



AGENDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF PORT ORANGE

Meeting Date: Wednesday, March 22, 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
 - a. Minutes of 2-22-17 as approved and signed by Special Magistrate Branch
 - b. Regular Meeting 3-8-17 Minutes

B. ORDER IMPOSING FINE/LIEN

3. **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: 12/21/2016

Compliance: Yes

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.

C. PUBLIC COMMENTS

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
FEBRUARY 22, 2017

THE SPECIAL MAGISTRATE HEARING of the City of Port Orange was called to order by Special Magistrate Branch at 9:07 a.m.

PRESENT: Raymond Branch, Special Magistrate

ALSO PRESENT: Scott Allman, Code Compliance Inspector
Amanda Bonin, Code Compliance Inspector
Deborah Faircloth, Interim Code Enforcement Manager
Robin Fenwick, City Clerk
Fran Gosnell, Administrative Assistant

Attorney Overview of Special Magistrate Code Enforcement Process

Special Magistrate Branch stated that since there were no members of the public at this time, he would dispense with the overview of the Code Enforcement Process.

Consideration of Minutes

Special Magistrate Branch approved the February 8, 2017 meeting minutes as presented.

Oaths

Code Compliance Inspectors Scott Allman, Amanda Bonin and Interim Code Enforcement Manager Deborah Faircloth were sworn in by Special Magistrate Branch.

ORDER IMPOSING FINE/LIEN

3. **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.

Amanda Bonin, Code Compliance Inspector, was sworn in by Special Magistrate Branch. Motion was made by Ms. Bonin to continue this case to March 8, 2017. Special Magistrate Branch granted the motion.

4. **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: 10/20/2016

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.

Motion was made by Ms. Bonin to continue this case to March 8, 2017. Special Magistrate Branch granted the motion.

5. **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: Yes

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.

Deborah Faircloth, Interim Code Enforcement Manager, was sworn in by Special Magistrate Branch and requested an Order Setting Fine/Lien in the amount of \$1,400 for abatement cost for work provided by the vendor for covering the pool and the cost sheet in the amount of \$85.28. Ms. Faircloth stated the violations have been abated and there is no daily fine associated with this case. Ms. Faircloth provided the Affidavit of Non-Compliance and Affidavit of Compliance.

The cost sheet in the amount of \$85.28 was tendered and admitted into evidence by Special Magistrate Branch for the combined total of \$1,485.28.

Special Magistrate Branch awarded costs of \$85.28 and vendor invoice in the amount of \$1,400 for abatement as recommended with the adding of the sentence, "The violation was found to present a serious threat to the public health, safety, and welfare and, as a result, it was referred to the local governing body with the authority to make all repairs reasonably required to bring the property into compliance." The total due to the City is \$1,485.28.

6. **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: 01/11/2017

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 & 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.

Motion was made by Ms. Faircloth to continue this case to March 22, 2017. Special Magistrate Branch granted the motion.

7. **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: 10/19/2016

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

Scott Allman, Code Compliance Inspector, was sworn in by Special Magistrate Branch and requested an Order to Set Fine/Lien. The Affidavit of Non-Compliance, Affidavit of Compliance, cost sheet in the amount of \$104.85, and invoice from Blue Ribbon Pools in the amount of \$2,000.00 for abatement and covering of pool was tendered and admitted into evidence by Special Magistrate Branch. There is no daily fine associated with this case.

Special Magistrate Branch awarded costs of \$104.85 and vendor invoice in the amount of \$2,000 for abatement as recommended with the adding of the sentence, "The violation was found to present a serious threat to the public health, safety, and welfare and, as a result, it was referred to the local governing body with the authority to make all repairs reasonably required to bring the property into compliance." The total due to the City is \$2,104.85.

8. 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: 01/11/2017

Compliance: No

Cited for violation(s) – Chapter 3 (General Requirements), Section 303 Swimming Pools, 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,

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.

Motion was made by Ms. Faircloth to continue this case to March 8, 2017. Special Magistrate Branch granted the motion.

PUBLIC COMMENTS – There were no public comments.

ADJOURNMENT – 9:32 a.m.



