



AGENDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF PORT ORANGE

Meeting Date: Wednesday, April 22, 2015

Time: 9:00 AM

Type of Meeting: Regular

Location: Council Chambers
City Hall, 1000 City Center Circle

A. CALL TO ORDER

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

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

4. CEB Case No.: 15-165

Respondent: Arlene Skeliski

Address of Violation: 8312 Morningside Drive, Port Orange, FL 32127

Code Officer: Deborah Faircloth

First Notified: 02/24/2015

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

5. **CEB Case No.:** 15-049

Respondent: Flavio G. Forzanti

Address of Violation: 402 Needles Drive, Port Orange, FL 32127

Code Officer: Deborah Faircloth

First Notified: 02/25/2015

Compliance: No

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

Chapter 16 (Miscellaneous Regulations of the Land Development Code), Section 3 (Fences and walls), §§(b) (General provisions), (4) (Design and maintenance), §§(b)(d), of the City of Port Orange Land Development Code.

6. **CEB Case No.:** 15-183

Respondent: Robert T. Cox

Address of Violation: 4863 Orange Blvd., Port Orange, FL 32127

Code Officer: Deborah Faircloth

First Notified: 03/03/2015

Compliance: No

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

Chapter 16 (Miscellaneous Regulations of the Land Development Code), Section 3 (Fences and walls), §§(b) (General provisions), (4) (Design and maintenance), §§(b)(d), of the City of Port Orange Land Development Code.

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.

7. **CEB Case No.:** 15-0139

Respondent: Malcolm G. Scott

Address of Violation: 740 Herbert Street, Port Orange, FL 32129

Code Officer: Dena Joseph

First Notified: 03/09/2015

Compliance: No

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

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

Chapter 70 (Traffic), Article II (Stopping, Standing, and Parking), Section 70-49 (Restrictions on disabled or abandoned vehicles, (c) Restrictions, (1) and (2) 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.

8. **CEB Case No.:** 14-2556

Respondent: Carroll Gertrude Est.

Address of Violation: 1108 Harms Way, Port Orange, FL 32129

Code Officer: Dena Joseph

First Notified: 03/13/2015

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.

9. **CEB Case No.:** 15-511

Respondent: Sandy J. Barnes

Address of Violation: 5645 Palm Avenue, Port Orange, FL 32127

Code Officer: Deborah Faircloth

First Notified: 04/16/2015

Compliance: No

Cited for violation(s) - 2015 International Property Maintenance Code, Chapter 1, Section 108, 108.1.1 Unsafe Structures, 103.1.3 Structure unfit for human occupancy, 108.1.5 Dangerous structure or premises, 108.6 Abatement methods.

Chapter 42, Section 42-26 (d)(f)(h) Cleanliness of property-generally duty of owner of the City of Port Orange Code of Ordinance.

C. ORDER IMPOSING FINE/LIEN

10. **CEB Case No.:** 14-2722

Respondent: Ronald B. Sr. & Barbara J. Roark

Address of Violation: 5404 Wood Street, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 06/04/2014

Compliance: No

Cited for violation(s) - Chapter 42, Article II, Section 42-26 (d) of the City of Port Orange Code of Ordinances.

Chapter 42, Article II, Section 42-32 of the City of Port Orange Code of Ordinances.

11. **CEB Case No.:** 14-2624

Respondent: Juan F. & Mary L. Galarza

Address of Violation: 118 Carlton Place, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 06/04/2014

Compliance: No

Cited for violation(s) - City of Port Orange Code of Ordinances, Chapter 42, Article II, Section 42-26 (d). This is a repeat violation according to Florida Statutes 162.04(5) & 162.06(3).

12. **CEB Case No.:** 15-89

Respondent: James E. Redmond

Address of Violation: 5400 Turton Lane, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 02/05/2015

Compliance: No

Cited for violation(s) - Chapter 42, 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.

13. **CEB Case No.:** 14-2654

Respondent: Peter J. Renko

Address of Violation: 150 Howes Street, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 02/20/2015

Compliance: No

Cited for violation(s) - Chapter 10, Article I, Section 2 (Change of grade) of the City of Port Orange Land Development Code.

14. **CEB Case No.:** 15-90

Respondent: James E. Redmond

Address of Violation: 5400 Turton Lane, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 02/05/2015

Compliance: No

Cited for violation(s) - Chapter 3, Section 304.6 of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code.

15. CEB Case No.: 14-2623

Respondent: Tommy & Lynn Chesser

Address of Violation: 5996 S. Lancewood Circle, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 01/19/2015

Compliance: No

Cited for violation(s) - Chapter 42, Article II, Section 42-26 (d) of the City of Port Orange Code of Ordinances.

D. PUBLIC COMMENTS

E. 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.

CODE ENFORCEMENT SPECIAL MAGISTRATE MINUTES

COUNCIL CHAMBERS

1000 CITY CENTER CIRCLE

APRIL 8, 2015

THE SPECIAL MAGISTRATE HEARING of the City of Port Orange was called to order by Special Magistrate Branch at 9:14 a.m.

PRESENT:

Raymond Branch, Special Magistrate

ALSO PRESENT:

Chris Hutchison, Code Enforcement Supervisor
Scott Allman, Code Enforcement Inspector
Dena Joseph, Code Enforcement Inspector
Deborah Faircloth, Code Enforcement Inspector
Amanda Bonin, Code Enforcement Inspector
Theresa Gutierrez, Recording Secretary

Special Magistrate Branch reviewed the Code Enforcement hearing process.

Consideration of Minutes from March 25, 2015

Special Magistrate Branch approved the March 25, 2015 meeting minutes.

Oaths

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

A. NEW BUSINESS

1. CEB CASE NO. 15-0180
RESPONDENT/ Derek George
ADDRESS OF VIOLATION/ 108 Eddy Lane, Port Orange, FL 32129
CODE OFFICER/ Dena Joseph
First Notified – February 26, 2015

Cited for violation(s) – Chapter 10, Article I, Section 2 (Permits Required for Change of Grade) of the City of Port Orange Land Development Code.

Florida Building Code 2010, Section 105.1 (Permits Required).

Michael Cochetti, Attorney for Code Enforcement, said the violation was first observed on February 17, 2015 relative to a change of grade permit not being applied for. A permit is required at any time when there is a change of grade of the property. On February 17, 2015 Amanda Bonin, Code Compliance Inspector,

inspected the property and found that work was being performed without a permit. At that point, a stop work order was issued and Derek George, alleged violator, was directed to obtain a permit.

Ms. Bonin said on February 17, 2015 she observed the work being conducted. It came to her attention by an anonymous complaint. Ms. Bonin presented a picture dated February 17, 2015 of the stop work order posted at the property. Mr. Cochetti asked Ms. Bonin if she inspected the property with Chris Hutchison, Code Compliance Supervisor and Kenny Ho, City Engineer. Ms. Bonin said she inspected the property with Mr. Hutchison. Mr. Cochetti asked Ms. Bonin if she then notified Mr. George that a change of grade permit was required. Ms. Bonin said she is not sure if she did or Mr. Hutchison did but it was done.

Special Magistrate Branch asked Ms. Bonin if Mr. George was advised that a change of grade permit was required on February 17, 2015 in Ms. Bonin's presence. Ms. Bonin said yes. She also advised Mr. George that some of the fill that was brought to the property could be used around the home to protect the home and the remainder of the fill dirt would have to be removed.

On February 25, 2015 a re-inspection was conducted by Ms. Joseph. Ms. Joseph said she was out on leave when this case was first observed.

Special Magistrate Branch asked who made the determination of the property owner. Ms. Bonin said she did. She checked on the Volusia County Tax Roll on February 17, 2015 and determined the owner to be Derek George. Ms. Bonin observed a truck dumping the dirt and leaving the property. She viewed and heard Mr. Hutchison speaking to the truck driver that dumped the dirt at the property. The dirt located on the property had been spread out. Ms. Bonin said Mr. Ho went out at a later time after Mr. Hutchison inspected the property.

Ms. Bonin believes there were at least three (3) to four (4) large piles. Special Magistrate Branch said it was on the vacant portion of the property. Special Magistrate Branch asked if this property is one parcel or multiple. Ms. Bonin said she believes its one parcel.

Mr. Hutchison was duly sworn by Special Magistrate Branch. Mr. Cochetti asked Mr. Hutchison why he was at the property on February 17, 2015. Mr. Hutchison said he received a complaint. Mr. Hutchison said the dump truck had just emptied the dirt. He stopped the truck and the driver said he was working with the owner to bring the dirt in. Mr. Hutchison ordered Ms. Bonin to issue a stop work order. Mr. Hutchison did speak with a tenant at the property. Mr. Hutchison had Mr. Ho meet up with Ms. Bonin at City Hall. Mr. Cochetti asked if there were any other interactions. Mr. Hutchison said there was a follow up meeting with Ms. Bonin, Mr. Ho, and himself.

Mr. George said he was not there on February 17, 2015. Mr. Hutchison agreed. Mr. George said Ms. Bonin's testimony was wrong.

Ms. Joseph said the Notice of Violation/Notice of Hearing was posted on February 26, 2015 with direct instructions on how to take care of the violation. Mr. Cochetti asked what date it was applied for. Ms. Joseph said it was applied for on March 3, 2015.

Mr. Cochetti asked Ms. Joseph for her interaction with the case. Ms. Joseph received the case from Ms. Bonin. There was no further involvement after April 7, 2015. Ms. Joseph said there was a front end loader on site removing dirt from the property. She observed the gentleman in the audience who was on the front end loader and put dirt onto the truck. Ms. Joseph pointed out the gentleman in the audience sitting next to Mr. George.

Mr. George asked if a permit had been issued. Ms. Joseph said it was picked up on March 30, 2015.

Mr. Cochetti reminded Special Magistrate Branch that Mr. George applied for a permit on March 3, 2015. Ms. Joseph said she didn't notice any different. Mr. George asked if Mr. Ho authorized any work after the stop work order was issued. She did not discuss with Mr. Ho to be placed around the structure. Mr. Ho did indicate the dirt to be spread with the intent on the stop work order. Mr. Cochetti said the notice of violation of issued for failure to apply for a permit.

