before me this 27 day of August, 2014, by **Michael L. Thompson,** who is / are personally known to me or who has / have produced WV DL C201944 as identification and who did take an oath.

Tina D Reeder
Notary Public

My Commission Expires: 9-10-20

OFFICIAL SEAL
Notary Public, State of West Virginia
TINA D. REEDER
280 Gihon Village
Parkersburg, WV 26101
My Commission Expires Sept. 10, 2020

WARRANTY DEED
(Continued)

Instrument# 2014-158373 # 3
Book: 7027
Page: 4520
Diane M. Matousek
Volusia County, Clerk of Court

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

WITNESSETH:

(Witness Signature)

Hollie Abernethy
(Print Name of Witness)

Christie Anderson
(Witness Signature)

C. Andersen
(Print Name of Witness)

John H. Thompson

24305 Dixon Road
Coolville, Ohio 45723

STATE OF GEORGIA
COUNTY OF White

The foregoing instrument was acknowledged before me this 27th day of August, 2014, by **John H. Thompson,** who is / are personally known to me or who has / have produced Ohio [redacted]cense as identification and who did take an oath.

ELIZABETH ANN HOGLINE NOTARY PUBLIC WHITE COUNTY, GA

Notary Public

My Commission Expires: 11-05-17

09/03/2014 01:28 PM
Doc stamps 434.70
Intangible Tax 248.40
Instrument# 2014-158374 # 1
Book: 7027
Page: 4521

Return To:
TD Bank N.A.

32 Chestnut St.
Lewiston, Maine 04240

This document was prepared by:

Donn Rogers

Lewiston, ME 04240

[Space Above This Line For Recording Data]

MORTGAGE

MIN 1003418[redacted]4

DEFINITIONS

Words used in multiple sections of this document are defined below and other words are defined in Sections 3, 11, 13, 18, 20 and 21. Certain rules regarding the usage of words used in this document are also provided in Section 16.

(A) "Security Instrument" means this document, which is dated August 29, 2014 , together with all Riders to this document.
(B) "Borrower" is Bryon Dickerson, a single man

Borrower is the mortgagor under this Security Instrument.
(C) "MERS" is Mortgage Electronic Registration Systems, Inc. MERS is a separate corporation that is acting solely as a nominee for Lender and Lender's successors and assigns. **MERS is the mortgagee under this Security Instrument.** MERS is organized and existing under the laws of Delaware, and has an address and telephone number of P.O. Box 2026, Flint, MI 48501-2026, tel. (888) 679-MERS.
(D) "Lender" is TD Bank, N.A.

[redacted] [redacted]

Sec. 42-26. Cleanliness of property generally—Duty of owner.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Improved lot means any lot which improvements have been made, including, but not limited to, change of grade through filling or excavation, installation of water or sewer line, clearing of property to begin construction, or any other physical alteration which has significantly disturbed the natural vegetation on the site.

Undergrowth means herbaceous plants, plants and grasses with stems that wither away annually as distinguished from trees or shrubs with woody stems that live from year to year.

Unimproved lot means any lot which remains undisturbed and in a natural vegetative state.

(b) *Purpose and intent.* The city recognizes the need to protect the health, safety and welfare of the citizens of the city through control and elimination of aesthetically displeasing and potentially dangerous accumulations of garbage, waste, trash, debris, junk and undergrowth. It is, therefore, the purpose and intent of this section to reduce or eliminate such conditions within reasonable limits by hereby establishing a duty and responsibility on the part of the owner of designated lots located within the city to keep such lot free and clear of garbage, waste, trash, debris, junk and undergrowth.

(c) *Maintenance of commercial and industrial zoned lots.* The owner of every improved lot, piece and parcel of land located within a commercial or industrial zone within the city shall keep each such lot, piece or parcel of land free and clear of all fallen trees and limbs and undergrowth exceeding 12 inches in height. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than 12 inches within such natural areas. Owners of unimproved vacant parcels in such zones shall similarly maintain such portion of their property as lies within ten feet of any improved property, any sidewalk, roadway or bicycle path.

(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.

(e) *Maintenance of unimproved residential lots.* The owner of an unimproved lot in a residential zone with lot sizes of one acre or less shall keep that portion of his property abutting and within ten feet of any improved lot, sidewalk, street or bicycle path free and clear of all fallen trees and limbs, and all weeds, grass and undergrowth therein shall be cut to a height not exceeding 12 inches within such area.

(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.

(g) *No property maintenance permit required; other restrictions and requirements applicable.* No permit shall be required for the limited property maintenance required by this section; however, the requirements, restrictions and limitations imposed by other sections of this Code and applicable provisions of the land development code pertaining to environmental

preservation, tree removal, change of grade, etc., shall be effected. In the event of any conflict between this section and any other provision of this Code or applicable provision of the land development code, the other sections of this Code or applicable provisions of the land development code shall prevail and govern.

(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 moved 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.

(Code 1981, § 10-1; Ord. No. 1994-5, § 1, 3-15-94)

Section 3: - Fences and walls.

(a) *In general.* All fences and walls shall be constructed in compliance with applicable building codes and in accordance with the following dimensional and use regulations.

(b) *General provisions.*

(1) *Restrictions.*

(a) No barbed wire, razor wire or similar material shall be allowed for residential uses.

(b) Barbed wire, razor wire, or similar material shall be prohibited for commercial and industrial uses, except when installed at an eight-foot height or greater.

(c) Temporary construction fencing.

(1) Temporary construction fencing shall be allowed for sites in all zoning districts that have been issued a development order by the city.

(2) The city shall require the installation of a temporary construction fence in areas where construction activities create impacts to adjoining properties and rights-of-way such as debris, glare, and noise, which cannot otherwise be mitigated.

(3) A building permit shall be obtained prior to the erection of the temporary construction fence.

(4) The fence shall be constructed according to the adopted standard construction detail for a temporary construction fence. Approved fence materials shall include opaque privacy fencing or other semipermanent materials deemed appropriate by the administrative official.

(5) If the fence or gate is not properly maintained in an upright position with all fabric materials fully attached, or the fence or gates are not in working order, a stop work order shall be issued for the construction site until the fence is determined to be in proper working order as originally permitted.

(6) The temporary construction fence is intended to remain no longer than necessary to mitigate the conflict with other construction infrastructure for the project. Before a certificate of occupancy is issued, the temporary construction fence shall be removed and replaced with the permanent fence and/or wall as required by chapter 13, section 3.5 of this Code.

(7) In the event that the property remains cleared and vacant for a period of one year after the issuance of a development order or a development permit, whichever is in force at the time, the temporary construction fence shall be removed. If vegetation has not been established by the expiration date, the

property must be seeded and mulched, or sodded, and vegetation established prior to the removal of the fence. The removal of the fence and established of vegetation shall be required prior to approval of any requested development order or development permit extension.