Special Magistrate Raymond Branch

PORT ORANGE CODE ENFORCEMENT
SPECIAL MAGISTRATE MINUTES
COUNCIL CHAMBERS
1000 CITY CENTER CIRCLE
MARCH 8, 2017

THE SPECIAL MAGISTRATE HEARING of the City of Port Orange was called to order by Special Magistrate at 9:00 a.m.

PRESENT: David Fuller, Jr., Special Magistrate

ALSO PRESENT: Dena Joseph, Code Compliance Inspector
Amanda Bonin, Code Compliance Inspector
Deborah Faircloth, Interim Code Enforce. Mgr
Robin Fenwick, City Clerk
Fran Gosnell, Sr. Administrative Assistant

Attorney Overview of Special Magistrate Code Enforcement Process

Special Magistrate Fuller provided an overview of the Code Enforcement Process to the members in the audience.

Consideration of Minutes

Special Magistrate Fuller deferred to Special Magistrate Branch for approval of the February 22, 2017 meeting minutes as presented.

Oaths

Code Compliance Inspectors Amanda Bonin, Dena Joseph, and Interim Code Enforcement Manager Deborah Faircloth were sworn in by Special Magistrate Fuller.

FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. CEB Case No.: 17-058

Respondent: Clark Office Building LTD

Address of Violation: 5114 Ridgewood Ave
Port Orange, FL 32127

Code Officer: Deborah Faircloth

First Notified: 02/08/2017

Compliance: Yes

Cited for violation(s) - City of Port Orange Land Development Code, Chapter 17, Section 25 - Ridgewood Development (RD) zoning district.

Deborah Faircloth, Code Compliance Inspector, was sworn in by Special Magistrate Fuller. Ms. Faircloth stated the case is compliant with the Notice, and requested a motion to dismiss.

Special Magistrate Fuller granted the request to dismiss.

4. CEB Case No.: 16-1483

Respondent: Circle K Stores, Inc.

Address of Violation: 4040 Nova Road
Port Orange, FL 32127

Code Officer: Deborah Faircloth

First Notified: 02/15/2017

Compliance: No

Cited for violation(s) - City of Port Orange Code of Ordinances, Chapter 14, Article VII Commercial Property Maintenance Standards, Section 14-313 Inspections, enforcement, appeals (b), Section 14-314 Landscaping and buffers - Maintenance criteria, Section 14.315 Replacement criteria, Section 14-317 Parking, sidewalk and driveway areas (2), Section 14-318 Other property improvements; maintenance criteria (b) Signs (d) Trash, litter and debris.

Ms. Faircloth testified as to the condition of the property and the violations thereof, as well as the notice provided to the property owner and submitted photos into evidence.

Mr. Randy Crosby, Manager of Circle K and Ms. Ossie Curington, Regional Director for Circle K, were sworn in by Special Magistrate Fuller.

Mr. Crosby testified that Circle K had previously hired a landscaper but he did not complete the project; however, the current landscaper is actively making corrections by edging, weeding and placing trees upright, and has purchased 90 flowers.

Ms. Faircloth agreed that there has been work accomplished; however, it is not complete. Ms. Curington requested three weeks for completion; Ms. Faircloth requested the date of March 27, 2017.

Special Magistrate Fuller accepted the cost sheet in the amount of \$42.86 and photos into evidence, and found the property not in compliance as of today but may come into

compliance by March 27, 2017, and stated that if the property is not in compliance by March 27, 2017, a fine is set at \$100 a day. Also, the property owner is responsible for notifying Ms. Faircloth before that date for a reinspection.

Special Magistrate Fuller awarded \$42.86 in costs to the City of Port Orange.

5. CEB Case No.: 17-114

Respondent: Steven J. & Alice A. Husmann

Address of Violation: 6087 Jasmine Vine Drive
Port Orange, FL 32128

Code Officer: J. Scott Allman

First Notified: 01/31/2017

Compliance: Yes

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: 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.

Ms. Faircloth, on behalf of J. Scott Allman, Code Compliance Inspector, reported that this case is compliant with the Notice and requested a motion to dismiss.

Special Magistrate Fuller granted the motion to dismiss.

