



AGENDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF PORT ORANGE

Meeting Date: Wednesday, May 24, 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 - May 10, 2017

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. CEB Case No.: 17-175

Respondent: James R. Miller

Address of Violation: 1084 Donnell Drive, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 04/25/2017

Compliance: Yes

Cited for violation(s) - City of Port Orange Code of Ordinances Chapter 42, Section 42-26. - Cleanliness of property generally-- Duty of owner (d) Maintenance of improved residential lots.

4. CEB Case No.: 17-0499

Respondent: Country Manor Assisted Living & Retirement Home, LLC

Address of Violation: 1152 Old Hammock Road, Port Orange, FL 32129

Code Officer: Dena Joseph

First Notified: 04/18/2017

Compliance: Yes

Cited for violation(s) - Chapter 13 (Landscaping and Buffers), Section 3.5 (Opaque Fence or Wall Requirements), (a)(1) of the City of Port Orange Land Development Code.

5. **CEB Case No.:** 17-0397

Respondent: Jon Dalrymple

Address of Violation: 126 Barefoot Trail, Port Orange, FL 32129

Code Officer: Dena Joseph

First Notified: 04/19/2017

Compliance: Yes

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

Chapter 42 (Nuisances) Article II (Garbage, Junk, and Undergrowth), Section 42-26 (Cleanliness of property generally duty of owner), (f) Garbage, waste, trash, etc. prohibited) of the City of Port Orange Code of Ordinances.

Chapter 42 (Nuisances) Article II (Garbage, Junk, and Undergrowth), Section 42-32 (Storage of Vehicles, Furniture, Etc.) of the City of Port Orange Code of Ordinances.

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 AN ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT THE CITY CLERK FOR THE CITY OF PORT ORANGE, 1000 CITY CENTER CIRCLE, PORT ORANGE, FLORIDA 32129, TELEPHONE NUMBER 386-506-5563, CITYCLERK@PORT-ORANGE.ORG, AS FAR IN ADVANCE AS POSSIBLE, BUT PREFERABLY WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING DATE. IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 7-1-1 or 1-800-8771. UPON REQUEST BY A QUALIFIED INDIVIDUAL WITH A DISABILITY, THIS DOCUMENT WILL BE MADE AVAILABLE IN AN ALTERNATE FORMAT. IF YOU NEED TO REQUEST THIS DOCUMENT IN AN ALTERNATE FORMAT, PLEASE CONTACT THE CITY CLERK WHOSE CONTACT INFORMATION IS PROVIDED ABOVE.

PORT ORANGE CODE ENFORCEMENT
SPECIAL MAGISTRATE MEETING MINUTES
COUNCIL CHAMBERS
1000 CITY CENTER CIRCLE
MAY 10, 2016

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

PRESENT: David Fuller, Special Magistrate

ALSO PRESENT: Amanda Bonin, Code Compliance Inspector
Deborah Pearson, Interim Code Enforcement-
Manager
Robin Fenwick, City Clerk
Michelle Cusella, Administrative Assistant

Attorney Overview of Special Magistrate Code Enforcement Process

Special Magistrate Fuller reviewed the Code Enforcement Process.

Consideration of Minutes

Special Magistrate Fuller approved the April 26, 2017 meeting minutes as presented.

Oaths

Code Compliance Inspector Amanda Bonin was sworn in by Special Magistrate Fuller.

FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

2. CEB Case No.: 16-2004

Respondent: Robert & Margaret M. Wilson

Address of Violation: 710 Larado Drive, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 04/06/2017

Compliance: Yes

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

Amanda Bonin, Code Compliance Inspector, was sworn in by Special Magistrate Fuller, and requested a dismissal of the case as it is in compliance with the notice provided to the property owner. Motion to dismiss was granted by Special Magistrate Fuller.

3. **CEB Case No.: 16-2010**

Respondent: Irena Miller Crouch

Address of Violation: 232 N. Brighton Drive, Port Orange, FL 32127

Code Officer: Amanda Bonin

First Notified: 03/09/2017

Compliance: Yes

Cited for violation(s) – Chapter 42 Nuisances Section 42-26 (d) Maintenance of improved residential lots.