(8) If the city in its discretion deems it necessary, the city may upon notice to the property owner, install or remove a temporary construction fence to comply with the requirements of this code at the expense of the property owner. The expense shall be recorded as a lien against the property in noncompliance and the lien shall have such priority as prescribed by ordinance.

(9) A temporary construction fence shall in no way relieve the property owner from performing other construction-related activities that are required by this code or requirements from other jurisdictional agencies.

(2) *Height.*

(a) For individual single-family and two-family residential lots, no permanent fence or wall shall exceed six feet in height in rear or side yards, except as provided in subparagraph (e) below. In addition, fences and walls shall not exceed four feet in height when erected on an atypical lot within the required rear yard setback, except as provided in subsection (h) below.

(b) For individual single-family and two-family residential lots, no permanent fence or wall shall exceed four feet in height in required front yards abutting rights-of-way, except as provided in subsections (e), (f) and (g) below.

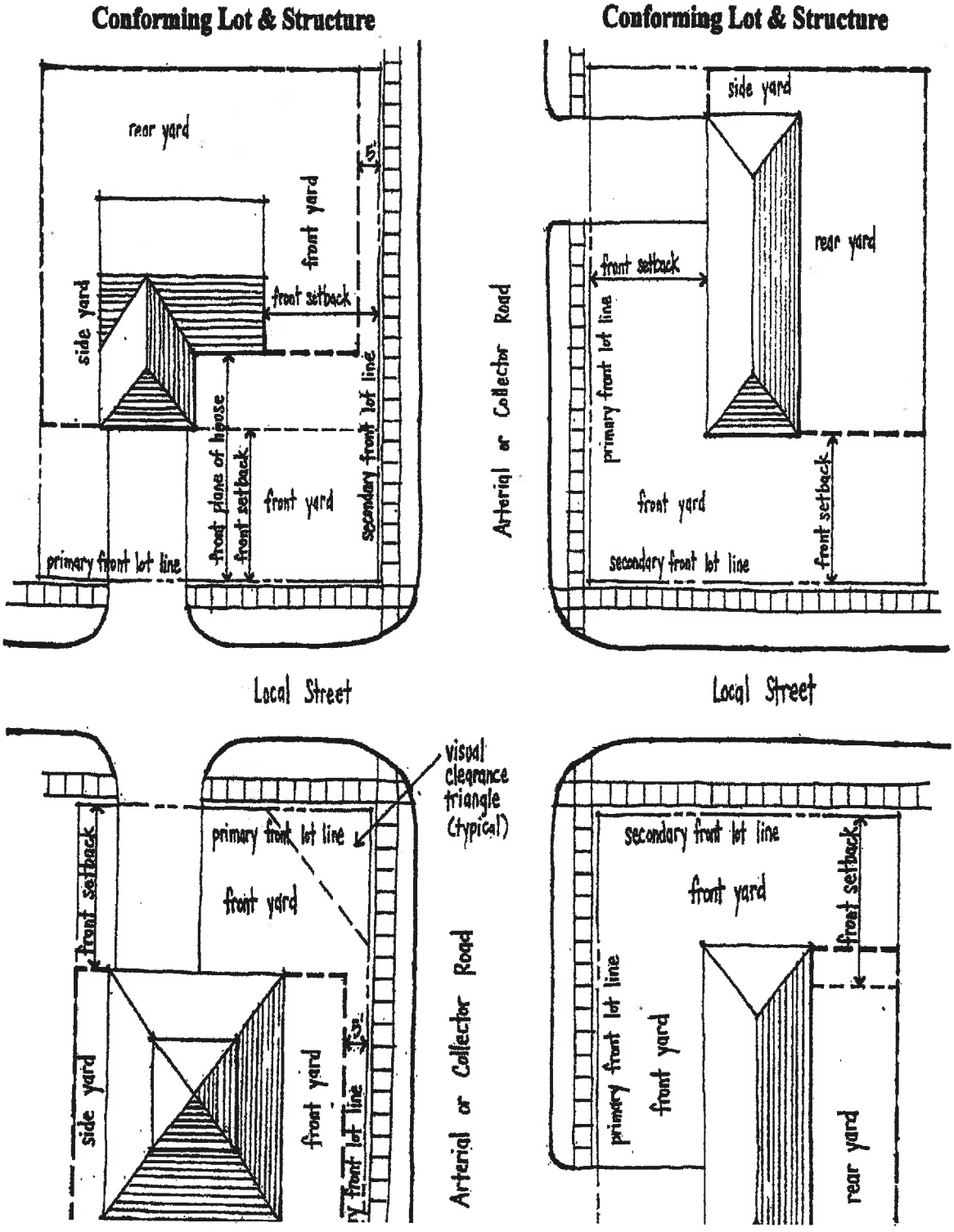
(c) For nonresidential uses, no permanent fence or wall shall exceed ten feet in height unless approved as part of a development plan to meet the buffering requirements between different types of uses, per chapter 13, section 3.5.

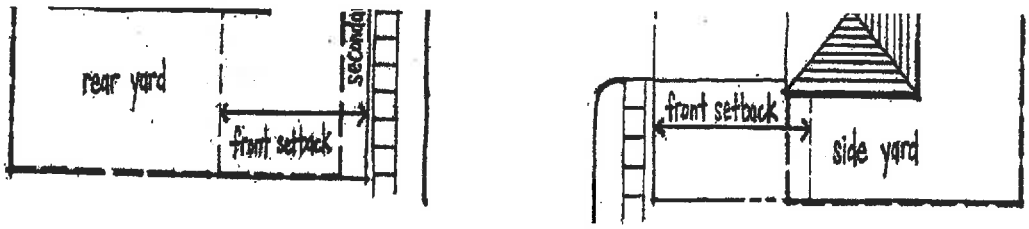
(d) No permanent fence or wall located adjacent to any public right-of-way and designed to be an integral part of a new or existing subdivision improvement, including but not limited to subdivision entrances and subdivision walls, shall exceed 12 feet in height, including columns.

(e) For residential uses adjacent to Interstate 95 right-of-way, no permanent fence or wall shall exceed 12 feet in height adjacent to any property line abutting such right-of-way.

(f) For individual single-family and two-family residential corner lots with a secondary front lot line abutting a local street, a six-foot-tall privacy fence may be placed up to the front plane of the house. For corner lots with a secondary front lot line abutting

an arterial or collector road, the six-foot-tall fence may further encroach into the required front yard to within five feet of the secondary front lot line. Fence placement per this subsection shall also be allowed on legal nonconforming lots, provided visual clearance requirements of section 6 of this chapter can still be met. Please see Figure 16:A below.