6. CEB Case No.: 17-124

Respondent: Shelley Liga

Address of Violation: 26 Golden Gate Circle
Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 02/02/2017

Compliance: No

Cited for violation(s) - City of Port Orange Code of Ordinances Chapter 42, Article 2, Section 42-26. Cleanliness of property generally - Duty of owner. (f)

City of Port Orange Code of Ordinances Chapter 42, Article 2, Section 42-32. Storage of vehicles, furniture, etc.

City of Port Orange Code of Ordinances Chapter 70, Article 2, Section 70-48. Parking of recreational vehicles and equipment on residential premises (c)(1) & (2) and (e).

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 304.7 Roofs and drainage.

Ms. Shelley Liga-Kibler, Mr. Karl Webb, and Amanda Bonin, Code Compliance Inspector, were sworn in by Special Magistrate Fuller.

Ms. Bonin testified as to the condition of the property and the violations thereof, as well as the notice provided to the property owner.

Ms. Liga-Kibler stated that she is the owner of the property and stated it was in foreclosure, and has been ordered to remove everything off of the property by March 24, 2017. Information was provided to Special Magistrate Fuller to confirm that the property is a foreclosure, with Final Judgement on December 7, 2016 in Volusia County, Florida. The Bank of New York Mellon owns the property, and they were not sent Notice.

Ms. Bonin requested a motion to dismiss.

Special Magistrate Fuller granted the motion to dismiss.

7. CEB Case No.: 17-139

Respondent: Eva Ivie

Address of Violation: 27 Golden Gate Circle
Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 02/02/2017

Compliance: No

Cited for violation(s) - City of Port Orange Code of Ordinances Chapter 42, Article 2, Section 42-26. Cleanliness of property generally - Duty of owner. (f)

City of Port Orange Code of Ordinances Chapter 42, Article 2, Section 42-32. Storage of vehicles, furniture, etc.

Ms. Bonin testified as to the condition of the property and the violations thereof and stated that the property is not in compliance. The property owner is deceased; however, Ms. Shelley Liga-Kibler is the granddaughter representing the property.

Previously sworn in, Ms. Liga-Kibler and Mr. Karl Webb testified that the owner is deceased and the property has a reverse mortgage and will go through Probate; however, they are in the process of cleaning up the property of their personal belongings.

Mr. Karl Webb stated his name for the record, and that he is not married to Ms. Liga-Kibler.

Special Magistrate Fuller accepted the cost sheet in the amount of \$41.88 and photos into evidence, and found the property not in compliance as of today but may come into compliance by March 20, 2017, and stated that if the property is not in compliance by March 20, 2017, it will be considered a repeat violation.

Special Magistrate Fuller awarded \$41.88 in costs to the City of Port Orange.

ORDER IMPOSING FINE/LIEN

8. 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: 12/14/2016

Compliance: Yes

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 requested an Order Setting Fine/Lien in the total amount of \$3,747.54; representing abatement costs in the amount of \$3,635.00 to vendor Dixon Outdoors LLC, and the cost sheet in the amount of \$112.54. Ms. Bonin stated the violations have been abated and there is no daily fine associated with this case. Ms. Bonin provided the Affidavit of Non-Compliance and Affidavit of Compliance.

The vendor invoice in the amount of \$3,747.54 and the cost sheet in the amount of \$112.54 was tendered and admitted into evidence by Special Magistrate Fuller for the combined total of \$3,747.54.

Special Magistrate Fuller awarded costs of \$112.54 and vendor invoice for abatement in the amount of \$3,635.00 to Dixon Outdoors LLC as recommended.

9. 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: 10/20/2016

Compliance: Yes

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.

Ms. Bonin requested an Order Setting Fine/Lien in the total amount of \$1,471.62; representing abatement costs in the amount of \$1,360.00 to vendor Dixon Outdoors LLC, and the cost sheet in the amount of \$111.62. Ms. Bonin stated the violations have been abated and there is no daily fine associated with this case. Ms. Bonin provided the Affidavit of Non-Compliance and Affidavit of Compliance.

The vendor invoice in the amount of \$1,360.00 and the cost sheet in the amount of \$111.62 was tendered and admitted into evidence by Special Magistrate Fuller for the combined total of \$1,471.62.