Chapter 3, Section 309 Pest Elimination of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances 309.1 Infestation.

Amanda Bonin, Code Compliance Inspector, was sworn in by Special Magistrate Fuller, and requested a dismissal of the case as it is in compliance with the notice provided to the property owner. Motion to dismiss was granted by Special Magistrate Fuller.

4. **CEB Case No.: 17-354**

Respondent: PSM Dunlawton Square, LLC

Address of Violation: 3815 Nova Road, Port Orange, FL 32127

Code Officer: Amanda Bonin

First Notified: 04/06/2017

Compliance: No

Cited for violation(s) – Land Development Code Chapter 16 Miscellaneous Regulations Section 3: - Fences and walls. Modified (b) (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.

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

Ms. Bonin, testified as to the notices provided to the property owner and the Respondent(s) shall correct the aforesaid violation by repairing/replacing the fence where missing/dilapidated, that separates the commercial and residential properties behind the building, on or before May 26, 2017. In the event the property is not brought into compliance on or before the compliance date, and/or not maintained in a state of compliance, a daily fine of \$100 per day will be assessed for each day the property is in violation beyond the compliance date.

On behalf of the above property owner Ms. Bonin submitted a letter of request for a 30-day extension.

Mr. Allen Green, adjacent resident, was sworn in by Special Magistrate Fuller and testified as to the condition of the fence and his discussions with the manager of Publix. He does not want an extension to be granted for this property as his property is behind where the fallen fence and debris lay since October and he has had issues with trespassers.

Special Magistrate Fuller, finds the above property not in compliance and if not in compliance by May 26, 2017 a daily fine of \$100 per day will be assessed for each day the property is in violation beyond the compliance date. Special Magistrate Fuller also denied the request for a 30-day extension since no representative from this property was present to testify.

ORDER IMPOSING FINE/LIEN – There were no cases to be heard.

PUBLIC COMMENTS – There were no public comments.

ADJOURNMENT – 9:19 a.m.

Special Magistrate David Fuller



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 17-175

To: James R Miller
1084 Donnell Drive
Port Orange, FL 32129

Deutsche Bank National Trust
Company, as Trustee for Long
Beach Mortgage Loan trust 2006-3
c/o
Kahane & Associates, P.A.
8201 Peters Road, Suite 3000
Plantation, FL 33324

Re: 1084 Donnell Drive
Port Orange, FL 32129
Parcel ID: 6318-01-00-0280
LEGAL DESCRIPTION: LOT 28 WILLOW RUN UNIT 5 MB 40 PG 19 PER OR 4097 PGS 4497-4498
Volusia County Public Records
Volusia County, FL

An inspection of the premises on February 7, 2017, indicates that certain violation(s) of the City of Port Orange Code exists.

Property owner was notified of the violations noted below and given five days to correct. A re-inspection was done on February 13, 2017, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by May 10, 2017.

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

City of Port Orange Code of Ordinances Chapter 42 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 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 trimmed. All yard debris needs to be removed from the property as well.

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 May 24, 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 \$ 14.04 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

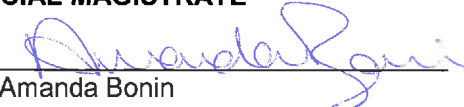
NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **May 24, 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 **July 12, 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 25th day of April, 2017.

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 James R Miller 1084 Donnell Drive Port Orange, FL 32129, RE: 1084 Donnell Drive Port Orange, FL 32129, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

this 25th day of April, 2017.

Time: approx. 9:56 pm


Amanda Bonin

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to James R Miller 1084 Donnell Drive Port Orange, FL 32129, RE: 1084 Donnell Drive Port Orange, FL 32129, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 25 day of April, 2017.