Mr. Ho was duly sworn by Special Magistrate Branch. On February 17, 2015 he received a call for a change of grade permit. He said he was the lead to look over the property. The first time he went to the property was two (2) days later. Mr. George showed up at City Hall on Wednesday or Thursday. The violation was for importing dirt onto the land. Mr. Ho observed a couple piles of dirt that was spread out.

Mr. Cochetti asked Mr. Ho questions. Mr. Ho said their first conversation was with Mr. Hutchison in his office. He visited the site with Mr. George. There were conversations with Mr. George about the scope of work he can and cannot do at the property. Mr. Ho said 108 Eddy Lane is in the flood zone. Mr. George objected. The major intent would be to not change the natural flow plan of the water. There were a couple solutions with a change of grade permit. He said Mr. George would use existing dirt and build a berm by the house.

Mr. Ho said he approved the permit on March 10, 2015. The permit technician called Mr. George on March 10, 2015 or March 11, 2015. Mr. Ho said it took about a week. They wrote the conditions on the permit. Special Magistrate Branch asked if Mr. Ho had any notes. Mr. Ho said he noticed that Mr. George did not pick up the permit. Mr. Ho submitted a copy of the actual permit that was issued.

Special Magistrate Branch asked Mr. Ho if he received a call from Mr. George for a re-inspection. Mr. Ho said no. Mr. Ho went back on a random visit to go over the permit condition again on April 3, 2015 and April 7, 2015. He did not see any equipment on site. There was no purpose for him to get out of the car. Special Magistrate Branch asked Mr. Ho if it has been brought into compliance. Mr. Ho said no. Mr. George would have to remove the access dirt and grade the existing spread of dirt back to its original grade.

Audrey Prance, witness, was duly sworn in by Special Magistrate Branch. Ms. Prance said she has personal knowledge of the violations. Mr. Cochetti asked if Ms. Prance saw fill dirt spread throughout the property. Ms. Prance said yes. She has heard the dump trucks at her house coming and going. She has to drive out several times a day and saw the dumb trucks that same day on February 17, 2015 (on or about). Ms. Prance did notice the stop work order posted at the property.

Tim Dieson, truck driver, said his intent to spread dirt was so they could dry it out. They tried to spread dirt out and scoop it up and put it against the house, garage, or road way so it would be a lot less mess.

Mr. Cochetti referred back to the Notice of Violation/Notice of Hearing. There has been some testimony with the permit being obtained since March 8, 2015. The City Staff tried to achieve compliance with the property owner. Some work was performed and in violation of the permit. That would include the spreading of the fill dirt. The fill dirt was spread and chopped. Mr. Cochetti said he doesn't believe that there is any challenge. Obtaining the permit showed a violation of the conclusion of this case. The testimony supports the fact that the permit conditions have not been met. The City has met all requirements. Mr. Cochetti said that is appropriate to find the property in violation.

Special Magistrate Branch said he has not been able to complete the 90 day work period when his permit was issued. The Notice of Violation/Notice of Hearing said the terms said who have to obtain a permit. The permit wasn't issued until March 10, 2015. Special Magistrate Branch requested a full 90 days to comply with the notice.

Special Magistrate Branch will not find a violation. He ordered the respondent to come into full compliance before the permit expires. If Mr. George is not in compliance before the permit is expired, this case will be resumed on June 24, 2015. If the permit is revoked, this will come back at an earlier date.

2. CEB CASE NO. 15-0174
 RESPONDENT/ Mikel Chase Skinner
 ADDRESS OF VIOLATION/ 820 Sugar House Blvd., Port Orange, FL 32129
 CODE OFFICER/ Dena Joseph
 First Notified – March 9, 2015

Cited for violation(s) – Chapter 70 (Traffic), Article II (Stopping, Standing Parking), Section 70-49 (Restrictions on disabled or abandoned vehicles), (c) Restrictions, 1 (a) & (b), and (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), (f) Garbage, waste, trash, etc. prohibited.

The violation was first observed on February 16, 2015. Ms. Joseph said she had observed two (2) unregistered/inoperable vehicles. The alleged violator was given Notice of Violation/Notice of Hearing on March 5, 2015 by property posting. The notice was also sent via certified mail and posted at City Hall on March 9, 2015. The certified mail was not returned to the City Clerk's Office. The U.S. postal service stated that there was a notice left at the residency and no authorized recipient available. The violation was to be corrected by March 15, 2015 by properly registering, storing or covering the unlicensed/inoperable vehicles in the driveway and by removing all trash on site to include outside the property and inside the porch area. Ms. Joseph re-inspected the property on March 23, 2015 and April 7, 2015 resulting in non-compliance.

Ms. Joseph presented pictures dated on March 5, 2015, March 23, 2015, and April 7, 2015. All pictures indicated non-compliance. All pictures taken are true and accurate depictions of what Ms. Joseph saw on the dates and times stamped on the photos. Special Magistrate Branch submitted the photos into evidence.

Based on the information presented in case no. 15-0174, Ms. Joseph is requesting the Special Magistrate to find Mikel Chase Skinner, property owner of 820 Sugar House Blvd., Port Orange, FL 32129 be found in violation of 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) and Chapter 70 (traffic), article ii (stopping, standing, parking), section 70-49 (restrictions on disabled or abandoned vehicles), (c) restrictions, 1 (a) & (b) and 2.

Special Magistrate Branch found case no. 15-0180 in violation of 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) and Chapter 70 (traffic), article ii (stopping, standing, parking), section 70-49 (restrictions on disabled or abandoned vehicles), (c) restrictions, 1 (a) & (b) and 2.

Ms. Joseph request the violation be corrected on or before April 19, 2015. If the accused does not comply with this Order, a fine of \$250 be imposed for each day the violation continues past April 19, 2015. Ms. Joseph also request the accused is further ordered to contact this Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the Order. Any future violations under this ordinance shall be considered repeat violations.

Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the Special Magistrate may impose additional fines to cover all costs incurred by the City in enforcing its codes and all costs or repairs pursuant to sub section (a)." The cost to date is \$40.65 as indicated on this 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.

Special Magistrate Branch ordered a fine of \$250 per day be imposed for each day the violation continues past April 19, 2015. Also, the violator shall notify Ms. Joseph for a re-inspection. The cost in the amount of \$40.65 is ordered.

3. CEB CASE NO. 15-0018
RESPONDENT/ Linda Kennedy, Maureen Kennedy, and John Kennedy
ADDRESS OF VIOLATION/ 5204 Sydney Street, Port Orange, FL 32127
CODE OFFICER/ Scott Allman
First Notified – March 6, 2015

Cited for violation(s) – Chapter 3, Section 304.11 (Unsafe Conditions) of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code.

Chapter 3, Section 304.7 (Roofs and Drainage) of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code.

Chapter 3, Section 304.9 (Overhanging Extensions) of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code.

Chapter 3, Section 304.18 (Building Security) of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code.

Chapter 3, Section 305.1.1 (Unsafe Conditions) of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code.

Chapter 3, Section 305.3 (Interior Surfaces) of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code.

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

Mr. Allman mentioned that there was a grammatical error in the Notice of Violation/Notice of Hearing; Chapter 3, Section ~~304.11~~ [304.1.1] (Unsafe Conditions) of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code.

Special Magistrate Branch asked Mr. Allman if Chapter 3, Section 304.1.1 was mailed out with the notice. Mr. Allman said yes.

Mr. Allman the violation was first observed on January 8, 2015. The alleged violator was given notice on March 6, 2015 by property posting. Additionally, the notice was also sent via certified mail on March 9, 2015 and posted at City Hall. The violation was to be corrected on April 6, 2015. Upon re-inspection on April 6, 2015, the property continues to be in non-compliance.

Mr. Allman presented photos taken on March 6, 2015 and April 6, 2015. The notice was still posted on the property. All pictures presented are true and accurate depictions of what Mr. Allman saw on the dates and times of the photos submitted. Some of the pictures taken were taken from the adjacent property owner's property. Mr. Allman said the tiles that are on the car port are not secured. The roof has missing fascia and some of the roof pans are bending and bowing. Mr. Allman said the screen for the door is missing, the inside of the house is collapsing, and the inside of the mobile home is very dangerous and unsafe. Mr. Allman believes this is a very dangerous situation. Special Magistrate Branch submitted the photos into evidence.

Phillip Pitt, witness, was duly sworn by Special Magistrate Branch. Mr. Pitt said he has seen people coming in and out of the house and shed. The police have been on numerous actions. He said the photos do not do justice. Mr. Pitt said there have been animals going in and out as well. He said it is dangerous for the community. The property has been vacant for at least four (4) years.

Monica Lechevalier, witness, was duly sworn in by Special Magistrate Branch. Ms. Lechevalier said she is concerned about the property values. She said it is very dangerous.

Gary Lechevalier, witness, was duly sworn in by Special Magistrate Branch. Mr. Lechevalier said he would like to see something done about the house. He would like to see the house demolished. Special Magistrate Branch said it is not within his control. He said he will be able to refer this to the City Council.

Sandra Klopsis, witness, was duly sworn in by Special Magistrate Branch. Ms. Klopsis said she knew the owners. All the damage done to the house was from the hurricane in 2004. She said the floor is all busted in the rooms. Ms. Klopsis said the police were over on several occasions. She is concerned about the animals entering the home and trespassers. Ms. Klopsis stated the aluminum shed flops and disturbs her sleep.

Mr. Allman asked Ms. Klopsis what the business was for the Police Department to be called. Ms. Klopsis said there have been trespassers on the property.

Steven Lehtinen, witness, was duly sworn by Special Magistrate Branch. Mr. Lehtinen said this has been an ongoing issue since spring of 2011. He mentioned that the roof is caving in. Mr. Lehtinen said he has notice people stealing stuff off the property.

Doreen M. Goodwin, citizen, was duly sworn in my Special Magistrate Branch. Ms. Goodwin showed an interest in the property and would like to not see it demolished.

Based on the information presented in case no. 15-18, Mr. Allman is requesting the Special Magistrate to find that Linda Kennedy, Maureen Kennedy and John Kennedy property owners of 5204 Sydney St, Port Orange, FL 32127, be found in violation of Chapter 3, Section 304.1.1 (Unsafe Conditions) of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code, Chapter 3, Section 304.7 (Roofs and Drainage) of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code, Chapter 3, Section 304.9 (Overhanging Extensions) of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code, Chapter 3, Section 304.18 (Building Security) of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code, Chapter 3, Section 305.1.1 (Unsafe Conditions) of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code, Chapter 3, Section 305.3 (Interior Surfaces) of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code, 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) & §§(f) (Garbage, waste, trash, etc., prohibited) of the City of Port Orange Code of Ordinances.