Special Magistrate Fuller awarded costs of \$111.62 and vendor invoice for abatement in the amount of \$1,360.00 to Dixon Outdoors LLC as recommended.

10. 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.

Dena Joseph, Code Compliance Inspector, was sworn in by Special Magistrate Fuller.

Ms. Joseph requested an Order Setting Fine/Lien in the amount of \$1,600 abatement cost for work provided by the vendor, a one-time fine of \$500, ordered by the Magistrate, and the cost sheet in the amount of \$108.36. Ms. Joseph stated the violations have been abated and there is no daily fine associated with this case. Ms. Bonin provided the Affidavit of Non-Compliance and Affidavit of Compliance. Total costs \$2,208.36.

The cost sheet in the amount of \$108.36 was tendered and admitted into evidence by Special Magistrate Fuller for the combined total of \$2,208.36.

Special Magistrate Fuller awarded costs of \$108.36, a one-time fine of \$500.00, and vendor invoice in the amount of \$1,600.00 for abatement as recommended.

PUBLIC COMMENTS – There were no public comments.

ADJOURNMENT – 10:17 a.m.

Special Magistrate David D. Fuller, Jr.

Case Cost Sheet Log

Case No. 16-1638

Name	Activity	Activity_Date	Status	Cost
George Morgan & Ethel M. Morgan	Cost to mail Notice of Violation/Notice of Hearings #1 to 709 Sheldon Circle, Port Orange, FL 32127 (via regular & certified mail)	11/11/2016	Regular mailings for each returned "Deceased, unable to forward" on November 28, 2016	\$14.26
George Morgan & Ethel M. Morgan	Cost to mail Notice of Violation/Notice of Hearings #2 to 709 Sheldon Circle, Port Orange, FL 32127 (via regular & certified mail)	11/11/2016	Certified mailings returned "Deceased, unable to forward"; regular mailings were not returned	\$15.52
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law & Order (x2)	12/14/2016		\$54.00
George Morgan & Ethel M. Morgan	Cost to mail Finding of Fact, Conclusion of Law & Order (x2) to 709 Sheldon Circle, Port Orange, FL 32127 (via regular & certified mail)	12/14/2016		\$15.52
Clerk of Court	Cost to record Order Imposing Fine/Lien	03/22/2017		\$44.00
Clerk of Court	Cost to record Affidavit of Compliance	03/22/2017		\$18.50
George Morgan & Ethel M. Morgan	Cost to mail Order Imposing Fine/Lien and Affidavit of Compliance to 709 Sheldon Circle, Port Orange, FL 32127 via certified and regular mail	03/22/2017		\$7.44

Total: 169.24



**NOTICE OF VIOLATION
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 Circle
Port Orange, FL 32127

Re: 709 Sheldon Circle
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 2479PG
1092
Volusia County Public Records
Volusia County, FL

An inspection of the premises on September 30, 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 December 5, 2016.

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

1. City of Port Orange Code of Ordinances, Chapter 32, Article II, Section 32-26 (d)(f)
 - The entire property is overgrown and needs to be mowed will all undergrowth pruned back. All garbage, junk, trash, and debris shall be removed from the yard and properly stored or disposed of.

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 \$ 14.68 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 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 25, 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 10th day of November, 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, RE: 709 Sheldon Cir., Port Orange, FL 32127, was

☐ Hand-delivered

☒ Posted at the property

Time: approx. 1:15 pm

this 10th day of November, 2016.

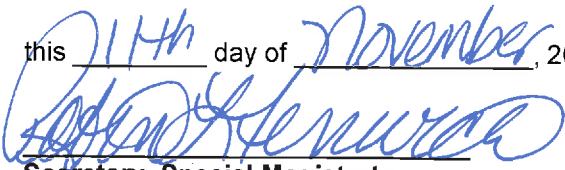
Deborah Faircloth
Deborah Faircloth

☒ 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, RE: 709 Sheldon Cir., Port Orange, FL 32127, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 14th 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.

24791092

BOOK PAGE This instrument was prepared by

Warranty Deed

(STATUTORY FORM -- SECTION 689.02 FS)

WALTER E. FOSTER, JR.