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. 17-0499

Name	Activity	Activity_Date	Status	Cost
Country Manor Assisted Living & Retirement LLC	Cost to mail Notice of Violation/Notice of Hearings to 3101 Archer Avenue, Orlando, FL 32833 (via regular and certified mail)	04/17/2017	Certified returned "unclaimed"	\$7.02
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law, & Order	05/24/2017		\$27.00
Country Manor Assisted Living & Retirement LLC	Cost to mail Finding of Fact, Conclusion of Law, & Order to 3101 Archer Avenue, Orlando, FL 32833 (via regular and certified mail)	05/24/2017		\$7.02

Total: 41.04



NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 17-0499

To: Country Manor Assisted Living & Retirement Home LLC
Property Owner
3101 Archer Avenue
Orlando, FL 32833

Re: 1152 Old Hammock Road
Port Orange, FL 32129

Parcel ID: 6305-04-00-0021

LEGAL DESCRIPTION: W 221.59 FT OF TRACT 2 REPLAT OF PART OF VASS SUB OF LOT 5 SEC 5 16 33 MB 34 PGS 13 & 14 PER OR 3835 PG 2693 & OR 6289 PG 3245

Volusia County Public Records
Volusia County, FL

An inspection of the premises on April 14, 2017, indicates that certain violation(s) of the City of Port Orange Code exists.

Property owner was notified of the violations noted below and given 3 days to correct. A re-inspection was done on April 18, 2017, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by May 3, 2017.

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

1. Chapter 13 (Landscaping and Buffers), Section 3.5 (Opaque Fence or Wall Requirements), (a) (1) of the City of Port Orange Land Development Code:
 - (a) A minimum six-foot high opaque fence, wall, or living wall shall be installed and set back a minimum of three feet from the common lot lines between existing or future single-family developments and developments with the following city (or similar county) zoning designations: R-3L, R-3M, R-3H, RMH, PUD (with duplexes, townhomes, apartments, or other multi-family development), PCD, PO, NC, CC, HC, ICD, CI, LI, RD, GPU. This fence/wall shall be required in addition to any bufferyard plantings required by this chapter. The three-foot setback may be reduced if justification is provided for the use of alternative materials or construction methods that do not require a three-foot setback for installation or maintenance. The alternative materials and construction methods shall comply with all other requirements of this code.
 - (1) The responsibility for financing, installing and maintaining the fence/wall or living wall shall fall to the R-3L, R-3M, R-3H, RMH, PUD (with townhomes or apartments), PCD, PO, NC, CC, HC, ICD, CI, LI, RD or GPU-zoned property when it abuts other property which has a single-family residential zoning and/or land use currently in place. If the single-family residential land use is not in place, but is then proposed and approved, then the residential development shall finance, and install the fence/wall or living wall. The owner/developer or the property owner association shall be responsible for the maintenance of the fence/wall or living wall and replacement of landscaping materials to maintain the living wall as necessary.
- Inspection conducted on April 14, 2017. Found a dilapidated fence on the property. Portions of the fencing that fell down during Hurricane Matthew were removed as part of a debris violation in a prior code case. The above requirements still apply. New fence must be installed with an approved building permit and must be maintained in accordance with the above ordinance.

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

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

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$ 7.23 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **May 24, 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 July 12, 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 18th day of April, 2017.

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 **Country Manor Assisted Living & Retirement Home LLC, Property Owner, 3101 Archer Avenue, Orlando, FL 32833**, RE: 1152 Old Hammock Road, Port Orange, FL 32129, was

☐ Hand-delivered Recipient of hand delivered documents: _____

☒ Posted at the property

Time: approx. 1:40 pm

this 18th day of April, 2017.

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 **Country Manor Assisted Living & Retirement Home LLC, Property Owner, 3101 Archer Avenue, Orlando, FL 32833**, RE: 1152 Old Hammock Road, Port Orange, FL 32129, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 20 day of April, 2017.


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.

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**Volusia County
Property Appraiser**

Larry Bartlett, J.D.

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Parcel Information: 6305-04-00-0021 2017 Working Tax Roll Last Updated: 04-15-2017

Owner Name and Address

Alternate Key	3585747	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6305-04-00-0021	Mill Group	402 Port Orange
Full Parcel ID	05-16-33-04-00-0021	2016 Final Mill Rate	20.05190
Created Date	30 DEC 1981		
Property Class	74 Homes for the Aged		
Ownership Type		Ownership Percent	100
Owner Name	COUNTRY MANOR ASSISTED LIVING		
Owner Name/Address 1	& RETIREMENT HOME LLC		
Owner Address 2	3101 ARCHER AVE		
Owner Address 3	ORLANDO FL		
Owner Zip/Postal Code	32833		
Situs Address	1152 OLD HAMMOCK RD PORT ORANGE 32129		