Non-Conforming Lot & Structure

Non-Conforming Lot & Structure

Figure 16:A ——— = allowed 6' high fence location

figure16A

(g) For individual single-family and two-family residential through lots with a rear lot line abutting the right-of-way line of a local street or arterial or collector road, a privacy fence not to exceed six feet in height may be placed on the rear lot line.

(h) On atypical lots, chain link fences may not exceed six feet in height when erected within the required rear yard.

(i) Where a fence or wall transitions from a higher to a lower height, the transition must be complete at or before the point where the lower height must begin. For example, where a six-foot-tall fence transitions to a four-foot-tall fence, the transition from higher to lower must be completed where the four-foot height limitation begins, such that no portion of the fence exceeds the height limitation.

(3) *Location.*

(a) No permanent fence or wall shall be located closer than five feet to any right-of-way line, unless otherwise permitted in this chapter.

(b) No permanent fence or wall shall be located within areas required to provide clearance for visibility in accordance with this chapter.

(4) *Design and maintenance.*

(a) All fences and walls shall be designed to comply with the architectural and landscaping requirements of this code when applicable.

(b) All fences shall be maintained in their original upright condition.

(c) Fences and walls designed for painting or similar surface finishes shall be maintained in their original condition as designed.

(d) Missing boards, pickets, or posts shall be replaced in a timely manner with material

of the same type and quality.

(e) Fences or walls having a side with exposed or irregular structural components and a more finished, uniform and aesthetically attractive side shall be constructed so that the more finished, uniform and aesthetically attractive side faces outward from the fenced property toward the adjoining property. This requirement shall not be construed as to require post components of fences to be invisible from the adjoining property. This requirement may be waived by the administrative official upon approval of a written agreement between the two adjoining property owners.

(f) The side of a fence or wall oriented to an adjoining property shall not create an adverse visual impact on such adjoining property.

(5) *Exemptions.*

(a) Customary fencing around tennis courts and other approved recreational amenities shall be exempt from height restrictions.

(b) Reserved.

(Ord. No. 1991-20, 8-27-91; Ord. No. 1993-58, 1-18-94; Ord. No. 1996-33, § 9, 11-19-96; Ord. No. 1998-51, § 2, 8-18-98; Ord. No. 1999-47, § 1, 11-16-99; Ord. No. 2001-84, §§ 2, 3, 10-16-01; Ord. No. 2005-55, § 3, 1-17-06; Ord. No. 2009-23, § 2, 11-10-09; Ord. No. 2015-14, § 1, 4-21-2015)

CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 16-1054

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

Recorded in the Public Records:
Instrument #2016 232 774 12-16-16 @ 10:35 a.m.
Book: 7338 Page: 2250

BRYON DICKERSON
5434 HIBISCUS AVE., PORT ORANGE, FL 32127
PARCEL ID: 6340-03-03-0070

Respondent.
_____/

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

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on December 14, 2016, after due notice to the Respondent(s), and the Special Magistrate having heard testimony under oath, received evidence and heard argument from Staff thereupon issues its Findings of Fact, Conclusions of Law, and Order, as follows:

FINDINGS OF FACT:

A. Respondent(s), Bryon Dickerson, (hereinafter referred to as "Respondent(s)", whose mailing address is 5434 Hibiscus Ave., Port Orange, FL 32127 , is/are the owner(s) of the property located at 5434 Hibiscus Ave., Port Orange, FL 32127 , and more particularly described as:

LOT 7 BLK C BAYWOOD REPLAT MB 23 PGS 44-45 INC PER OR 3107 PG 1857 PER OR 6314 PG 3708 PER D/C 6853 PG 4478 PER D/C 6853 PG 4478 PER OR 7027 PG 4518

B. The property needs to be mowed and cleaned up and all storm debris removed and fencing repaired or replaced. This condition was first observed at the real property described above on June 29, 2016; re-inspections were made on July 15, 2016, October 12, 2016, and December 12, 2016 and confirmed the condition as being the same. Respondent(s) received notice via certified and regular mail and City Hall posting on October 18, 2016, and property posting on October 14, 2016, that the aforesaid conditions constituted a violation of City of Port Orange Code of Ordinances, Chapter 42, Article II, Section 42-26 (d) (f) & (h) and Port Orange Land Development Code, Chapter 16, Section 3, (b)(4)(b)(d) as relates to fencing, and was to be corrected by October 31, 2016.

C. At the time of this hearing, the violations cited above: [_X_] continue to exist, or [___] remained noncompliant until _____ [Date].

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

CONCLUSION OF LAW:

Respondent(s), by reason of the foregoing, has/have violated the above referenced code, in that the Respondent(s) failed, on or before the date set in the notice of violation, to remedy the conditions as stated is 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 cleaning up all undergrowth and yard debris, storm debris, and repairing/replacing the fence on or before January 2, 2017. ("Compliance Date"). In the event that the property is not brought into compliance on or before the Compliance Date, and/or not maintained in a state of compliance, a daily fine of $100.00 per day will be assessed for each day the property is in violation beyond the Compliance Date. If paragraph D. above is checked and the Respondent(s) has/have not abated the condition by the Compliance Date, then notice of the violation will be given to the City Council. The City Council may repair the condition and charge the Respondent(s) with the 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 sub section (a)." The cost to date is $59.00 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. 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.

C. 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. 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 14th day of December, 2016.

Attest: _____
Secretary, Code Enforcement Special Magistrate

By: _____
Code Enforcement Special Magistrate

I HEREBY ACKNOWLEDGE AND AGREE that the foregoing findings are true and accurate to the best of my knowledge.

_____
Code Compliance Inspector

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), Bryon Dickerson, 5434 Hibiscus Ave., Port Orange, FL 32127 by Certified and Regular Mail this 14 day of December, 2016.

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 15 day of December, 2016.
By _____
/s/ Robin L. Fenwick

_____
Secretary, Code Enforcement Special Magistrate

Case Cost Sheet Log

Case No. 16-1677

Name	Activity	Activity_Date	Status	Cost
Karen Baker Antico TR Eva Baker Revoc Trust	Cost to mail the Notice of Violation/Notice of Hearings to 831 McDonald Road, Port Orange, FL (via regular & certified mail)	11/09/2016	Nothing returned as of 11/16/16	$7.34
Karen Baker Antico TR Eva Baker Revoc Trust	Cost to mail the Notice of Violation/Notice of Hearings to Oaktree Healthcare, 650 Reed Canal Road, South Daytona, FL 32119 (via regular & certified mail)	11/09/2016	Green card signed by Elizabeth Love on November 10, 2016	$7.34
Clerk of Court	Fee to record the Finding of Fact, Conclusion of Law, & Order	11/21/2016		$27.00
Karen Baker Antico TR Eva Baker Revoc Trust	Cost to mail the Finding of Fact, Conclusion of LAw & Order to 831 McDonald Road, Port Orange, FL (via regular & certified mail)	11/21/2016		$7.34
Clerk of Court	Fee to record Order Setting Fine/Lien	01/11/2017		$44.00
Karen Baker Antico TR Eva Baker Revoc Trust	Cost to mail the Order Setting Fine/Lien to 831 McDonald Road, Port Orange, FL (via regular & certified mail)	01/11/2017		$7.34