Special Magistrate Branch found case no. 15-18 in violation of Chapter 3, Section 304.1.1 (Unsafe Conditions) of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code, Chapter 3, Section 304.7 (Roofs and Drainage) of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code, Chapter 3, Section 304.9 (Overhanging Extensions) of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code, Chapter 3, Section 304.18 (Building Security) of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code, Chapter 3, Section 305.1.1 (Unsafe Conditions) of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code, Chapter 3,

Section 305.3 (Interior Surfaces) of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code, 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) & §§(f) (Garbage, waste, trash, etc., prohibited) of the City of Port Orange Code of Ordinances.

Mr. Allman request the violation be corrected on or before May 8, 2015 by repairing all roof and soffit damage, removing all loose and unsecured metal, securing all doors and windows, repairing all damaged walls, ceilings, and rotted wood inside the mobile home, mowing the entire property, removing all high weeds, and by removing all garbage and debris from the property. If the accused does not comply with this Order, a fine of \$50 is imposed for each day the violation continues beyond May 8, 2015. Due to the condition of the property, Mr. Allman also request that the home be deemed a health, safety and welfare issue to the neighbors and surrounding properties. Mr. Allman also request the City of Port Orange be granted the ability to abate this health and safety concern by abating all violations and potentially demolishing the mobile home. Additionally, Mr. Allman request that the accused is further ordered to contact this Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the Order. Any future violations under this ordinance shall be considered repeat violations.

Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the Special Magistrate may impose additional fines to cover all costs incurred by the city in enforcing its codes and all costs or repairs pursuant to sub section (a)." The cost to date is \$76.45 as indicated on this 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.

Special Magistrate Branch ordered the violators to contact the City to obtain a permit to correct the violations on April 15, 2015. If there has been no contact with the City of Port Orange Building Department and Mr. Allman inquiring for building permits for repair or restoration of this property, this case will be referred to City Council on April 22, 2015 for possible abatement. Special Magistrate Branch said this is a health, safety, and welfare violation. This needs immediate corrective action. Special Magistrate Branch does not want to wait until May 8, 2015. There will be no fines enforced due to the property being vacant. The cost in the amount of \$76.45 is ordered.

4. CEB CASE NO. 15-237
RESPONDENT/ Tuckahoe, LLC
ADDRESS OF VIOLATION/ 5326 Ridgewood Avenue, Port Orange, FL 32127
CODE OFFICER/ Scott Allman
First Notified – February 27, 2015

Cited for violation(s) – Chapter 18, Article IV, Section 18-77 (2) & (6), (Sidewalk, Garage, Yard Sales) of the City of Port Orange Land Development Code.

Mr. Allman requested for case no. 15-237 be dismissed due to the property owner being in compliance with the notice. Special Magistrate Branch dismissed case no. 15-237.

5. CEB CASE NO. 15-286
RESPONDENT/ Clifford Mason, Sr.
ADDRESS OF VIOLATION/ 956 Tall Pine Drive, Port Orange, FL 32127
CODE OFFICER/ Scott Allman
First Notified – March 25, 2015

Cited for violation(s) – 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 56 (Solid Waste), Article II (Collection and Disposal Service), Section 56-34 (Location of Containers), of the City of Port Orange Code of Ordinances.

Mr. Allman requested for case no. 15-286 be dismissed due to the property owner being in compliance with the notice. Special Magistrate Branch dismissed case no. 15-286.

- B. OLD BUSINESS: NONE
- C. PUBLIC COMMENTS: NONE
- D. ADJOURNMENT: 12:58 a.m.

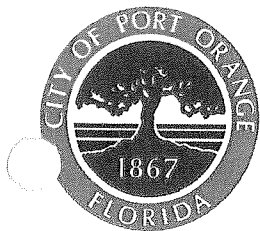
Special Magistrate Raymond Branch

Case Cost Sheet Log

Case No. 15-165

Name	Activity	Activity_Date	Status	Cost
Arlene Skeliski	Mailing Notice of Violation/Notice of Hearing to 8312 Morningside Drive, Youngstown, OH 44514	02/26/2015	Certified Green Card Signed on March 3, 2015 by John G. (Agent) and Returned to the City Clerk's Office.	\$6.69
Arlene Skeliski	Mailing Finding of Fact/Conclusion of Law & Order to 8312 Morningside Drive, Youngstown, OH 44514.	04/22/2015		\$6.96
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	04/22/2015		\$27.00

Total:



NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-165

To: Arlene Skeliski
8312 Morningside Dr.,
Youngstown, OH 44514

Re: 5902 Riverside Dr.,
Port Orange, FL 32127
Parcel ID: 6310-32-01-0010

LEGAL DESCRIPTION: LOT 13 BLK 7 HARBOR OAKS UNIT 1 MB 10 PG 145 PER OR 4470 PGS 0192-0193 PER OR 5555 PG 1016 PER OR 6684 PG 1031

Volusia County Public Records, Volusia County, FL

An inspection of the premises on February 13, 2015, indicates that certain violation(s) of the City of Port Orange Code exists. Briefly stated, the property is in violation of the following:

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

On February 13, 2015 I observed high weeds and grass along with trash and yard debris on the vacant lot located at 5902 Riverside Dr. Attempts have been made to contact the owner Ms. Arlene Skeliski, however she resides out of state and a phone number is not available for her at this time. On February 23, 2015, I conducted a re-inspection of the premises and the condition of the property was the same. To correct the violation, the entire property needs to be mowed, all high weeds trimmed, and all garbage and yard debris needs to be removed from the yard.

Attachments:

☒ Copy of code

☒ Copy of Deed

☒ Copy of Tax Roll

This correspondence will serve as official notification that the above stated violation must be corrected by the **16th day of March, 2015.**

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 a Code Enforcement 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 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 VIOLATIONS 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 the 22nd day of April, 2015, at 9:00 a.m., or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Special Magistrate will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the Special Magistrate may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

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

As per *Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes*: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$6.69 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 the 22nd day of April 2015., 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 the 27th day of May, 2015., 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 Officer at (386) 506-5641.

DATED this 24th day of February, 2015.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Deborah Faircloth
DEBORAH FAIRCLOTH, Code Enforcement Inspector

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Arlene Skeliski, 5902 Riverside Dr., Port Orange, FL 32127, was

☐ Hand-delivered

☒ Posted at the property

Time: 12:46 pm

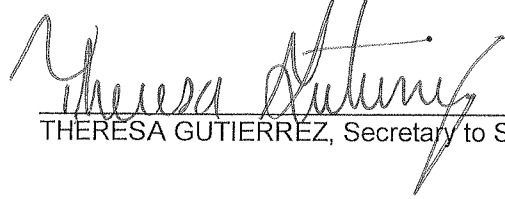
this 24th day of February, 2015.

Deborah Faircloth
DEBORAH FAIRCLOTH, Code Enforcement Inspector

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Arlene Skeliski, 8312 Morningside Dr., Youngstown, OH 44514, was

☒ Posted at City Hall
☒ Sent via certified

this 26 day of February, 2015.


THERESA GUTIERREZ, Secretary to 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.

Ch 42 - Nuisances

ARTICLE II. - GARBAGE, JUNK AND UNDERGROWTH

FOOTNOTE(S):

--- (2) ---

Land development code reference—Landscaping and buffers, ch. 13.

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. 42-27. - Same—City to clean upon failure of owner; assessment of costs, creation of lien.

- (a) If the city manager or his designee determines that any property owner has failed to comply with the provisions of section 42-26, the property owner or abutting property owner to a package shall be notified by first class United States mail as follows: A written notice of violation of section 42-26 shall be sent to the property owner, or property owner whose real property most closely abuts the package, as his name appears in the most recent real property tax rolls available to the city advising that he has ten calendar days to comply with section 42-26
- (b) If compliance is not had, the city may then cause compliance at the expense of the property owner whose property is in violation or abutting property owner when the abutting package is in violation.
- (c) A lien shall be imposed on the property in violation, or abutting property in the case of a failure to maintain package, for the costs incurred by the city in bringing the property or package into compliance with section 42-26, plus administrative costs related thereto.

DeLand, FL 32720

Property Appraisers Parcel Identification Number(s):

6314-03-07-0130

Grantee(s) S.S #'s:

SPACE ABOVE THIS LINE FOR RECORDING DATA

THIS WARRANTY DEED made the 13th day of February, 2012 by Jeff Hamilton and Pamela Hamilton, husband and wife, whose street address is 221 State Road 415, New Smyrna Beach, FL 32168 hereinafter called the grantor, to Arlene M. Skeliski, whose street address is 8312 Morningside Drive, Youngstown, Ohio 44514 hereinafter called the grantee:

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

WITNESSETH, that the grantor, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee all that certain land situate in VOLUSIA County, State of FLORIDA, described as follows:

Lot 13, Block 7, Harbor Oaks, Unit No. 1, according to the plat thereof, recorded in Map Book 10, Page 145, of the Public Records of Volusia County, Florida

Together, with all the tenements, hereditaments and appurtenances thereto belonging or in otherwise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor(s) hereby covenants with the grantee that the grantor is lawfully seized of said land in fee simple; that the grantor(s) has good right and lawful authority to sell and convey said land, and hereby warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free from all encumbrances, except taxes accruing subsequent to December 31st, 2012, FURTHER SUBJECT TO restrictions, reservations, covenants and easements of record, if any, however this reference shall not operate to re-impose the same.

In Witness Whereof, the said grantor(s) has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of: (2 witnesses required)



Witness

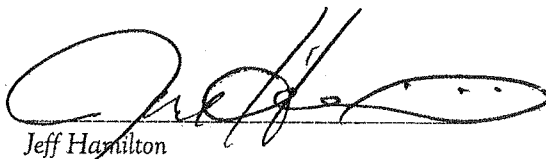
Printed Dan Stevens

Printed



Witness

Printed Sissi Romine



Jeff Hamilton

Printed Pamela Hamilton

Pamela Hamilton

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 13th day of February, 2012, by Jeff Hamilton and Pamela Hamilton, husband and wife, who is personally known to me or who produced Fl. Drivers License as identification and who did not take an oath.