Attorney at Law
310 South Beach Street
DAYTONA BEACH, FLORIDA 32014

This Indenture, Made this 15th day of August 1983 Between

JOHN A. STUPRICH and CATHERINE E. STUPRICH, his wife
of the County of Volusia, State of Florida, grantor, and

GEORGE MORGAN and LUEL M. MORAN, his wife
whose post office address is 709 Sheldon Circle, Port Orange, Florida 32127

of the County of Volusia, State of Florida, grantee.

Witnesseth, That said grantor, for and in consideration of the sum of

TEN AND NO/100----- Dollars,
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 fol-
lowing described land, situate, lying and being in Volusia County, Florida, to-wit:

Lot Sixty-Six (66), Block Eleven (11), COMMONWEALTH MOBILE HOME ESTATES,
FIRST ADDITION, as per map in Map Book 29, page 47, of the Public Records
of Volusia County, Florida.

Together with Title to 1979 Champion Mobile Home, ID #0400475882.

SUBJECT to taxes for the year 1983 and subsequent years.

Is Paid 54.00 Date AUG 16 1983
County Volusia
Signature of Clerk

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 for singular or plural, as context requires.

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:

W. E. Foster
Barbara E. Bennett

John A. Stuprich (Seal)

Catherine E. Stuprich (Seal)

Catherine E. Stuprich (Seal)

STATE OF FLORIDA
COUNTY OF VOLUSIA

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally
appeared

JOHN A. STUPRICH and CATHERINE E. STUPRICH

to me known to be the persons described in and who executed the foregoing instrument and acknowledged before
me that they executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this 15th day of August
1983.

My commission expires:

Barbara E. Bennett
Notary Public

Notary Public, State of Florida
My Commission Expires April 21, 1984

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



**NOTICE OF VIOLATION
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 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 \$ 15.52 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 25, 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 10th day of November, 2016.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Deborah Faircloth
Deborah Faircloth

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.

24791092

BOOK PAGE This instrument was prepared by

Warranty Deed

(STATUTORY FORM -- SECTION 689.02 FS)

WALTER E. FOSTER, JR.Attorney at Law
310 South Beach Street
DAYTONA BEACH, FLORIDA 32014

This Indenture, Made this 15th day of August 1983 Between

JOHN A. STUPRICH and CATHERINE E. STUPRICH, his wife,
of the County of Volusia, State of Florida, Grantor*, and
GEORGE MORGAN and ETHEL M. MORGAN, his wife,
Grantor*, and

whose post office address is 709 Sheldon Circle, Port Orange, Florida 32129

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

Witnesseth. That said grantor, for and in consideration of the sum ofTEN AND NO/100-----Dollars,
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 fol-
lowing described land, situate, lying and being in Volusia County, Florida, to-wit:Lot Sixty-Six (66), Block Eleven (11), COMMONWEALTH MOBILE HOME ESTATES,
FIRST ADDITION, as per map in Map Book 29, page 47, of the Public Records
of Volusia County, Florida.

Together with Title to 1979 Champion Mobile Home, ID #0400475882.

SUBJECT to taxes for the year 1983 and subsequent years.

IS Paid 54.00 Date AUG 16 1983
County Volusia
Signature of Clerkand 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 for singular or plural, as context requires.

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:W. E. Foster
Barbara E. Bennett

John A. Stuprich (Seal)

Catherine E. Stuprich (Seal)

Catherine E. Stuprich (Seal)

STATE OF FLORIDA
COUNTY OF VOLUSIAI HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally
appeared

JOHN A. STUPRICH and CATHERINE E. STUPRICH

to me known to be the persons described in and who executed the foregoing instrument and acknowledged before
me that they executed the same.WITNESS my hand and official seal in the County and State last aforesaid this 15th day of August
1983.

My commission expires:

Barbara E. Bennett
Notary PublicNotary Public, State of Florida
My Commission Expires April 21, 1984

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

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).

304.4 Structural members. Structural members shall be maintained free from *deterioration*, and shall be capable of safely supporting the imposed dead and live loads.

304.5 Foundation walls. Foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

304.6 Exterior walls. Exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weathertight and properly surface coated where required to prevent *deterioration*.