Total: 100.36

NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 16-1677

To: Karen Baker Antico TR
Eva Baker Revoc Trust
Property Owner
831 McDonald Road
Port Orange, FL 32129

Re: 831 McDonald Road
Port Orange, FL 32129
Parcel ID: 6304-09-00-0350
LEGAL DESCRIPTION: LOT 35 AMBER VILLAGE SUB MB 40 PGS 61 & 62 INC PER OR 3928 PGS 3153 & 3155 & D/C OR 4089 PG 4752 & UNREC WILL
Volusia County Public Records
Volusia County, FL

An inspection of the premises on November 1, 2016, indicates that certain violation(s) of the City of Port Orange Code exists.

Due to the nature and severity of the violations to include health and safety issues on this property, owner and residents are hereby being notified that property has been deemed unsafe to occupy as per posting on November 1, 2016.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by November 18, 2016. In order for the property to be in compliance, the following must occur: removal of all garbage, junk, trash, debris, fecal and urine matter, food, waste, etc. inside the home, garage and exterior of the home. In addition, respondent shall also fumigate for rodents and pests and sanitize the entire dwelling. The property must be mowed and maintained and all fallen limbs and trees must be removed. You must repair all water leaks prior to reconnecting to the city's water system. Lastly,

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

1. Chapter 42 (Nuisances), Article III (Sanitary Conditions), Section 42-54 (Sanitary Nuisance Prohibited) of the City of Port Orange Code of Ordinances: A sanitary nuisance in the city is hereby declared to be the commission of any act, by any person, or the keeping, maintaining, propagation, existence or permitting of anything by any person, by which the life or health of any person, or the health or lives of persons, may be threatened or impaired, or by which or through which, directly or indirectly, disease may be caused or the environment of any person rendered unclean or unwholesome by act of another or others. Sanitary nuisances are prohibited.

   - An inspection of the property on November 1, 2016 revealed piles of garbage, trash and debris throughout the entire home. There is feces and urine from one end of the home to the other and the carpet is saturated with such. The residence is severely infested with roaches, flies, maggots, gnats, and possibly rodents There is rotten food on the floor and countertops. Property was posted on this date with a placard informing resident (s) that the unit/home is being deemed unsafe and that occupancy is prohibited.

2. Chapter 42 (Nuisances), Article V (Unsafe Conditions), Division 3 (Abatement of Unsafe Structures), Section 42-108 (Unsafe Conditions; Nuisance, (a), (4) of the City of Port Orange Code of Ordinances:

   (a) A structure is unsafe when any of the following conditions exist:

   (4) The structure is so dilapidated, decayed, unsafe, insanitary, or so utterly fails to provide the amenities essential to decent living that it is unfit for human habitation or is likely to cause sickness or disease so as to injure the health, safety, or general welfare.

   - Since the inspection of the property uncovered a massive insect infestation, feces and urine all over the home, rotting food, and very unsanitary and dangerous conditions inside the home, the residence is to be deemed unsafe and unfit for human occupancy in that it may cause disease or sickness to the inhabitants or surrounding neighbors.

3. Chapter 42 (Nuisances), Article II (Garbage, waste, trash, etc. prohibited), 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 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.

   - At time of inspection, I noticed the yard to be very high and unkempt. Weeds exceed 10 inches allowed by code. In addition, there are numerous trees/limbs at the back of the property that came down during the storm that have not been cleaned up or taken out to the road for pick up.

4. Chapter 42 (Nuisances), Article II (Garbage, waste, trash, etc. prohibited), 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.

   - At time of inspection on November 1st, 2016, I noticed garbage, waste and trash throughout the inside of the home. Present was rotting food, trash bags full of garbage, empty food containers, cat food containers with maggots, empty soda/beer cans, piles of old clothes, miscellaneous household items, etc.

5. Chapter 3 (General Requirements), Section 309 (Pest Elimination), 309.1 (Infestation) of the International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Structures shall be kept free from insect and rodent infestation. Structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent reinfestation.

   - At time of inspection, noticed entire inside of home to be infested with roaches, gnats, flies, maggots, and possibly rodents.

6. Chapter 5 (Plumbing Facilities and Fixture Requirements), Section 504 (Plumbing Systems and Fixtures), 504.3 (Plumbing System Hazards) of the International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Where it is found that a plumbing system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, deterioration or damage or for similar reasons, the code official shall require the defects to be corrected to eliminate hazard.

   - At time of inspection on November 1st, 2016, I noticed water flowing out of front door of duplex unit. When inside home, it appeared that the water line for the refrigerator had leaked or was running, resulting in the kitchen floor being soaked in water. Due to the potential hazard to the neighbor in the adjoining duplex, the water in the unit was shut off by an employee with the City of Port Orange Public Utilities Department.

7. Chapter 5 (Plumbing Facilities and Fixture Requirements), Section 505 (Water System), 505.1 (General) of the International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system.

   - Once the corrections and repairs are made to the leak, the water must be reconnected to the City of Port Orange water system.

Attachments: ☒ Copy of code ☒ Copy of Deed ☒ Copy of Tax Roll

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 code enforcement board or 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 specified time for correction by the Code Compliance Inspector, the case shall be presented to the **Special Magistrate** on the date set forth below, even if the violation has been corrected prior to this scheduled hearing.

The burden shall rest upon the Respondent to request a re-inspection by the Code Compliance Inspector to determine whether the property is in compliance.

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 21, 2016, **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 below, 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 Inspector. 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 $ 13.84 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 21, 2016, enters a Final Order finding a violation as alleged, pursuant to Chapter 7, 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 Code Enforcement Special Magistrate on January 11, 2017, **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 Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

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

DATED this 8th day of November, 2016.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Dena Joseph
Dena Joseph, Code Compliance Inspector

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to **Karen Baker Antico TR, Eva Baker Revoc Trust, Property Owners, 831 McDonald Road, Port Orange, FL 32129**, RE: 831 McDonald Road, was

☒ Hand-delivered Recipient of hand delivered documents: Social Services Director Carmella White - Oaktree Healthcare
☒ Posted at the property

this 8th day of November, 2016. 650 Reed Canal Rd. South Daytona, FL 32119

Time: approx. 11:30 AM

Posted on property @ 3:45 PM at 831 McDonald Rd, Port Orange, FL 32129

Dena Joseph
Dena Joseph, Code Compliance Inspector

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to **Karen Baker Antico TR, Eva Baker Revoc Trust, Property Owners, 831 McDonald Road, Port Orange, FL 32129**, at Karen Antico TR, Eva Baker Revoc Trust, Oaktree Healthcare, 650 Reed Canal Rd South Daytona FL 32119.