SO. L. A. R.

ABETH A. ROMINE



The Volusia County Property Appraiser makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The values shown in the Total Values section at the end of the Property Record Card are "Working Tax Roll" values, as our valuations proceed during the year. These Working Values are subject to change until the Notice of Proposed Taxes (TRIM) are mailed in mid-August. For Official Tax Roll Values, see the History of Values section within the property record card below.

Last Updated: 02-17-2015 Today's Date: 2-23-2015		Volusia County Property Appraiser's Office Property Record Card (PRC) Morgan B. Gilreath Jr., M.A., A.S.A., C.F.A. Property Appraiser			
Full Parcel ID Short Parcel ID		14-16-33-03-07-0130 6314-03-07-0130		Mill Group 402 Port Orange	
Alternate Key		3630751		2014 Final Millage Rate 21.15960	
Parcel Status		Active Parcel		PC Code 00	
Date Created		31 DEC 1981			
Owner Name		SKELISKI ARLENE M		GO TO ADD'L OWNERS	
Owner Name/Address 1					
Owner Address 2		8312 MORNINGSIDE DR			
Owner Address 3		YOUNGSTOWN OH			
Owner Zip Code		44514			
Owner Percentage		100		Ownership Type	
Location Address		5902 RIVERSIDE DR PORT ORANGE 32127			

LEGAL DESCRIPTION

LOT 13 BLK 7 HARBOR OAKS UNIT 1 MB 10 PG 145 PER OR 4470 PGS

0192-0193 PER OR 5555 PG 1016 PER OR 6684 PG 1031

SALES HISTORY

#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	6684	1031	2/2012	Warranty Deed	Unqualified Sale	No	60,000
2	5555	1016	4/2005	Warranty Deed	Affiliated Parties	No	58,000
3	4470	0192	8/1999	Warranty Deed	Affiliated Parties	No	1

HISTORY OF VALUES[GO TO ADD'L HISTORY](#)

YEAR	LAND	BLDG (S)	MISC	JUST	ASD	SCH ASD	NS ASD	EXEMPT	TXBL	SCH TXBL	ADD'L EX	NS TXBL
2014	15,366	0	0	15,366	15,366	15,366	14,698	0	15,366	15,366	0	14,698
2013	13,362	0	0	13,362	13,362	13,362	13,362	0	13,362	13,362	0	13,362

LAND DATA

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

vs.

CASE NO: 15-165

Arlene Skeliski
8312 Morningside Dr.
Youngstown, OH 44514
6310-32-01-0010,

Respondent.

Property Address: 5902 Riverside Drive, Port Orange, FL 32127
Parcel ID: 6310-32-01-0010

AFFIDAVIT OF PROPERTY POSTING
NOTICE OF VIOLATION AND
NOTICE FOR HEARING

STATE OF FLORIDA
COUNTY OF VOLUSIA

BEFORE ME, the undersigned authority, personally appeared Deborah Faircloth, Code Compliance Inspector, City of Port Orange, Florida, who after being duly sworn, deposes and says:

1. That the statements set forth herein are based upon personal knowledge.
2. That I am a resident of the State of Florida, over twenty-one years of age, and not a party to this action.
3. That, according to the records of the Volusia County Property Appraisers Office, the property located at 5902 Riverside Drive, Port Orange, Florida 32127, is owned by Arlene Skeliski.
4. That 5902 Riverside Drive, Port Orange, Florida 32127 is the location where the alleged code violation is or was occurring.

5. That I posted a Notice of Violation and Request for Hearing on the property at 5902 Riverside Drive, Port Orange, Florida 32127, at 12:56 p.m. on the 24th day of February, 2015, as required by Florida Statute Section 162.12(2)(b)(1). A copy of the Notice and Request is attached hereto and made a part hereof.

FURTHER AFFIANT SAYETH NOT.

DATED this 25th day of February, 2015.

Deborah Faircloth

Deborah Faircloth
Code Compliance Inspector

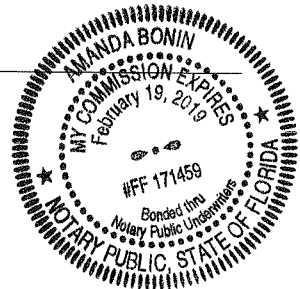
**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was sworn to before me on the 25th day of February, 2015, by Deborah Faircloth, who is personally known to me.

Amanda Bonin

Notary Public, State of Florida

Commission No. _____

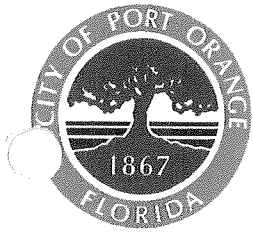


Case Cost Sheet Log

Case No. 15-049

Name	Activity	Activity_Date	Status	Cost
Flavio G. Forzanti	Mailing Notice of Violation/Notice of Hearing to 402 Needles Drive, Port Orange, FL 32127	02/26/2015	USPS attempted to deliver item at 2:13 pm on February 28, 2015 in PORT ORANGE, FL 32127 and a notice was left because an authorized recipient was not available.	\$6.69
Flavio G. Forzanti	Mailing Finding of Fact/Conclusion of Law & Order to 402 Needles Drive, Port Orange, FL 32127	04/22/2015		\$6.96
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	04/22/2015		\$27.00

Total: \$40.65



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-049

To: Flavio G. Forzanti
402 Needles Dr.
Port Orange, FL 32127

Re: Flavio G. Forzanti
402 Needles Dr.
Port Orange, FL 32127
Parcel ID: 6322-05-00-0040

LEGAL DESCRIPTION: LOT 4 TREETOP SUB MB 34 PG 74 PER OR 4790 PG 4692 PER OR 540 8 PG 2638 PER OR 5995 PG 3136-3137

Volusia County Public Records, Volusia County, FL

An inspection of the premises on January 22, 2015, indicates that certain violation(s) of the City of Port Orange Code exists. Briefly stated, the property is in violation of the following:

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

Chapter 16 (Miscellaneous Regulations of the Land Development Code), Section 3 (Fences and walls), §§(b) (General provisions), (4) (Design and maintenance), §§(b)(d), of the City of Port Orange Land Development Code.

On January 22, 2015, I observed high weeds and grass along with trash and yard debris and a separated, broken section of a stockade fence about to fall on the property located at 402 Needles Dr. At that time, I left a five (5) day notice at the door of the property. On February 9, 2015 I conducted a re-inspection of the premises and the condition of the property was the same. To correct the violation, the entire property needs to be mowed and all high weeds trimmed, all garbage and yard debris needs to be removed, and the damaged stockade fence in the back yard needs to be repaired to its original upright position including replacing any broken or missing pickets.

Attachments:

☒ Copy of code

☒ Copy of Deed

☒ Copy of Tax Roll

This correspondence will serve as official notification that the above stated violation must be corrected by the **13th day of March, 2015.**

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 a Code Enforcement 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 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 VIOLATIONS 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 the **22nd day of April, 2015, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Special Magistrate will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the Special Magistrate may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

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

As per *Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes*: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are **\$6.69** 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 the **22nd day of April 2015**, 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 the **27th day of May, 2015, 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 Officer at (386) 506-5641.

DATED this 25th day of February, 2015.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Deborah Faircloth
DEBORAH FAIRCLOTH, Code Enforcement Inspector

X I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Flavio G. Forzanti, 402 Needles Dr., Port Orange, FL 32127, was

☐ Hand-delivered
☒ Posted at the property

Time: 3:06 pm

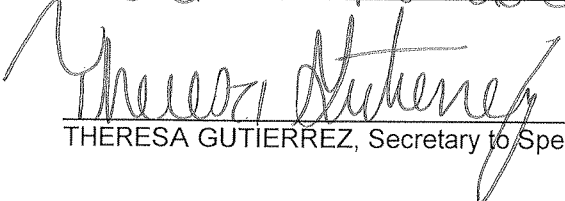
this 25th day of February, 2015.

Deborah Faircloth
DEBORAH FAIRCLOTH, Code Enforcement Inspector

I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Flavio G. Forzanti, 402 Needles Dr., Port Orange, FL 32127, was

☒ Posted at City Hall
☒ Sent via certified

this 26 day of February, 2015.


THERESA GUTIERREZ, Secretary to 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 Appraisers Office

The Volusia County Property Appraiser makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The values shown in the Total Values section at the end of the Property Record Card are "Working Tax Roll" values, as our valuations proceed during the year. These Working Values are subject to change until the Notice of Proposed Taxes (TRIM) are mailed in mid-August. For Official Tax Roll Values, see the History of Values section within the property record card below.

Last Updated: 02-03-2015 Today's Date: 2-4-2015		Volusia County Property Appraiser's Office Property Record Card (PRC) Morgan B. Gilreath Jr., M.A., A.S.A., C.F.A. Property Appraiser			
Full Parcel ID	22-16-33-05-00-0040	Mill Group	402 Port Orange		
Short Parcel ID	6322-05-00-0040				
Alternate Key	3664230	2014 Final Millage Rate	21.15960		
Parcel Status	Active Parcel	PC Code	01		
Date Created	31 DEC 1981				
Owner Name	FORZANTI FLAVIO G		GO TO ADD'L OWNERS		
Owner Name/Address 1					
Owner Address 2	402 NEEDLES DR				
Owner Address 3	PORT ORANGE FL				
Owner Zip Code	32127				
Owner Percentage	100	Ownership Type			
Location Address	402 NEEDLES DR PORT ORANGE 32127				

LEGAL DESCRIPTION

LOT 4 TREETOP SUB MB 34 PG 74 PER OR 4790 PG 4692 PER OR 540
8 PG 2638 PER OR 5995 PG 3136-3137

SALES HISTORY

#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	5995	3136	1/2007	Warranty Deed	Qualified Sale	No	195,000
2	5408	2638	9/2004	Warranty Deed	Qualified Sale	Yes	184,000
3	4790	4692	12/2001	Warranty Deed	Qualified Sale	Yes	110,000

HISTORY OF VALUES

YEAR	LAND	BLDG (S)	MISC	JUST	ASD	SCH ASD	NS ASD	EXEMPT	TXBL	SCH TXBL	ADD'L EX	NS TXBL
2014	18,340	78,997	1,061	98,398	86,326	86,326	86,326	25,000	61,326	61,326	25,000	36,326
2013	17,194	66,768	1,088	85,050	85,050	85,050	85,050	25,000	60,050	60,050	25,000	35,050