304.7 Roofs and drainage. The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or *deterioration* in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

304.8 Decorative features. Cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

304.9 Overhang extensions. Overhang extensions including, but not limited to, canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly *anchored* so as to be kept in a sound condition. Where required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.10 Stairways, decks, porches and balconies. Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

304.11 Chimneys and towers. Chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. Exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

304.12 Handrails and guards. Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

304.13 Window, skylight and door frames. Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

304.13.1 Glazing. Glazing materials shall be maintained free from cracks and holes.

304.13.2 Openable windows. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

304.14 Insect screens. During the period from [DATE] to [DATE], every door, window and other outside opening required for *ventilation* of habitable rooms, food preparation areas, food service areas or any areas where products to be

included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with *approved* tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other *approved* means, such as air curtains or insect repellent fans, are employed.

304.15 Doors. Exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

304.16 Basement hatchways. Every *basement* hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

304.17 Guards for basement windows. Every *basement* window that is openable shall be supplied with rodent shields, storm windows or other *approved* protection against the entry of rodents.

304.18 Building security. Doors, windows or hatchways for *dwelling units*, room units or *housekeeping units* shall be provided with devices designed to provide security for the *occupants* and property within.

304.18.1 Doors. Doors providing access to a *dwelling unit*, *rooming unit* or *housekeeping unit* that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a minimum lock throw of 1 inch (25 mm). Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

304.18.2 Windows. Operable windows located in whole or in part within 6 feet (1828 mm) above ground level or a walking surface below that provide access to a *dwelling unit*, *rooming unit* or *housekeeping unit* that is rented, leased or let shall be equipped with a window sash locking device.

304.18.3 Basement hatchways. *Basement* hatchways that provide access to a *dwelling unit*, *rooming unit* or *housekeeping unit* that is rented, leased or let shall be equipped with devices that secure the units from unauthorized entry.

304.19 Gates. Exterior gates, gate assemblies, operator systems if provided, and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates.

SECTION 305 INTERIOR STRUCTURE

305.1 General. The interior of a structure and equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. *Occupants* shall keep that part of

DIVISION 3. - ABATEMENT OF UNSAFE STRUCTURES

Sec. 42-106. - Purpose.

The intent and purpose of this division is to protect the health, safety, morals and welfare of all the people of the City of Port Orange by establishing standards governing the abatement of unsafe structures; authorizing and establishing procedures for the demolition of the same and setting forth a procedure for the enforcement of this division by ordering the abatement of structures found unsafe. This division is hereby declared to be remedial and essential to the public interest, and it is intended that this division be liberally construed to effectuate the purposes as stated above.

(Ord. No. 2015-37, § 1, 11-3-2015)

Sec. 42-107. - Inspections.

The building official, or his or her designee, shall have the authority to inspect any structure for the purpose of determining whether the same is unsafe based on the conditions set forth herein. The building official, or his or her designee, is authorized to utilize the services of private engineers, architects or other professionals in order to determine the condition of the structure in question.

(Ord. No. 2015-37, § 1, 11-3-2015)

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. 42-109. - Notice of violation and notice of hearing.

When the building official, or his or her designee, verifies the existence of a structure which is unsafe, an initial notice of violation and notice of hearing shall be provided to the owner of record and other known interested parties as set forth in section 42-110. Said notice shall describe the condition(s) found by the building official, or his or her designee, and relied upon in determining the structure is unsafe and state the requirements to secure and repair, or demolish the structure within a reasonable period of time along with a notice informing all interested parties of the date, time and location of the hearing before the special magistrate which may result in an order requiring the property owner or city to demolish the structure(s) on the property with any costs therefor being assessed against the property and constituting a lien thereon.

(Ord. No. 2015-37, § 1, 11-3-2015)

Sec. 42-110. - Manner of serving notice.