☒ Posted at City Hall
☒ Sent via certified and regular

this 9 day of November, 2016.

Secretary, Special Magistrate

RIGHT TO APPEAL

IF A PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE **SPECIAL MAGISTRATE** WITH RESPECT TO ANY MATTER CONSIDERED AT THE MEETING OR HEARING, SUCH PERSON WILL NEED A RECORD OF THE PROCEEDINGS, AND, FOR SUCH PURPOSE HE OR SHE MAY NEED TO ENSURE AT HIS OR HER OWN EXPENSE FOR THE TAKING AND PREPARATION OF A VERBATIM RECORD OF ALL TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

ACCOMMODATIONS

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, WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING DATE; IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 1-800-955-8771.

Volusia County FLORIDA

Volusia County
Property Appraiser

Morgan B. Gilreath Jr.
M.A., C.F.A.

Notice of Proposed Taxes | Estimate of Taxes

Parcel Information: 6304-09-00-0350 **2017 Working Tax Roll** Last Updated: 10-29-2016

Owner Name and Address

Alternate Key	4796631	**Parcel Status**	Active Parcel (Real Estate)
Short Parcel ID	6304-09-00-0350	**Mill Group**	402 Port Orange
Full Parcel ID	04-16-33-09-00-0350	**2016 Final Mill Rate**	20.05190
Created Date	20 JAN 1986		
Property Class	01 Single Family		
Ownership Type	Trust	**Ownership Percent**	100
Owner Name	ANTICO KAREN BAKER TR		
Owner Name/Address 1	EVA BAKER REVOC TRUST		
Owner Address 2	831 MCDONALD RD		
Owner Address 3	PORT ORANGE FL		
Owner Zip/Postal Code	32119-3716		
Situs Address	831 MCDONALD RD PORT ORANGE 32129		

Legal Description

LOT 35 AMBER VILLAGE SUB MB 40 PGS 61 & 62 INC PER OR 3928 PGS 3153 & 3155 & D/C OR 4089 PG 4752 & UNREC WILL

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
3928 3153	05/1994	Warranty Deed	Affiliated Parties	Yes	100
3090 0428	01/1988	Warranty Deed	Qualified Sale	Yes	59,400
2645 0285	01/1985	Warranty Deed	Multi parcel sale	No	300,000

History of Values

Year	Land	Bldg(s)	Misc. Impr.	Just Value	School Assessed	Non-School Assessed	School Exemption	School Taxable	Non-School Exemption	Non-School Taxable
2016	7,000	71,346	0	78,346	50,238	50,238	25,500	24,738	238	24,500
2015	7,000	58,580	0	65,580	49,889	49,889	25,500	24,389	0	24,389

Display Value History

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
0108	IMP ATCHD UT SEP OWNED	0.0	0.0	1.00	LOT	7000.00	100	100	100	100	7,000

Neighborhood 5312 AMBER VILLAGE MB 40 PGS 61&6

Total Land Classified 0
Total Land Just 7,000

Building Characteristics

Building Number: 151747 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
151747	Single Family	162	1988	300		14%	0%	0%	2999

Roof Type	GABLE	**Floors**	Carpet	**Bedrooms**	3	**4 Fixture Bath**	0
Roof Cover	ASPHALT SHINGL	**Wall Type**	Drywall	**X Fixture Bath**	0	**5 Fixture Bath**	0
Heat Type1	Forced Ducted	**Heat Source1**	Electricity	**2 Fixture Bath**	0	**6 Fixture Bath**	0
Heat Type2		**Heat Source2**		**3 Fixture Bath**	2	**7 Fixture Bath**	0
Foundation	Concrete Slab	**Year Remodeled**		**Fireplaces**	0	**A/C**	Yes

Section Number	Area Type	Exterior Wall Type	Number Stories	Year Built	Attic Finish	Bsmt Area	Bsmt Finish	Floor Area
001	Res BASE Area (BAS)	VINYL SIDING	1.0	1988	N	0%	0%	1169 Sq. Feet
002	Patio (PTO)	Non-Applicable	1.0	1988	N	0%	0%	80 Sq. Feet
003	Finished Garage (FGR)	Non-Applicable	1.0	1988	N	0%	0%	299 Sq. Feet
004	Porch, Open Finished (FOP)	Non-Applicable	1.0	1988	N	0%	0%	12 Sq. Feet

BOOK 3928 PAGE 3153
VOLUSIA CO., FL

WARRANTY DEED

THIS INDENTURE, made this 11th day of May, 1994, between **EVA BAKER**, of Port Orange, and whose social security number(s) is [redacted] Grantor(s), and **EVA BAKER**, as Trustee of the Eva Baker Revocable Trust Agreement dated May 11, 1994, whose social security number(s) is [redacted] and whose post office address is 831 McDonald Road, of the County of Volusia, State of Florida, Grantee(s),

WITNESSETH, that said Grantor, for and in consideration of the sum of Ten Dollars ($10.00) and other good and valuable considerations to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said Grantee, and Grantee's heirs, and assigns forever, the following described land, situate, lying and being in Volusia County, Florida, to wit:

Lot 35, AMBER VILLAGE SUBDIVISION, according to plat recorded in Map Book 40, Pages 61 and 62, Public Records of Volusia County, Florida.

SUBJECT TO taxes for 1994 and subsequent years.

SUBJECT TO restrictions, easements and reservations of record, if any.

Tax Parcel Identification Number: **6304 09 00 0350**

and said Grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

("Grantor" and "Grantee" are used from singular or plural, as content requires.)

TO HAVE AND TO HOLD the same, together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest and claim whatsoever of the said party of the first part, either in law or equity, to the proper use, benefit and behalf of the said party of the second part. The Successor Trustee is KAREN IRIS ANTICO, the Alternate Trustee is CHARLES T. MOORE. Upon the recording of an Affidavit from any Trustee that he or she is the current active trustee under the terms of the trust, persons and entities relying upon this deed shall have no duty of further inquiry.

GRANTEE shall have full power and authority to deal in and with the property including the power and authority to protect, conserve, sell, lease or encumber and otherwise manage and dispose of the property, or any part thereof, it being the intent to vest

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INTEREST $ _____
Clerk Circuit Court Volusia Co. Florida

in Grantee full rights as Grantee of the property as authorized and contemplated by SECTION 689.071, FLORIDA STATUTES.