LAND DATA

CODE	TYPE OF LAND USE	FRONTAGE	DEPTH	# OF UNITS	UNIT TYPE	RATE	DPH	LOC	SHP	PHY	JUST VAL

01/24/2007 12:30 PM
Doc stamps 1365.00
(Transfer Amt \$ 195000)
Instrument# 2007-018564 # 1
Book : 5995
Page : 3136

Prepared by
Cathy Pulliam, an employee of
First American Title Insurance Company
555 West Granada Boulevard, Suite H-12
Ormond Beach, Florida 32174
(386)673-6114

Return to: Grantee

File No.: 1061-1450166

WARRANTY DEED

This indenture made on **January 19, 2007 A.D.**, by

Ira M. Lauer and Beatrice Lea Lauer a/k/a Beatric Whitaker a/k/a Beatrice Hummer Lauer, husband and wife

whose address is: **149 Sand Pebble Circle, Port Orange, FL 32129**
hereinafter called the "grantor", to

Flavio G. Forzanti, a single person

whose address is: **402 Needles Drive, Port Orange, FL 32127**
hereinafter called the "grantee":

(Which terms "Grantor" and "Grantee" shall include singular or plural, corporation or individual, and either sex, and shall include heirs, legal representatives, successors and assigns of the same)

Witnesseth, that the grantor, for and in consideration of the sum of Ten Dollars, (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in **Volusia County, Florida**, to-wit:

Lot 4, TREETOP SUBDIVISION, according to the plat thereof as recorded in Map Book 34, Page(s) 74, of the Public Records of Volusia County, Florida.

Parcel Identification Number: **632205000040**

Subject to all reservations, covenants, conditions, restrictions and easements of record and to all applicable zoning ordinances and/or restrictions imposed by governmental authorities, if any.

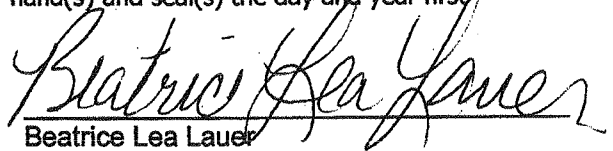
Together with all the tenements, hereditaments and appurtenances thereto belonging or in any way appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31st of 2006.

In Witness Whereof, the grantor has hereunto set their hand(s) and seal(s) the day and year first above written.


Ira M. Lauer


Beatrice Lea Lauer

Signed, sealed and delivered in our presence:


Witness Signature

Print Name: CATHY H. PULLIAM

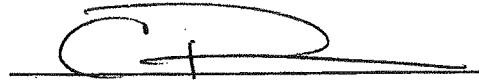

Witness Signature

Print Name: Tim Scheiber

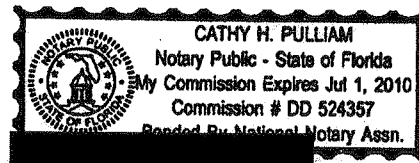
State of **FL**

County of **Volusia**

The Foregoing Instrument Was Acknowledged before me on **January 19, 2007**, by **Ira M. Lauer and Beatrice Lea Lauer** who is/are personally known to me or who has/have produced a valid driver's license as identification.


NOTARY PUBLIC

Notary Print Name _____
My Commission Expires: _____



ARTICLE II. - GARBAGE, JUNK AND UNDERGROWTH

FOOTNOTE(S):

--- (2) ---

Land development code reference—Landscaping and buffers, ch. 13.

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

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

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

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

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

- (b) *Purpose and intent.* The city recognizes the need to protect the health, safety and welfare of the citizens of the city through control and elimination of aesthetically displeasing and potentially dangerous accumulations of garbage, waste, trash, debris, junk and undergrowth. It is, therefore, the purpose and intent of this section to reduce or eliminate such conditions within reasonable limits by hereby establishing a duty and responsibility on the part of the owner of designated lots located within the city to keep such lot free and clear of garbage, waste, trash, debris, junk and undergrowth.
- (c) *Maintenance of commercial and industrial zoned lots.* The owner of every improved lot, piece and parcel of land located within a commercial or industrial zone within the city shall keep each such lot, piece or parcel of land free and clear of all fallen trees and limbs and undergrowth exceeding 12 inches in height. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than 12 inches within such natural areas. Owners of unimproved vacant parcels in such zones shall similarly maintain such portion of their property as lies within ten feet of any improved property, any sidewalk, roadway or bicycle path.
- (d) *Maintenance of improved residential lots.* The owner of an improved lot in a residential zone with lot sizes of one acre or less shall keep such lot free and clear of all fallen trees and limbs. All weeds, grass and undergrowth shall be cut to a height not exceeding ten inches. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than ten inches within such natural areas.
- (e) *Maintenance of unimproved residential lots.* The owner of an unimproved lot in a residential zone with lot sizes of one acre or less shall keep that portion of his property abutting and within ten

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

- (f) *Garbage, waste, trash, etc., prohibited.* The owner of every lot, piece and parcel of land located within the city shall keep each such lot, piece and parcel of land free and clear of garbage, waste, trash, debris and junk.
- (g) *No property maintenance permit required; other restrictions and requirements applicable.* No permit shall be required for the limited property maintenance required by this section; however, the requirements, restrictions and limitations imposed by other sections of this Code and applicable provisions of the land development code pertaining to environmental preservation, tree removal, change of grade, etc., shall be effective. In the event of any conflict between this section and any other provision of this Code or applicable provision of the land development code, the other sections of this Code or applicable provisions of the land development code shall prevail and govern.
- (h) *Abutting property owner maintenance of parkages.* It shall be the duty of every owner of real property within the city to at all times cause to be cut and moved the grass and weeds, and to cause to be cut and trimmed the flowers, vines, shrubbery, and trees not exceeding six feet in height, in a manner that protects and promotes the public health, safety and welfare and presents an aesthetically pleasing appearance in those areas of the parkage most nearly abutting their properties. Parkages abutting improved residential or commercial lots shall be maintained as provided in subsection (d) of this section for improved residential lots. Parkages abutting unimproved residential lots shall be maintained as provided in subsection (e) of this section for the maintained portion of unimproved residential lots. "Parkage" is that space between the private property lot or survey line of the property owner and the paved or graded portion of the public street adjacent thereto and includes that area between a sidewalk and street. Every property owner shall also have the duty of removing any refuse or other debris existing within the adjacent parkage, but the placement of refuse for collection in a manner and in containers specified by other provisions of this Code is not prohibited.

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

Sec. 42-27. - Same—City to clean upon failure of owner; assessment of costs, creation of lien.

- (a) If the city manager or his designee determines that any property owner has failed to comply with the provisions of section 42-26, the property owner or abutting property owner to a parkage shall be notified by first class United States mail as follows: A written notice of violation of section 42-26 shall be sent to the property owner, or property owner whose real property most closely abuts the parkage, as his name appears in the most recent real property tax rolls available to the city advising that he has ten calendar days to comply with section 42-26.
- (b) If compliance is not had, the city may then cause compliance at the expense of the property owner whose property is in violation or abutting property owner when the abutting parkage is in violation.
- (c) A lien shall be imposed on the property in violation, or abutting property in the case of a failure to maintain parkage, for the costs incurred by the city in bringing the property or parkage into

figure16A

- (g) For individual single-family and two-family residential through lots with a secondary front lot line abutting a local street or arterial or collector road, a six-foot-tall privacy fence may be placed to within five feet of the secondary front lot line.
 - (h) On atypical lots, chain link fences may not exceed six feet in height when erected within the required rear yard.
 - (i) Where a fence or wall transitions from a higher to a lower height, the transition must be complete at or before the point where the lower height must begin. For example, where a six-foot-tall fence transitions to a four-foot-tall fence, the transition from higher to lower must be completed where the four-foot height limitation begins, such that no portion of the fence exceeds the height limitation.
- (3) *Location.*
- (a) No permanent fence or wall shall be located closer than five feet to any right-of-way line.
 - (b) No permanent fence or wall shall be located within areas required to provide clearance for visibility in accordance with section 6 of this chapter.
- (4) *Design and maintenance.*
- (a) All fences and walls shall be designed to comply with the architectural and landscaping requirements of this code when applicable.
 - (b) All fences shall be maintained in their original upright condition.
 - (c) Fences and walls designed for painting or similar surface finishes shall be maintained in their original condition as designed.
 - (d) Missing boards, pickets, or posts shall be replaced in a timely manner with material of the same type and quality.
 - (e) Fences or walls having a side with exposed or irregular structural components and a more finished, uniform and aesthetically attractive side shall be constructed so that the more finished, uniform and aesthetically attractive side faces outward from the fenced property toward the adjoining property. This requirement shall not be construed as to require post components of fences to be invisible from the adjoining property. This requirement may be waived by the administrative official upon approval of a written agreement between the two adjoining property owners.
 - (f) The side of a fence or wall oriented to an adjoining property shall not create an adverse visual impact on such adjoining property.
- (5) *Exemptions.*
- (a) Customary fencing around tennis courts and other approved recreational amenities shall be exempt from height restrictions.
 - (b) Reserved.

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

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

vs.

CASE NO: 15-049

Forzanti, Flavio G.
402 Needles Dr.
Port Orange, FL 32127,

Respondent.

Property Address: 402 Needles Dr., Port Orange, FL
Parcel ID: 6322-05-00-0040

AFFIDAVIT OF PROPERTY POSTING
NOTICE OF VIOLATION AND
NOTICE FOR HEARING

STATE OF FLORIDA
COUNTY OF VOLUSIA

BEFORE ME, the undersigned authority, personally appeared Deborah Faircloth, Code Compliance Inspector, City of Port Orange, Florida, who after being duly sworn, deposes and says:

1. That the statements set forth herein are based upon personal knowledge.
2. That I am a resident of the State of Florida, over twenty-one years of age, and not a party to this action.
3. That, according to the records of the Volusia County Property Appraisers Office, the property located at 402 Needles Drive, Port Orange, Florida 32127, is owned by Flavio G. Forzanti.
4. That 402 Needles Drive, Port Orange, Florida 32127 is the location where the alleged code violation is or was occurring.