- (a) For the purpose of providing notice, interested parties shall be the owner of the property as shown on the county tax rolls, other persons whose names appear on the county tax rolls as having an interest in the property, and the tenant or occupant, if any, of the property, as well as other persons of record interest, which may include the mortgagee, contract purchaser (if known), agent with power of attorney, and any person claiming an interest under a lis pendens.
- (b)

Ten days or more prior to the hearing before the special magistrate, the notice of violation and notice of hearing shall be posted on the front of the property and shall be delivered to the interested parties either:

- (1) By personally delivering a copy thereof to the party to be notified;
- (2) By leaving such copy at such person's usual place of residence with some person of the household above 15 years of age and informing such person of the contents thereof; or
- (3) By standard United States mail and either registered or certified United States mail with return receipt requested.

If the name of any interested party or their place of residence or their post office address cannot be ascertained after diligent search or in the event a notice sent by either registered or certified mail shall be returned undelivered, notice shall be given by publishing a copy thereof two times in a newspaper of general circulation in the city as set forth in subsection (d) of this section and, if the name of such interested party is known, mailing a copy thereof to such person's last known address, if known.

- (c) A copy of such notice of violation and notice of hearing shall be posted in a conspicuous place at city hall.
- (d) If publication of notice is made, a notice of notice of violation and notice of hearing shall be published on two different days in a newspaper of general circulation in the city and the last publication of such notice shall be not less than ten days prior to the date of hearing.

(Ord. No. 2015-37, § 1, 11-3-2015)

Sec. 42-111. - Hearing and authority to order secure and repair or demolition.

- (a) In any hearing before the special magistrate pursuant to this division, formal rules of evidence shall not apply, but fundamental due process shall be observed and shall govern the proceedings. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. All other evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their affairs shall be admissible whether or not such evidence would be admissible in a trial in the courts of the state. Each interested party shall have the right to appear in person, by legal counsel or by an agent, to call and examine witnesses under oath, to introduce documentary evidence or exhibits, to cross-examine opposing witnesses on any relevant matter even though the matter was not covered under direct examination, to impeach any witness regardless of which party first called him to testify, and to submit rebuttal evidence.

- (b) Upon substantial competent evidence, the special magistrate may render his or her order requiring the owner to secure and repair, or cause to be demolished, the structure(s) which have been established as unsafe within a reasonable period of time not less than 30 days from the date of the order, and provide authority for the city to take the necessary steps to abate the condition(s) in the event the owner fails to do so and charging all expenses of the abatement against the property in accordance with this division. The order may also require vacating of the property if such action is necessary and has not already been accomplished.
- (c) All unsafe structures which have been secured as a result of an order to secure and repair shall be subject to inspection and the owner of the structure shall be assessed a fee for each and every such inspection. For the purpose of ensuring that the vacant and unfit or unsafe structure is locked and/or secured, inspections shall be conducted no less frequently than at 30-day intervals and the following fee collected in the manner provided by this division for each and every inspection conducted.
 - (1) Residential, commercial, institutional and industrial structures, per structure: \$50.00.
 - (2) Other structures (detached garages, accessory buildings, etc.), per structure: \$25.00.

(Ord. No. 2015-37, § 1, 11-3-2015)

Sec. 42-112. - Appeal procedure.

An aggrieved party, including the city, may appeal a final administrative order of the special magistrate to the circuit court in Volusia County. Such an appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the special magistrate. An appeal shall be filed within 30 days of the execution of the order to be appealed.

(Ord. No. 2015-37, § 1, 11-3-2015)

Sec. 42-113. - Condition of lot after demolition.

A lot from which a structure is demolished shall be properly filled, graded and seeded with grass seed or sodded within five days of the date of completion of the demolition. The lot shall comply with the established vegetation standards of the city.

(Ord. No. 2015-37, § 1, 11-3-2015)

Sec. 42-114. - Assessment of cost of demolition; lien on property.

- (a)

Upon expiration of the 30-day right of appeal to the circuit court with no appeal having been taken, or, if appeal is taken, expiration of the 30-day period following the 30-day period for filing a claim of appeal to the district court of appeal, or following an emergency demolition authorized and conducted in accordance with section 42-115, unless otherwise ordered by a court of competent jurisdiction, the city manager or his or her designee, after proceeding under this division, shall assess the entire cost of such vacation, demolition, removal or securing against the real property upon which such cost was incurred by recording a lien. The costs which may be assessed include the cost of rodent extermination where employed, all administrative costs (which shall include all costs related to any hearing before the special magistrate and the lien recording and releasing fee), postal expense, newspaper publication and other costs reasonably and necessarily incurred by the city, including attorney's fees and costs. Such costs when assessed shall constitute a lien upon such property and such lien shall bear interest from such date at the rate established by the comptroller of the state pursuant to F.S. § 55.03 and shall be enforceable if unsatisfied, after the expiration of one year from the date of recording such notice of lien, as other liens may be enforced by the city.