NO PARTY dealing with the Grantee in relation to this Deed or to the property, in any manner whatsoever, and (without limiting the foregoing) no party to whom the property, or any part thereof or any interest therein, shall be conveyed, encumbered, leased or contracted to be sold by the Grantee, shall be obligated (a) to see the application of any purchase money, rent, or money borrowed or advanced with respect to the property, or (b) to see to compliance with terms of the EVA BAKER REVOCABLE TRUST AGREEMENT, dated May 11, 1994, and all amendments thereto, if any, or (c) to inquire into the authority, necessity or expediency of any act of the Grantee, or (d) be privileged to inquire into any of the terms of the EVA BAKER REVOCABLE TRUST AGREEMENT, dated May 11, 1994, and all amendments thereto, if any.

EVERY DEED, mortgage, lease or other instrument executed by the Grantee in relation to the property shall be conclusive evidence, in favor of every person claiming any right, title or interest thereunder that: (a) at the time of delivery thereof the trust created under the EVA BAKER REVOCABLE TRUST AGREEMENT, dated May 11, 1994, and all amendments thereto, if any, was in full force and effect; (b) such instrument was executed in accordance with the terms and conditions of the EVA BAKER REVOCABLE TRUST AGREEMENT, dated May 11, 1994, and all amendments thereof, if any, and is binding upon the beneficiaries thereunder; (c) that Grantee was thereunder duly authorized and empowered to execute and deliver every such instrument; (d) if a conveyance of the property has been made to a successor or successors in trust, that such successor or successors have been properly appointed and are fully vested with all the title, estate, rights, powers, duties and obligations of its, his or their predecessor in trust.

THAT GRANTEE shall have no individual liability or obligation whatsoever arising from its ownership, as Trustee under the EVA BAKER REVOCABLE TRUST AGREEMENT, dated May 11, 1994, and all amendments thereto, if any, of the legal title to the property, or with respect to any act done or contract entered into or indebtedness incurred by it in dealing with the property or in otherwise acting hereunder, except only so far as the property and any trust funds in the actual possession of the Grantee shall be applicable to the payment and discharge thereof. Any and all liability, if any, arising with respect to ownership of the property shall be solely the responsibility of the beneficiary of the EVA BAKER REVOCABLE TRUST AGREEMENT, dated May 11, 1994, and all amendments thereto, if any.

IT IS expressly understood and agreed between the parties and all successors and assigns that this Warranty Deed is entered into by Grantee, not personally, but as Trustee under the EVA BAKER REVOCABLE TRUST AGREEMENT, dated May 11, 1994 in exercise of

authority conferred upon such Trustee therein. No personal liability or responsibility is assumed by or shall be enforceable against said Trustee, either express or implied.

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal the day and year first above written.

Signed, sealed and delivered
in our presence:

Witness
Printed: VIRGINIA CLARKE

Eva Baker
EVA BAKER

Witness
Printed: Joseph David Whitfield

STATE OF FLORIDA
COUNTY OF VOLUSIA

I HEREBY CERTIFY that **EVA BAKER,** personally appeared before me at the time of notarization.

SWORN TO AND SUBSCRIBED before me this 11th day of May, 1994.

CHARLES T. MOORE
MY COMMISSION # CC 236861
EXPIRES: November 28, 1998
Bonded Thru Notary Public Underwriters

NOTARY PUBLIC

Personally known _____ or produced identification X
Type of Identification produced affidavits

THIS INSTRUMENT PREPARED BY:
CHARLES T. MOORE, ESQUIRE
SOUTHTRUST BANK BUILDING, SECOND FLOOR
2111 S. RIDGEWOOD AVENUE
SOUTH DAYTONA, FLORIDA 32119

Sec. 42-54. - Sanitary nuisance prohibited.

A sanitary nuisance in the city is hereby declared to be the commission of any act, by any person, or the keeping, maintaining, propagation, existence or permitting of anything by any person, by which the life or health of any person, or the health or lives of persons, may be threatened or impaired, or by which or through which, directly or indirectly, disease may be caused or the environment of any person rendered unclean or unwholesome by act of another or others. Sanitary nuisances are prohibited.

(Code 1981, § 11-7)

State Law reference— Nuisances injurious to health, F.S. § 386.041.

Sec. 42-108. - Unsafe conditions; nuisance.

(a) A structure is unsafe when any of the following conditions exist:

(1) The structure's interior walls or other structural members list, lean, or buckle or the support for the structure has become damaged or deteriorated to such an extent that there is a reasonable likelihood that the walls or other structural members may fall or give way.

(2) The structure has improperly distributed loads upon the floor or roof or the floor or roof is overloaded or has insufficient strength to be reasonably safe for the purpose used.

(3) The structure has been damaged by fire, wind, or other causes and has become dangerous to life, safety, or the general health and welfare of people within or near the structure.

(4) The structure is so dilapidated, decayed, unsafe, insanitary, or so utterly fails to provide the amenities essential to decent living that it is unfit for human habitation or is likely to cause sickness or disease so as to injure the health, safety, or general welfare.

(5) The structure has connected parts that have become so detached from one another that there is a reasonable likelihood they may fall and injure members of the public or cause property damage in general.

(6) The structure is vacant and not sufficiently secured to prevent easy access to trespassers and vagrants or is otherwise untended or unkempt to the extent that it poses a general health or safety hazard for neighboring people or property.

(b) A structure that is unsafe constitutes a nuisance. No person shall permit an unsafe structure to exist on property under his or her ownership or control.

(Ord. No. 2015-37, § 1, 11-3-2015)

Sec. 42-26. - Cleanliness of property generally—Duty of owner.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Improved lot means any lot which improvements have been made, including, but not limited to, change of grade through filling or excavation, installation of water or sewer line, clearing of property to begin construction, or any other physical alteration which has significantly disturbed the natural vegetation on the site.

Undergrowth means herbaceous plants, plants and grasses with stems that wither away annually as distinguished from trees or shrubs with woody stems that live from year to year.

Unimproved lot means any lot which remains undisturbed and in a natural vegetative state.

(b) *Purpose and intent.* The city recognizes the need to protect the health, safety and welfare of the citizens of the city through control and elimination of aesthetically displeasing and potentially dangerous accumulations of garbage, waste, trash, debris, junk and undergrowth. It is, therefore, the purpose and intent of this section to reduce or eliminate such conditions within reasonable limits by hereby establishing a duty and responsibility on the part of the owner of designated lots located within the city to keep such lot free and clear of garbage, waste, trash, debris, junk and undergrowth.

(c) *Maintenance of commercial and industrial zoned lots.* The owner of every improved lot, piece and parcel of land located within a commercial or industrial zone within the city shall keep each such lot, piece or parcel of land free and clear of all fallen trees and limbs and undergrowth exceeding 12 inches in height. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than 12 inches within such natural areas. Owners of unimproved vacant parcels in such zones shall similarly maintain such portion of their property as lies within ten feet of any improved property, any sidewalk, roadway or bicycle path.