5. That I posted a Notice of Violation and Request for Hearing on the property at 402 Needles Drive, Port Orange, Florida 32127, at 3:06 p.m. on the 25th day of February, 2015, as required by Florida Statute Section 162.12(2)(b)(1). A copy of the Notice and Request is attached hereto and made a part hereof.

FURTHER AFFIANT SAYETH NOT.

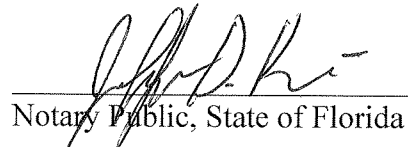
DATED this 26th day of February, 2015.



Deborah Faircloth
Code Compliance Inspector

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was sworn to before me on the 26th day of February, 2015, by Deborah Faircloth, who is personally known to me.


Notary Public, State of Florida

Commission No. 190659

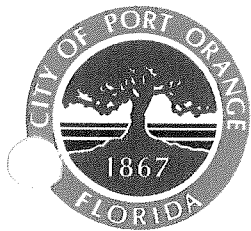


Case Cost Sheet Log

Case No. 15-183

Name	Activity	Activity_Date	Status	Cost
Robert T. Cox	Mailing Notice of Violation/Notice of Hearing to 4863 Orange Blvd., Port Orange, FL 32127	04/22/2015	Certified Mail Returned to City Clerk's Office marked "not deliverable as addressed - return to sender"	\$6.69
Robert T. Cox	Mailing Finding of Fact/Conclusion of Law & Order to 4863 Orange Blvd., Port Orange, FL 32127	04/22/2015		\$6.96
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	04/22/2015		\$27.00

Total: \$40.65



NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-183

To: Robert T. Cox
4863 Orange Blvd.,
Port Orange, FL 32127

Re: 4863 Orange Blvd.,
Port Orange, FL 32127
Parcel ID: 6310-12-06-0270

LEGAL DESCRIPTION: S 100 FT OF LOT 27 & S 100 FT OF E 1/2 OF LOT 28 BLK 6 NORWOOD PER OR 2033 PG 647
PER OR 7074 PG 3813
Volusia County Public Records, Volusia County, FL

An inspection of the premises on February 18, 2015, indicates that certain violation(s) of the City of Port Orange Code exists. Briefly stated, the property is in violation of the following:

Chapter 42 (Nuisances), Article II (Garbage, junk, and undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), §§(d) (Maintenance of improved residential lots) & §§ (f) (Garbage, waste, trash, etc., prohibited) (h) (Abutting property owner maintenance packages) of the City of Port Orange Code of Ordinances.

Chapter 16 (Miscellaneous Regulations of the Land Development Code), Section 3 (Fences and walls), §§(b) (General provisions), (4) (Design and maintenance), §§(b)(d), of the City of Port Orange Land Development Code.

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.

On February 18, 2015, I received a complaint regarding the property located at 4863 Orange Blvd. I conducted an inspection on the same day and observed overgrown weeds and grass, trash and yard debris, a partially torn down chain link fence, and various personal items being stored in the yard. At that time, I left a five (5) day notice at the door of the property. On February 25, 2015 I conducted a re-inspection of the premises and the condition of the property was the same. The property appears to be vacant as my notice had not been moved. To correct the violation, all items being stored in the yard must be properly stored, all garbage and yard debris needs to be removed, the damaged chain link fence needs to be repaired or removed, and the entire property needs to be mowed along with all high weeds trimmed.

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

This correspondence will serve as official notification that the above stated violation must be corrected by the **18th day of March, 2015.**

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 a Code Enforcement 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 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 VIOLATIONS 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 the **22nd day of April, 2015, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Special Magistrate will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the Special Magistrate may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

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

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09 (2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$ 6.00 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 the **22nd day of April 2015**, 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 the **27th day of May, 2015, 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 Officer at (386) 506-5641.

DATED this 3rd day of March, 2015.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Deborah Faircloth
DEBORAH FAIRCLOTH, Code Enforcement Inspector

X I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Robert T. Cox, 4863 Orange Blvd., Port Orange, FL 32127, was

☐ Hand-delivered
☒ Posted at the property

Time: 3:52 pm

this 3rd day of March, 2015.

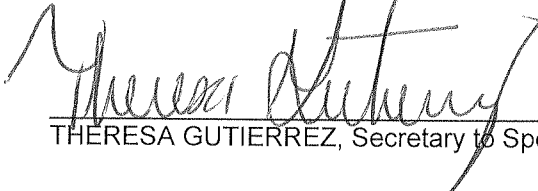
Deborah Faircloth
DEBORAH FAIRCLOTH, Code Enforcement Inspector

I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Robert T. Cox, 4863 Orange Blvd., Port Orange, FL 32127, was

☒ Posted at City Hall

☐ Sent via certified

this 9th day of March, 2015.


THERESA GUTIERREZ, Secretary to 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.

*Ch 42 - Nuisances***ARTICLE II. - GARBAGE, JUNK AND UNDERGROWTH**

FOOTNOTE(S):

--- (2) ---

Land development code reference—Landscaping and buffers, ch. 13.

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

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

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

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

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

- (b) *Purpose and intent.* The city recognizes the need to protect the health, safety and welfare of the citizens of the city through control and elimination of aesthetically displeasing and potentially dangerous accumulations of garbage, waste, trash, debris, junk and undergrowth. It is, therefore, the purpose and intent of this section to reduce or eliminate such conditions within reasonable limits by hereby establishing a duty and responsibility on the part of the owner of designated lots located within the city to keep such lot free and clear of garbage, waste, trash, debris, junk and undergrowth.
- (c) *Maintenance of commercial and industrial zoned lots.* The owner of every improved lot, piece and parcel of land located within a commercial or industrial zone within the city shall keep each such lot, piece or parcel of land free and clear of all fallen trees and limbs and undergrowth exceeding 12 inches in height. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than 12 inches within such natural areas. Owners of unimproved vacant parcels in such zones shall similarly maintain such portion of their property as lies within ten feet of any improved property, any sidewalk, roadway or bicycle path.
- (d) *Maintenance of improved residential lots.* The owner of an improved lot in a residential zone with lot sizes of one acre or less shall keep such lot free and clear of all fallen trees and limbs. All weeds, grass and undergrowth shall be cut to a height not exceeding ten inches. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than ten inches within such natural areas.

(e)

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

- (f) *Garbage, waste, trash, etc., prohibited.* The owner of every lot, piece and parcel of land located within the city shall keep each such lot, piece and parcel of land free and clear of garbage, waste, trash, debris and junk.
- (g) *No property maintenance permit required; other restrictions and requirements applicable.* No permit shall be required for the limited property maintenance required by this section; however, the requirements, restrictions and limitations imposed by other sections of this Code and applicable provisions of the land development code pertaining to environmental preservation, tree removal, change of grade, etc., shall be effective. In the event of any conflict between this section and any other provision of this Code or applicable provision of the land development code, the other sections of this Code or applicable provisions of the land development code shall prevail and govern.
- (h) *Abutting property owner maintenance of parkages.* It shall be the duty of every owner of real property within the city to at all times cause to be cut and moved the grass and weeds, and to cause to be cut and trimmed the flowers, vines, shrubbery, and trees not exceeding six feet in height, in a manner that protects and promotes the public health, safety and welfare and presents an aesthetically pleasing appearance in those areas of the parkage most nearly abutting their properties. Parkages abutting improved residential or commercial lots shall be maintained as provided in subsection (d) of this section for improved residential lots. Parkages abutting unimproved residential lots shall be maintained as provided in subsection (e) of this section for the maintained portion of unimproved residential lots. "Parkage" is that space between the private property lot or survey line of the property owner and the paved or graded portion of the public street adjacent thereto and includes that area between a sidewalk and street. Every property owner shall also have the duty of removing any refuse or other debris existing within the adjacent parkage, but the placement of refuse for collection in a manner and in containers specified by other provisions of this Code is not prohibited.

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

Sec. 42-27. - Same—City to clean upon failure of owner; assessment of costs, creation of lien.

- (a) If the city manager or his designee determines that any property owner has failed to comply with the provisions of section 42-26, the property owner or abutting property owner to a parkage shall be notified by first class United States mail as follows: A written notice of violation of section 42-26 shall be sent to the property owner, or property owner whose real property most closely abuts the parkage, as his name appears in the most recent real property tax rolls available to the city advising that he has ten calendar days to comply with section 42-26
- (b) If compliance is not had, the city may then cause compliance at the expense of the property owner whose property is in violation or abutting property owner when the abutting parkage is in violation.
- (c) A lien shall be imposed on the property in violation, or abutting property in the case of a failure to maintain parkage, for the costs incurred by the city in bringing the property or parkage into compliance with section 42-26, plus administrative costs related thereto.

Chapter 16 Miscellaneous Regulations of the Land Development Code, Section 3 Fences and Walls, 4 (a) (b) (c) and (d) Design and Maintenance:

- (a)** All fences and walls shall be designed to comply with the architectural and landscaping requirements of this code when applicable.
- (b)** All fences shall be maintained in their original upright condition.
- (c)** Fences and walls designed for painting or similar surface finishes shall be maintained in their original condition as designed.
- (d)** Missing boards, pickets, or posts shall be replaced in a timely manner with material of the same type and quality.

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)



The Volusia County Property Appraiser makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The values shown in the Total Values section at the end of the Property Record Card are "Working Tax Roll" values, as our valuations proceed during the year. These Working Values are subject to change until the Notice of Proposed Taxes (TRIM) are mailed in mid-August. For Official Tax Roll Values, see the History of Values section within the property record card below.