- (b) In those instances where the owner has repaired, secured or demolished a structure or caused such work to be done as the result of having been determined to be in violation of this division, all costs described in subsection (a) of this section reasonably and necessarily incurred by the city shall be assessed against the property and such lien shall bear interest from such date at the rate established by the comptroller of the state pursuant to F.S. § 55.03 and shall be enforceable if unsatisfied, after the expiration of one year from the date of recording such notice of lien, as other liens may be enforced by the city.
- (c) The city shall record a notice of lien in the public records of Volusia County. The notice of lien shall show the nature of such lien, the amount thereof, the names of persons having an ownership or other property interest of record and an accurate legal description of the property, which lien shall date from the date of recording of the notice of lien. Such lien shall bear interest from such date at the rate established by the comptroller of the state pursuant to F.S. § 55.03 and shall be enforceable if unsatisfied, after the expiration of one year from the date of recording such notice of lien, as other liens may be enforced by the city.

Sec. 42-115. - Emergency condemnations, authority to take action; lien on property.

- (a) In cases where there is imminent peril to the public safety or general welfare or immediate danger to the life or safety of any person or where the public is endangered by weather conditions, fire, other natural disasters or the particular location of the subject property, unless an unfit or unsafe structure is immediately repaired, demolished, or removed, the city

manager or his or her designee shall promptly cause such structure to be made safe or removed. For this purpose the city manager or his or her designee may at once enter such a structure or land on which it stands, or abutting land or structures, to perform an inspection with such assistance and at such cost as may be deemed necessary.

- (b) Upon inspection, the city manager or his or her designee shall determine whether or not the structure requires immediate emergency demolition in order to maintain the safety and welfare of the owner, tenants, or public. A written report will document results of these inspections. Exterior and interior photographs of the building, structure, or portion thereof will be taken when feasible.
- (c) The city manager or his or her designee may order the vacation of adjacent structures and may require the protection of the public by appropriate fencing or such other means as may be necessary, and for this purpose may close any public or private way.
- (d) If the city manager or his or her designee determines that sufficient time exists, prior to demolition, to reasonably and safely serve a notice of intent to demolish, it will be sent via priority mail or courier delivery and by attempting to telephone the owner or interested parties (if listed in the current phone directory) giving notice of the emergency demolition. This written notification must state the findings of the city manager or his or her designee, documenting cause for demolition or removal. Where the owner or other interested party fails to take immediate corrective action as ordered by the city manager or his or her designee, the city manager or his or her designee shall have the authority to promptly proceed with the abatement of the unsafe structure in accordance with this division. Failure to effect personal notice upon the individual owner or interested parties shall not prevent the city from performing the emergency demolition or removal and assessing a lien on the property. All costs incurred in the evaluation, vacation, securing and emergency demolition are the responsibility of the property owner, and the city manager shall place a lien on the property as set forth in section 42-114.

(Ord. No. 2015-37, § 1, 11-3-2015)



CITY OF PORT ORANGE

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www.Port-Orange.org

January 20, 2017

George & Ethel M. Morgan
709 Sheldon Circle
Port Orange, FL 32127

Re: CEB Case No. 16-1638

Dear Mr. and Mrs. Morgan:

You are hereby notified that the Code Enforcement Special Magistrate meetings scheduled for Wednesday, January 25, 2017 at 9:00 a.m. in the above referenced cases have been continued. Your case has been re-scheduled to Wednesday, February 22, 2017 at 9:00 a.m. in City Council Chambers – City Hall, 1000 City Center Circle, Port Orange, Florida.

Should you have any questions regarding this, please contact Deborah Faircloth, Code Compliance Inspector at (386) 506-5644.

Sincerely,

Robin Fenwick, CMC
City Clerk