(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.

(e)

4. Masonry that has been subjected to any of the following conditions:
   4.1. *Deterioration;*
   4.2. *Ultimate deformation;*
   4.3. Fractures in masonry or mortar joints;
   4.4. Fissures in masonry or mortar joints;
   4.5. Spalling;
   4.6. Exposed reinforcement; or
   4.7. *Detached,* dislodged or failing connections.
5. Steel that has been subjected to any of the following conditions:
   5.1. *Deterioration;*
   5.2. Elastic deformation;
   5.3. *Ultimate deformation;*
   5.4. Metal fatigue; or
   5.5. *Detached,* dislodged or failing connections.
6. Wood that has been subjected to any of the following conditions:
   6.1. *Ultimate deformation;*
   6.2. *Deterioration;*
   6.3. Damage from insects, rodents and other vermin;
   6.4. Fire damage beyond charring;
   6.5. Significant splits and checks;
   6.6. Horizontal shear cracks;
   6.7. Vertical shear cracks;
   6.8. Inadequate support;
   6.9. *Detached,* dislodged or failing connections; or
   6.10. Excessive cutting and notching.

Exceptions:

1. Where substantiated otherwise by an *approved* method.
2. Demolition of unsafe conditions shall be permitted where *approved* by the *code official.*

SECTION 307
HANDRAILS AND GUARDRAILS

307.1 General. Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface that is more than 30 inches (762 mm) above the floor or grade below shall have *guards.* Handrails shall be not less than 30 inches (762 mm) in height or more than 42 inches (1067 mm) in height measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. *Guards* shall be not less than 30 inches (762 mm) in height above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

Exception: *Guards* shall not be required where exempted by the adopted building code.

SECTION 308
RUBBISH AND GARBAGE

308.1 Accumulation of rubbish or garbage. *Exterior property* and *premises,* and the interior of every structure, shall be free from any accumulation of *rubbish* or garbage.

308.2 Disposal of rubbish. Every *occupant* of a structure shall dispose of all *rubbish* in a clean and sanitary manner by placing such *rubbish* in *approved* containers.

308.2.1 Rubbish storage facilities. The *owner* of every occupied *premises* shall supply *approved* covered containers for *rubbish,* and the *owner* of the *premises* shall be responsible for the removal of *rubbish.*

308.2.2 Refrigerators. Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on *premises* without first removing the doors.

308.3 Disposal of garbage. Every *occupant* of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an *approved* garbage disposal facility or *approved* garbage containers.

308.3.1 Garbage facilities. The *owner* of every dwelling shall supply one of the following: an *approved* mechanical food waste grinder in each *dwelling unit;* an *approved* incinerator unit in the structure available to the *occupants* in each *dwelling unit;* or an *approved* leakproof, covered, outside garbage container.

308.3.2 Containers. The *operator* of every establishment producing garbage shall provide, and at all times cause to be utilized, *approved* leakproof containers provided with close-fitting covers for the storage of such materials until removed from the *premises* for disposal.

SECTION 309
PEST ELIMINATION

309.1 Infestation. Structures shall be kept free from insect and rodent *infestation.* Structures in which insects or rodents are found shall be promptly exterminated by *approved* processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent reinfestation.

309.2 Owner. The *owner* of any structure shall be responsible for pest elimination within the structure prior to renting or leasing the structure.

309.3 Single occupant. The *occupant* of a one-family dwelling or of a single-*tenant* nonresidential structure shall be responsible for pest elimination on the *premises.*

309.4 Multiple occupancy. The *owner* of a structure containing two or more *dwelling units,* a multiple *occupancy,* a

CHAPTER 5
PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

SECTION 501
GENERAL

501.1 Scope. The provisions of this chapter shall govern the minimum plumbing systems, facilities and plumbing fixtures to be provided.

501.2 Responsibility. The *owner* of the structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with these requirements. A person shall not occupy as *owner-occupant* or permit another person to occupy any structure or *premises* that does not comply with the requirements of this chapter.

SECTION 502
REQUIRED FACILITIES

[P] 502.1 Dwelling units. Every *dwelling unit* shall contain its own bathtub or shower, lavatory, water closet and kitchen sink that shall be maintained in a sanitary, safe working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which such water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

[P] 502.2 Rooming houses. Not less than one water closet, lavatory and bathtub or shower shall be supplied for each four *rooming units*.

[P] 502.3 Hotels. Where private water closets, lavatories and baths are not provided, one water closet, one lavatory and one bathtub or shower having access from a public hallway shall be provided for each 10 *occupants*.

[P] 502.4 Employees' facilities. Not less than one water closet, one lavatory and one drinking facility shall be available to employees.

[P] 502.4.1 Drinking facilities. Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in *toilet rooms* or *bathrooms*.

[P] 502.5 Public toilet facilities. Public toilet facilities shall be maintained in a safe, sanitary and working condition in accordance with the *International Plumbing Code*. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during *occupancy* of the *premises*.

SECTION 503
TOILET ROOMS

[P] 503.1 Privacy. *Toilet rooms* and *bathrooms* shall provide privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared *bathrooms* and *toilet rooms* in a multiple dwelling.

[P] 503.2 Location. *Toilet rooms* and *bathrooms* serving hotel units, *rooming units* or dormitory units or *housekeeping units*, shall have access by traversing not more than one flight of stairs and shall have access from a common hall or passageway.

[P] 503.3 Location of employee toilet facilities. Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located not more than one story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or combined employee and public facilities.

Exception: Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet (152 m) from the employees' regular working area to the facilities.

[P] 503.4 Floor surface. In other than *dwelling units*, every *toilet room* floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

SECTION 504
PLUMBING SYSTEMS AND FIXTURES

[P] 504.1 General. Plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. Plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

[P] 504.2 Fixture clearances. Plumbing fixtures shall have adequate clearances for usage and cleaning.

[P] 504.3 Plumbing system hazards. Where it is found that a plumbing system in a structure constitutes a hazard to the *occupants* or the structure by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, *deterioration* or damage or for similar reasons, the *code official* shall require the defects to be corrected to eliminate the hazard.

SECTION 505
WATER SYSTEM

505.1 General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an *approved* private water system. Kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied

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Exception: Facilities that are required for employees in storage structures or kiosks, which are located in adjacent structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet (152 m) from the employees' regular working area to the facilities.

[P] 503.4 Floor surface. In other than *dwelling units*, every *toilet room* floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

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[P] 504.2 Fixture clearances. Plumbing fixtures shall have adequate clearances for usage and cleaning.

[P] 504.3 Plumbing system hazards. Where it is found that a plumbing system in a structure constitutes a hazard to the *occupants* or the structure by reason of inadequate service, inadequate venting, cross connection, backsiphonage, improper installation, *deterioration* or damage or for similar reasons, the *code official* shall require the defects to be corrected to eliminate the hazard.