Last Updated: 02-24-2015 Today's Date: 2-26-2015		Volusia County Property Appraiser's Office Property Record Card (PRC) <u>Morgan B. Gilreath Jr., M.A., A.S.A., C.F.A.</u> Property Appraiser			
Full Parcel ID Short Parcel ID		10-16-33-12-06-0270 6310-12-06-0270		Mill Group 402 Port Orange	
Alternate Key		3616464		2014 Final Millage Rate 21.15960	
Parcel Status		Active Parcel		PC Code 01	
Date Created		31 DEC 1981			
Owner Name		COX ROBERT T		GO TO ADD'L OWNERS	
Owner Name/Address 1					
Owner Address 2		4863 ORANGE AVE			
Owner Address 3		ALLANDALE FL			
Owner Zip Code		321275445			
Owner Percentage		100		Ownership Type Fee Simple	
Location Address		4863 ORANGE BLVD PORT ORANGE 32127			

LEGAL DESCRIPTION

S 100 FT OF LOT 27 & S 100 FT OF E 1/2 OF LOT 28 BLK 6 NORWO

OD PER OR 2033 PG 647 PER OR 7074 PG 3813

SALES HISTORY

#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	2033	0647	12/1978	Warranty Deed	Qualified Sale	Yes	38,300
2	2006	0107	8/1978	Warranty Deed	Qualified Sale	Yes	4,800

HISTORY OF VALUES

[GO TO ADD'L HISTORY](#)

YEAR	LAND	BLDG (S)	MISC	JUST	ASD	SCH ASD	NS ASD	EXEMPT	TXBL	SCH TXBL	ADD'L EX	NS TXBL
2014	18,750	54,987	326	74,063	66,411	66,411	66,411	25,000	41,411	41,411	16,411	25,000
2013	16,125	48,957	348	65,430	65,430	65,430	65,430	25,000	40,430	40,430	15,430	25,000

LAND DATA

CODE	TYPE OF LAND USE	FRONTAGE	DEPTH	# OF UNITS	UNIT TYPE	RATE	DPH	LOC	SHP	PHY	JUST VAL
0101		75.0	100.0	75.00	FRONT FEET	250.00	100	100	100	100	18,750

2033 0647

Printed for Lawyers' Title Guaranty Fund, Orlando, 000X PAGE

This instrument was prepared by.

Name Dale K. BohnerAddress 1030 Volusia Ave.Daytona Beach, Fla.**Warranty Deed**

(STATUTORY FORM—SECTION 689.02 F.S.)

This instrument, Made this 30th day of November 19 78, Between

MELVIN GEIST and EMMA J. GEIST, his wife,

of the County of Volusia, State of Florida, grantor, and

ROBERT T. COX and STELLA M. COX, his wife,

whose post office address is 4863 Orange Avenue, Allandale

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

Witnesseth, That said grantor, for and in consideration of the sum of Ten and No/100 (\$10.00) Dollars,

and other good and valuable considerations to said grantor in hand paid by said grantees, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said grantees, and grantor's heirs and assigns forever, the following described land, situate, lying and being in Volusia County, Florida, to-wit:

The Southerly 100 feet of Lot 27, and the Southerly 100 feet of the Easterly 1/2 of Lot 28, Block 6, NORWOOD SUBDIVISION, as per map in Map Book 5, page 1, Public Records of Volusia County, Florida.

SUBJECT to restrictions and easements of record, if any.

SUBJECT to mortgage in favor of Florida Federal Savings and Loan Association in the principal balance of \$30,600.00 which the grantees assume and agree to pay.

SUBJECT to taxes for the year 1978 and subsequent years.

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 "grantees" 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:

Honnyetta K. Brannon
Notary Public

Melvin Geist (Seal)
Emma J. Geist (Seal)

STATE OF FLORIDA COUNTY OF VOLUSIA	DOCUMENTARY SUR TAX 08.80	STATE OF FLORIDA DOCUMENTARY STAMP TAX 114.90
---------------------------------------	---------------------------------	--

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

MELVIN GEIST and EMMA J. GEIST, his wife,

as 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 30th day of November 1978.

My commission expires

January 1, 1981
Notary Public

Honnyetta K. Brannon
Notary Public
State of Florida at Large

097073

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

vs.

CASE NO: 15-183

Robert T. Cox
4863 Orange Blvd.
Port Orange, FL 32127
6310-12-06-0270,

Respondent.

Property Address: 4863 Orange Blvd., Port Orange, FL 32127
Parcel ID: 6310-12-06-0270

AFFIDAVIT OF PROPERTY POSTING
NOTICE OF VIOLATION AND
NOTICE FOR HEARING

STATE OF FLORIDA
COUNTY OF VOLUSIA

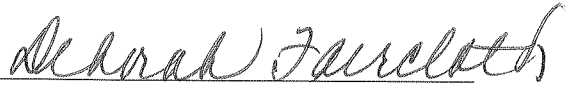
BEFORE ME, the undersigned authority, personally appeared Deborah Faircloth, Code Compliance Inspector, City of Port Orange, Florida, who after being duly sworn, deposes and says:

1. That the statements set forth herein are based upon personal knowledge.
2. That I am a resident of the State of Florida, over twenty-one years of age, and not a party to this action.
3. That, according to the records of the Volusia County Property Appraisers Office, the property located at 4863 Orange Blvd., Port Orange, Florida 32127, is owned by Robert T. Cox.
4. That 4863 Orange Blvd., Port Orange, Florida 32127 is the location where the alleged code violation is or was occurring.

5. That I posted a Notice of Violation and Request for Hearing on the property at 4863 Orange Blvd., Port Orange, Florida 32127, at 3:52 p.m. on the 3rd day of March, 2015, as required by Florida Statute Section 162.12(2)(b)(1). A copy of the Notice and Request is attached hereto and made a part hereof.

FURTHER AFFIANT SAYETH NOT.

DATED this 3rd day of March, 2015.



Deborah Faircloth
Code Compliance Inspector

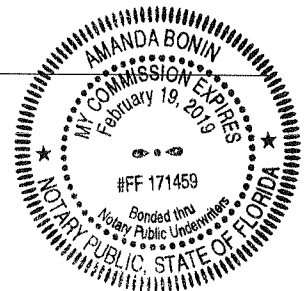
**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was sworn to before me on the 3rd day of March, 2015, by Deborah Faircloth, who is personally known to me.



Notary Public, State of Florida

Commission No. _____

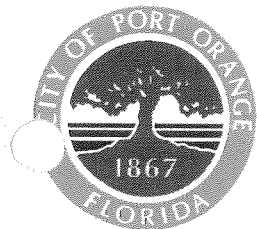


Case Cost Sheet Log

Case No. 15-0139

Name	Activity	Activity_Date	Status	Cost
Malcolm G. Scott	Mailing Notice of Violation/Notice of Hearing to P.O. Box 291877, Port Orange, FL 32129	03/10/2015	Certified Green Card signed on March 13, 2015 by Malcolm G. Scott and returned to the City Clerk's Office.	\$6.69
Malcolm G. Scott	Mailing Finding of Fact/Conclusion of Law & Order to P.O. Box 291877, Port Orange, FL 32129	04/22/2015		\$6.96
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	04/22/2015		\$27.00

Total: \$40.65



NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-0139

To: Malcolm G. Scott
Property Owner
P.O. Box 291877
Port Orange, FL 32129

Re: 740 Herbert Street
Port Orange, FL 32129
Parcel ID: 6337-01-22-0021

LEGAL DESCRIPTION: E 126 FT OF W 1911 FT OF N 370.08 FT OF SUGAR HOUSE
RESERVATION LYING S OF NEW ROAD DUNLAWTON PER OR 2842 PG
0806

Volusia County Public Records
Volusia County, FL

An inspection of the premises on **February 12, 2015** indicates that certain violation(s) of the City of Port Orange Code sts. Briefly stated, the property is in violation of the following:

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

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 70 (Traffic), Article II (Stopping, Standing, and Parking), Section 70-49 (Restrictions on disabled or abandoned vehicles, (c) Restrictions, (1) and (2) 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

Code Violation Section(s)

Original inspection conducted on **February 12, 2015** by Inspector Deborah Faircloth as inspector for the area (Dena Joseph) was out on medical leave. A complaint was received concerning an unregistered/abandoned vehicle on property, garbage and debris, outside storage, and high weeds and grass and overgrowth. Inspector Faircloth left 10 day door hanger asking resident to contact her with options to remedy the violations on the property. I, Dena Joseph, conducted the re-inspection on February 23, 2015 and no corrections had been made to the property in accordance with Ms. Faircloth's observations. I witnessed a broken down, unregistered van on site with flat tires along with multiple bags of trash and numerous pots being stored behind the van. There was still overgrowth over the sidewalk along Lex Court. The block building in the back of the property is still covered with overgrowth and vines. As of this date, the violations continue to exist.

Attachments: ☒ Copy of code

☒ Copy of Deed

☒ Copy of Tax Roll

This correspondence will serve as official notification that the above stated violation(s) must be corrected by **March 24, 2015.**

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 \$5,000.00 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 April 22, 2015 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 \$ 16.69 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 **April 22, 2015** 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 **May 27, 2015, 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 9th day of March, 2015.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: _____

Dena Joseph

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to **Malcolm G. Scott, Property Owner, P.O. Box 291877, Port Orange, FL 32129**, was

☐ Hand-delivered

☒ Posted at the property

Time: 12:35 pm

this 9th day of March, 2015.

Dena Joseph
Dena Joseph

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to **Malcolm G. Scott, Property Owner, P.O. Box 291877, Port Orange, FL 32129**, was

☐ Posted at City Hall

☒ Sent via certified

this 10th day of March, 2015.

Theresa Stutney
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 Appraisers Office



The Volusia County Property Appraiser makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The values shown in the Total Values section at the end of the Property Record Card are "Working Tax Roll" values, as our valuations proceed during the year. These Working Values are subject to change until the Notice of Proposed Taxes (TRIM) are mailed in mid-August. For Official Tax Roll Values, see the History of Values section within the property record card below.