Legal Description
 W 221.59 FT OF TRACT 2 REPLAT OF PART OF VASS SUB OF LOT 5 SEC 5 16 33 MB 34 PGS 13 & 14 PER OR 3835 PG 2693 & OR 6289 PG 3245

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
6289 3245	10/2008	Warranty Deed	Qualified Sale	Yes	800,000
3835 2693	06/1993	Warranty Deed	Qualified Sale	Yes	500,000
2893 1087	10/1986	Warranty Deed	Personal property /business	Yes	860,000
2168 0868	05/1980	Warranty Deed	Qualified Sale	Yes	135,000

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	382,239	122,982	5,537	510,758	510,758	510,758	0	510,758	0	510,758
2015	361,004	120,055	5,533	486,592	486,592	486,592	0	486,592	0	486,592

Display Value History

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
7400	HOMV AGED	0.0	0.0	130680.00	SQUARE_FEET	4.50	100	65	100	100	382,239
Neighborhood C5502 PORT ORANGE- NOVA ROAD											
Total Land Classified											0
Total Land Just											382,239

Building Characteristics
 Building Number: 111590 (Building 1 of 1)

Bldg. No.	Property Type	Structure Type	Perimeter	Year Built	Quality Grade	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
111590	Commercial	Concrete or Masonry	1432	1976	300	42%	70%	0%	2999

Section Number	Avg. Wall Height	Number Stories	Year Built	Bsmnt%	Ground Floor Area	Interior Finish	Sect%	Sprinkler	A/C
001	9.00	2	1976	0.00	1250 Home for the Aged, Average (74C)		100.00	No	Yes
002	9.00	1	1976	0.00	132 Porch, Open Unfinished (UOP)		0.00	No	No
003	9.00	1	1984	0.00	133 Porch, Open Finished (FOP)		0.00	No	No
004	9.00	1	1976	0.00	8498 Home for the Aged, Average (74C)		100.00	No	No
005	9.00	1	1976	0.00	626 Porch, Screen Unfinished (USP)		0.00	No	No
006	9.00	1	1976	0.00	28 Porch, Open Finished (FOP)		0.00	No	No
007	9.00	1	1986	0.00	28 Porch, Open Finished (FOP)		0.00	No	No
008	9.00	1	1976	0.00	112 Porch, Open Finished (FOP)		0.00	No	No

Exterior Wall Type
 44 Concrete Block, Stucco
 11 Wood Frame, Wood Siding
 43 Concrete Block, Stone Veneer

Area%
 84%
 10%
 6%

Chapter 13, Section 3.5: - Opaque fence or wall requirements.