SECTION 505
WATER SYSTEM

505.1 General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an *approved* private water system. Kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied

with hot or tempered and cold running water in accordance with the *International Plumbing Code*.

[P] 505.2 Contamination. The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood-level rim of the fixture. Shampoo basin faucets, janitor sink faucets and other hose bibs or faucets to which hoses are attached and left in place, shall be protected by an approved atmospheric-type vacuum breaker or an approved permanently attached hose connection vacuum breaker.

505.3 Supply. The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures, devices and appurtenances in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

505.4 Water heating facilities. Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a minimum temperature of 110°F (43°C). A gas-burning water heater shall not be located in any *bathroom*, *toilet room*, *bedroom* or other occupied room normally kept closed, unless adequate combustion air is provided. An *approved* combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

SECTION 506
SANITARY DRAINAGE SYSTEM

[P] 506.1 General. Plumbing fixtures shall be properly connected to either a public sewer system or to an *approved* private sewage disposal system.

[P] 506.2 Maintenance. Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

[P] 506.3 Grease interceptors. Grease interceptors and automatic grease removal devices shall be maintained in accordance with this code and the manufacturer's installation instructions. Grease interceptors and automatic grease removal devices shall be regularly serviced and cleaned to prevent the discharge of oil, grease, and other substances harmful or hazardous to the building drainage system, the public sewer, the private sewage disposal system or the sewage treatment plant or processes. Records of maintenance, cleaning and repairs shall be available for inspection by the code official.

SECTION 507
STORM DRAINAGE

[P] 507.1 General. Drainage of roofs and paved areas, *yards* and courts, and other open areas on the *premises* shall not be discharged in a manner that creates a public nuisance.

**RE-RECORDING BOOK 7328/PAGE 2775
TO REFLECT THE CORRECT FINE AMOUNT**

CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 16-1677

Recorded in the Public Records:
Instrument # 2016 236 446 12/21/16 @ 3:18 p.m.
Book: 7340 Page: 2386

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

KAREN BAKER ANTICO TR EVA BAKER REVOC TRUST
831 MCDONALD ROAD
PORT ORANGE, FL 32129
PARCEL ID: 6304-09-00-0350

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 November 21, 2016, after due notice to the Respondent(s), and the Special Magistrate having heard testimony under oath, received evidence and heard argument from Staff thereupon issues its Findings of Fact, Conclusions of Law, and Order, as follows:

FINDINGS OF FACT:

A. Respondent(s), KAREN BAKER ANTICO TR EVA BAKER REVOC TRUST, (hereinafter referred to as "Respondent(s)", whose mailing address is 831 MCDONALD ROAD, PORT ORANGE, FL 32129, is/are the owner(s) of the property located at 831 MCDONALD ROAD, PORT ORANGE, FL 32129, and more particularly described as:

LOT 35 AMBER VILLAGE SUB MB 40 PGS 61 & 62 INC PER OR 3928 PGS 3153 & 3155 & D/C OR 4089 PG 4752 & UNREC WILL

B. Garbage, junk, trash, debris, fecal and urine matter, food, waste, etc. inside the home, garage, and exterior of the home needs to be cleaned, sanitized, and/or repaired. Fumigation for rodents and insects and sanitation of the entire dwelling, cutting of year to include removal of all fallen trees and limbs, as well as the repair of or shutting off of the broken refrigerator must also occur. The home must also be re-connected to a city water source. These conditions were first observed at the real property described above on November 1, 2016. Respondent(s) received notice via hand delivery to Carmella White, Social Services Director at Oaktree Healthcare on November 8, 2016, City Hall posting and regular and certified mailings on November 9, 2016, that the aforesaid conditions constituted a violation of Chapter 42 (Nuisances), Article III (Sanitary Conditions), Section 42-54 (Sanitary Nuisance Prohibited) of the City of Port Orange Code of Ordinances; Chapter 42 (Nuisances), Article V (Unsafe Conditions), Division 3 (Abatement of Unsafe Structures), Section 42-108 (Unsafe Conditions): Nuisance (a), (4) of the City of Port Orange Code of Ordinances; Chapter 42 (Nuisances), Article II (Garbage, waste, trash, etc. prohibited), 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, waste, trash, etc. prohibited), 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

**RE-RECORDING BOOK 7328/PAGE 2775
TO REFLECT THE CORRECT FINE AMOUNT**

3 (General Requirements), Section 309 (Pest Elimination), 309.1 (Infestation) of the International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances; Chapter 5 (Plumbing Facilities and Fixture Requirements), Section 504 (Plumbing Systems and Fixtures), 504.3 (Plumbing System Hazards) of the International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances; and Chapter 5 (Plumbing Facilities and Fixture Requirements), Section 505 (Water System), 505.1 (General) of the International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances, and was to be corrected by November 18, 2016.

C. At the time of this hearing, the violations cited above: [_X_] continue to exist, or [___] remained noncompliant until _____ [Date].

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

CONCLUSION OF LAW:

Respondent(s), by reason of the foregoing, has/have violated the above referenced code, in that the Respondent(s) failed, on or before the date set in the notice of violation, to remedy the conditions as stated is therefore subject to the provisions of the City of Port Orange Municipal Code 2.207.

ORDER:

A. Respondent(s) shall correct the aforesaid violation by removing all garbage, junk, trash, debris, fecal and urine matter, food, waste, etc. inside the home, garage, and exterior of the home; fumigation for rodents and insects and sanitation of the entire dwelling; cutting of yard to include removal of all fallen trees and limbs; repairing of or shutting off of refrigerator line inside home that caused leak and saturation of carpet and floors inside the residence; and re-connecting to city water source on or before December 1, 2016. ("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 $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 the 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 sub section (a)." The cost to date is $49.02 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. 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.

C. 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. Failure to comply with this Order shall result in the issuance of an Order Imposing Fine and Lien. The Order Imposing Fine

**RE-RECORDING BOOK 7328/PAGE 2775
TO REFLECT THE CORRECT FINE AMOUNT**

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 20 day of Dec., 2016.

Attest: _____
Secretary, Code Enforcement Special Magistrate

By: _____
Code Enforcement Special Magistrate

I HEREBY ACKNOWLEDGE AND AGREE that the foregoing findings are true and accurate to the best of my knowledge.

_____
Code Compliance Inspector

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), KAREN BAKER ANTICO TR EVA BAKER REVOC TRUST, 831 MCDONALD ROAD, PORT ORANGE, FL 32129, by Certified and Regular Mail this 20 day of Dec 2016.

_____
Secretary, Code Enforcement Special Magistrate

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 21 day of December, 2016.
By: _____

/s/ Robin L. Fenwick