- (a) A minimum six-foot high opaque fence, wall, or living wall shall be installed and set back a minimum of three feet from the common lot lines between existing or future single-family developments and developments with the following city (or similar county) zoning designations: R-3L, R-3M, R-3H, RMH, PUD (with duplexes, townhomes, apartments, or other multi-family development), PCD, PO, NC, CC, HC, ICD, CI, LI, RD, GPU. This fence/wall shall be required in addition to any bufferyard plantings required by this chapter. The three-foot setback may be reduced if justification is provided for the use of alternative materials or construction methods that do not require a three-foot setback for installation or maintenance. The alternative materials and construction methods shall comply with all other requirements of this code.
- (l) The responsibility for financing, installing and maintaining the fence/wall or living wall shall fall to the R-3L, R-3M, R-3H, RMH, PUD (with townhomes or apartments), PCD, PO, NC, CC, HC, ICD, CI, LI, RD or GPU-zoned property when it abuts other property which has a single-family residential zoning and/or land use currently in place. If the single-family residential land use is not in place, but is then proposed and approved, then the residential development shall finance, and install the fence/wall or living wall. The owner/developer or the property owner association shall be responsible for the maintenance of the fence/wall or living wall and replacement of landscaping materials to maintain the living wall as necessary.
- (2) In situations where the abutting development may give rise to negative security, visual, and/or auditory implications, for which a standard six-foot high fence/wall or living wall may not sufficiently mitigate, the administrative official may require the height to be increased to as much as ten feet, and/or may require a wall to be constructed of masonry block or similar noise-attenuating material, as deemed necessary to mitigate the impact on adjoining residential property. Where significant grade differentials exist between the residential and nonresidential property, such that headlights from parking vehicles would shine directly onto the adjacent residential structure(s), the height of the fence/wall shall be measured from the finished grade elevation of the non-residential parking lot.
- (3) The fence/wall or living wall requirement may be waived or else reduced by the administrative official in situations where the adjoining developments are separated from one another by, but not limited to, any of the following: a retention pond, a common area, a golf course, a soccer/ball field, a significant change in slope, a bufferyard design type in excess of that which is required by [sub]section 3(b)(2), or an existing fence/wall or living wall of a character which complies with the requirements of this code.
- (4) Prior to the issuance of the certificate of occupancy or letter of completion, all permanent opaque fences, walls, or living walls shall be constructed or installed pursuant to a city issued building permit or approved site plan.
- (5) In locations where site clearing and/or construction activities will expose a residential zoning district to either an arterial or major collector road—as defined by the comprehensive plan—either the permanent fence/wall required under this section or a temporary construction shall be installed. Temporary construction fences shall comply with chapter 16, section 3 of this code. The temporary fence or permanent fence/wall shall be erected immediately after clearing of the site.
- (6) The temporary construction fence is intended to remain no longer than necessary to mitigate the impacts of construction. Before a certificate of occupancy or letter of completion is issued, the temporary construction fence shall be removed and replaced with the permanent fence/wall or living wall as required by this section.
- (b) New single-family, duplex, and multi-family subdivisions shall be required to install an opaque vinyl fence, masonry wall or landscape berm along all perimeter boundaries abutting arterial and collector roadways. The fence, wall or berm shall be required in addition to any landscape buffer planting required by this chapter. However, the fence, wall or berm shall not be required if there is a minimum of 100 feet of common area between the platted rear lot lines and the abutting roadway.



NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 17-0397

To: Jon Dalrymple
Property Owner
1109-1 Monticello Lane
Port Orange, FL 32129

Re: 126 Barefoot Trail
Port Orange, FL 32129
Parcel ID: 6305-03-00-1130
LEGAL DESCRIPTION: LOT 113 BAREFOOT PARK MB 31 PG 62 PER OR 1710 PG 912 PER COPY OF D/C PER OR 6444 PG 3618
Volusia County Public Records
Volusia County, FL

An inspection of the premises on March 24, 2017, 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 April 5, 2017, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by April 30, 2017 by mowing entire property to include trimming of all high weeds on the property, and removing all aluminum and outside stored items and remove from property or store in an enclosed building.

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

1. ***Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), (d) Maintenance of Improved Residential Lots of the City of Port Orange Code of Ordinances:*** The owner of an improved lot in a residential zone 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.
 - Initial inspection conducted on March 24, 2017 after noticing the condition of the property. The lawn is very overgrown. I left a 10 day door hanger informing the resident that the entire property must be mowed and maintained including trimming of all high weeds on site.
2. ***Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), (f) Garbage, waste, trash, etc. prohibited) of the City of Port Orange Code of Ordinances:*** The owner of every lot, piece and parcel of land located within the city shall keep each such lot, piece and parcel of land free and clear of garbage, waste, trash, debris and junk.
 - Initial inspection conducted on March 24, 2017 after noticing the condition of the property. In addition to the yard being overgrown, there are numerous large piles of junk aluminum on site. I left a 10 day door hanger informing the resident that the piles of aluminum must be removed along with any other items being stored on the outside of the home.
3. ***Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-32 (Storage of Vehicles, Furniture, Etc) of the City of Port Orange Code of Ordinances:*** No owner of property within the city shall permit the storage of vehicles or parts of vehicles, furniture, appliances or other personal property upon the premises, except in an enclosed building.
 - Initial inspection conducted on March 24, 2017 after noticing a large amount of outside storage around the mobile home and on the carport area. A 10 day door hanger was left informing resident that items outside must be removed and stored in an enclosed building.

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 May 24, 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 \$ 7.44 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **May 24, 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 July 12, 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 19th day of April, 2017.

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 Jon Dairymple, Property Owner, 1109-1 Monticello Lane, Port Orange, FL 32129, RE: 126 Barefoot Trail, Port Orange, FL 32129, was

☐ Hand-delivered Recipient of hand delivered documents: _____

☒ Posted at the property

Time: approx. 3:20 pm

this 19th day of April, 2017.

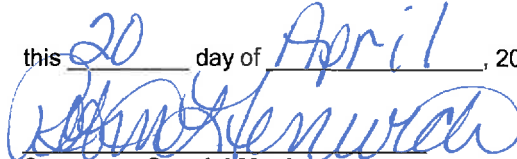
Dena Joseph
Dena Joseph, Code Compliance Inspector

1 I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Jon Dalrymple, Property Owner, 1109-1 Monticello Lane, Port Orange, FL 32129, RE: 126 Barefoot Trail, Port Orange, FL 32129, was

2 ☒ Posted at City Hall

☒ Sent via certified and regular

this 20 day of April, 2017.


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
Property Appraiser

Larry Bartlett, J.D.

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Parcel Information: 6305-03-00-1130 **2017 Working Tax Roll** Last Updated: 04-02-2017

Owner Name and Address

Alternate Key	3585119	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6305-03-00-1130	Mill Group	402 Port Orange
Full Parcel ID	05-16-33-03-00-1130	2016 Final Mill Rate	20.05190
Created Date	30 DEC 1981		
Property Class	02 Mobile Homes		
Ownership Type		Ownership Percent	100
Owner Name	DALRYMPLE JON		
Owner Name/Address 1			
Owner Address 2	1109-1 MONTICELLO LN		
Owner Address 3	PORT ORANGE FL		
Owner Zip/Postal Code	32129		
Situs Address	126 BAREFOOT TR PORT ORANGE 32129		

Legal Description

LOT 113 BAREFOOT PARK MB 31 PG 62 PER OR 1710 PG 912 PER COPY OF D/C PER OR 6444 PG 3618

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
6444 3618	02/2010	Quit Claim Deed	Unqualified Sale	Yes	100

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	19,750	16,781	1,890	38,421	38,421	38,421	0	38,421	0	38,421
2015	19,750	17,679	1,904	39,333	39,333	37,682	0	39,333	0	37,682

[Display Value History](#)

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
0202	MH ON MH SITE PVD	62.0	113.0	1.00	LOT	19750.00	100	100	100	100	19,750
Neighborhood 5984 BAREFOOT PARK M-H MB 31 PG 62											
Total Land Classified											0
Total Land Just											19,750

Building Characteristics

Building Number: 111529 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
111529	Mobile Home	162	1972	200	Mobile Home	65%	0%	0%	2999
Roof Type	FLAT	Floors	Carpet		Bedrooms	2	4 Fixture Bath		0
Roof Cover	METAL	Wall Type	Plywood Panel		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	1	7 Fixture Bath		0
Foundation	Wd Conc Piers	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
006	Res BASE Area (BAS)	ALUMINUM SIDING	1.0	1972	N	0%	0%	821 Sq. Feet
007	Unfinished Enclosed Porch (UEP)	Non-Applicable	1.0	1972	N	0%	0%	385 Sq. Feet
008	Porch, Screen Unfinished (USP)	Non-Applicable	1.0	1972	N	0%	0%	441 Sq. Feet
009	Carport, Unfinished (UCP)	Non-Applicable	1.0	1972	N	0%	0%	432 Sq. Feet
010	Unfinished Utility (UST)	Non-Applicable	1.0	1972	N	0%	0%	199 Sq. Feet

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 package most nearly abutting their properties. Packages abutting improved residential or commercial lots shall be maintained as provided in subsection (d) of this section for improved residential lots. Packages abutting unimproved residential lots shall be maintained as provided in subsection (e) of this section for the maintained portion of unimproved residential lots. "Package" 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 package, 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)

Sec. 42-32. - Storage of vehicles, furniture, etc.

No owner of property within the city shall permit the storage of vehicles or parts of vehicles, furniture, appliances or other personal property upon the premises, except in an enclosed building.

(Code 1981, § 10-7)