Last Updated: 02-24-2015 Today's Date: 3-2-2015		Volusia County Property Appraiser's Office Property Record Card (PRC) Morgan B. Gilreath Jr., M.A., A.S.A., C.F.A. Property Appraiser			
Full Parcel ID Short Parcel ID		37-16-33-01-22-0021 6337-01-22-0021		Mill Group 402 Port Orange	
Alternate Key		3679083		2014 Final Millage Rate 21.15960	
Parcel Status		Active Parcel		PC Code 01	
Date Created		31 DEC 1981			
Owner Name		SCOTT MALCOLM G		GO TO ADD'L OWNERS	
Owner Name/Address 1					
Owner Address 2		PO BOX 291877			
Owner Address 3		PORT ORANGE FL			
Owner Zip Code		32129			
Owner Percentage		100		Ownership Type	
Location Address		740 HERBERT ST PORT ORANGE 32129			

LEGAL DESCRIPTION	GO TO ADD'L LEGAL
E 126 FT OF W 1911 FT OF N 370.08 FT OF SUGAR HOUSE	
RESERVATION LYING S OF NEW ROAD DUNLAWTON PER OR 2842 PG	

SALES HISTORY							
#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	2842	0806	7/1986	Warranty Deed	Qualified Sale	Yes	56,000
2	2623	1522	10/1984	Personal Representative	Unqualified Sale	Yes	37,000

HISTORY OF VALUES								GO TO ADD'L HISTORY				
YEAR	LAND	BLDG (S)	MISC	JUST	ASD	SCH ASD	NS ASD	EXEMPT	TXBL	SCH TXBL	ADD'L EX	NS TXBL
2014	38,706	47,731	0	86,437	74,409	74,409	74,409	25,000	49,409	49,409	24,409	25,000
2013	34,014	39,295	0	73,309	73,309	73,309	73,309	25,000	48,309	48,309	23,309	25,000

LAND DATA												
CODE	TYPE OF LAND USE	FRONTAGE	DEPTH	# OF UNITS	UNIT TYPE	RATE	DPH	LOC	SHP	PHY	JUST VAL	
	IMP PVD											

LEGAL DESCRIPTION
E 126 FT OF W 1911 FT OF N 370.08 FT OF SUGAR HOUSE
RESERVATION LYING S OF NEW ROAD DUNLAWTON PER OR 2842 PG
0806

28420806

This instrument was prepared by

BOOK PAGE
VOLU 100 100

JOSEPH D. KROL

of the Law Office of
OSSINSKY, KROL AND HESS
101 Corsair Drive Suite 200
DAYTONA BEACH, FLORIDA 32014-3550**Warranty Deed**

(STATUTORY FORM—SECTION 689.02 F.S.)

This Indenture, Made this 3rd day of July 19 86, Between

DAVID M. REID and GRACIE REID, his wife

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

MALCOLM G. SCOTT

whose post office address is 119 Bearfoot Trail, Port Orange

of the County of Volusia, State of Florida 32019, grantee*.

Witnesseth. That said grantor, for and in consideration of the sum of Ten and No/100 (\$10.00) 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 following described land, situate, lying and being in Volusia County, Florida, to-wit:

The Northerly 370.08', as measured on the Westerly line of the Westerly 126', as measured on the Northerly line; the Southerly and Easterly lines being parallel to the Northerly and Westerly lines respectively of the following described parcel: Commencing at the Southeast corner of Wilkes land which is N64° 45' E 1785' distance from the Southwest corner of the Sugarhouse Reservation in Dunlawton as shown in Deed Book "M", Page 187, Public Records of Volusia County, Florida; thence N 64° 45' E along the center line of canal 325'; thence N25° 35' W 872.91' to the center line of new road; thence S 59° 45' W 326' to the Northeast corner of Wilkes land; thence S 25° 39' E along east line of Wilkes land 838.33' to PLACE OF BEGINNING; excepting therefrom that part thereof conveyed to Volusia County for the right of way of the new Sugarmill road (now Herbert Street).

SUBJECT to taxes for 1986.

PROPERTY IS BEING PURCHASED "AS IS"

and said grantor does hereby fully warrant the title to said land, and will defend the same against all 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:

Greg M. Scott
Malcolm G. Scott

David M. Reid (Seal)
Gracie E. Reid (Seal)

REC FEES \$ 5.00 REC'D PAYMENT AS
 DOC ST \$ 280.00 INDICATED FOR CLASS (Seal)
 INT TAX \$ "C" INTANGIBLE & DOL (Seal)
 PENALTY \$ STAMP TAXES SIGNED (Seal)

STATE OF FLORIDA
COUNTY OF VOLUSIAINTEREST \$
Certs. Court Court Volusia Co. Florida: J. SmithI HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgments, personally appeared
DAVID M. REID and GRACIE REID, his wife

to me known to be the person(s) 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 3rd day of July 19 86.

My commission expires 9-25-88

Notary Public, State of Florida at Large

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

Sec. 70-49. - Restrictions on disabled or abandoned vehicles.

(a) *Findings of fact.*

- (1) Aesthetic views on residentially-zoned and agriculturally-zoned private property relate to the general welfare of the people of the city through the tendency to preserve or enhance the value of residentially-zoned and agriculturally-zoned private property.
- (2) The visual presence on residentially-zoned and agriculturally-zoned private property of wrecked, discarded, dismantled, partly dismantled, inoperative, disabled, abandoned, or severely rusted vehicles, or vehicles which, if covered, are covered with material other than a standard vehicle cover, is an unpleasant sight to a reasonable person with average sensibilities.
- (3) The visual presence on residentially-zoned and agriculturally-zoned private property of wrecked, discarded, dismantled, partly dismantled, inoperative, disabled, abandoned, or severely rusted vehicles, or vehicles which, if covered, are covered with material other than a standard vehicle cover, tends to depreciate the value of neighboring residentially-zoned and agriculturally-zoned private property, thereby injuring the general welfare of the people of the city.

(b) *Definitions.* The following words, terms and phrases, when used in this section or section 70-50, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) *Code inspector* shall be defined as provided in F.S. § 162.04.
- (2) *Disabled or abandoned vehicle* means a vehicle which:
 - a. Is wrecked and unrepaired, or is incapable of functioning as a vehicle in its present state;
 - b. Has no engine, transmission, or other major and visible parts, or has other major or visible components which are dismantled;
 - c. Is unlicensed;
 - d. Is apparently inoperative, as indicated by vegetation underneath the vehicle as high as the vehicle body or frame or refuse or debris collected underneath the vehicle; or
 - e. Is otherwise located on property in an apparent state of disuse or neglect, so as to render the vehicle unsightly to a reasonable person viewing the vehicle from outside the property on which the vehicle is located.
- (3) *Owner or occupant* includes the owner, lessee or sublessee of the private property on which the vehicle is located.
- (4) *Parked* means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or embarking or disembarking passengers.
- (5) *Standard vehicle cover* means a nontransparent cover which is designed, manufactured and intended to be used exclusively for the purpose of fitting over the type of vehicle.
- (6) *Vehicle* shall be defined as provided in F.S. § 316.003.

(c) *Restrictions.*

- (1) No disabled or abandoned vehicle shall remain on residentially-zoned or agriculturally-zoned

private property unless such vehicle is:

- a. Within a completely enclosed garage; or
 - b. Parked in a carport, parking space or city-approved parking area and covered solely with a standard vehicle cover in good repair, so long as any portion of the vehicle which is not covered is not in a state of disrepair.
- (2) No disabled or abandoned vehicle parked on residentially-zoned or agriculturally-zoned private property shall be covered by material other than a standard vehicle cover in good repair unless such vehicle is parked inside a completely enclosed garage.
- (3) No person shall oppose, obstruct, or resist any code inspector or any person authorized by the code inspector in the discharge of duties or responsibilities provided in this section or section 70-50
- (d) *Evidence.* In order to conclude that a vehicle is disabled or abandoned, the code inspector must determine that the vehicle has been disabled or abandoned for at least 15 consecutive calendar days, or that the vehicle violates any of the criteria contained in subsection (c)(1) or (c)(2) of this section.
- (e) *Responsibility for compliance.* The owner of the disabled or abandoned vehicle and the owner or occupant of the property on which such vehicle is located shall be jointly and individually responsible for compliance with the requirements of this section.

(Ord. No. 1998-23, § 1, 7-21-98)

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.

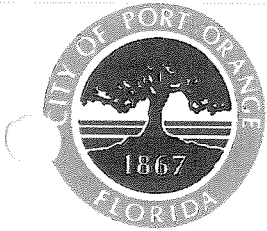
(Code 1981, § 10-7)

Case Cost Sheet Log

Case No. 14-2556

Name	Activity	Activity_Date	Status	Cost
Carroll Gertrude Est.	Mailing Notice of Violation/Notice of Hearing to 1108 Harms Way, Port Orange, FL 32129	03/17/2015	Certified Mail returned to City Clerk's office marked "Vacant".	\$6.69
Carroll Gertrude Est.	Mailing Finding of Fact/Conclusion of Law & Order to 1108 Harms Way, Port Orange, FL 32129	03/17/2015		\$6.96
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	04/22/2015		\$27.00

Total: \$40.65



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 14-2556

To: CARROLL GERTRUDE EST
PROPERTY OWNER
1108 HARMS WAY
PORT ORANGE, FL 32129

Re: 1108 HARMS WAY,
PORT ORANGE, FL 32129
Parcel ID: 6307-02-01-0960

LEGAL DESCRIPTION: LOT 96 WILLOW RUN UNIT 1 MB 34 PGS 182-183 INC PER OR 2797
PG 1288 PER D/C 6796 PG 3053

Volusia County Public Records
Volusia County, FL

An inspection of the premises on **NOVEMBER 20, 2014** indicates that certain violation(s) of the City of Port Orange Code exists. Briefly stated, the property is in violation of the following:

Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of Property Generally-Duty of Owner), (d) Maintenance of improved residential lots, of the City of Port Orange Code of Ordinances

Property was originally inspected on **NOVEMBER 20, 2014** after noticing the condition of the property and the height of the grass at this location. I left a 3 day door hanger to mow and maintain property. Home was vacant at time of inspection. A re-inspection was conducted on **FEBRUARY 16, 2015** which resulted in non-compliance. I contacted the preservation company (Safeguard Properties) on **FEBRUARY 23, 2015** asking that the property be mowed and maintained. I received a response from Regina Sims with Safeguard Properties on **FEBRUARY 25, 2015** informing me that properties that are not owned by the bank must be pursued by the city along with the property owner as far as having the violations corrected. I informed Ms. Sims that the property owner in this case is deceased. I did not receive a response back after informing Ms. Sims of the situation with this property. Due to the height of the grass and the complaints we have received from the neighbors, I consider the property to be a health and safety violation due to the harboring of rodents, snakes and insects and would like the violation to be corrected as soon as possible. As of this date, the property remains in non-compliance.

Attachments: ☒ Copy of code

☒ Copy of Deed

☒ Copy of Tax Roll

This correspondence will serve as official notification that the above stated violation(s) must be corrected by
MARCH 23, 2015.

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** **APRIL 22, 2015 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 \$ 12,649 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 **APRIL 22, 2015** 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 **MAY 27, 2015, 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 13th day of March, 2015.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Dena Joseph
DENA JOSEPH

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to CARROLL GERTRUDE EST., PROPERTY OWNER, 1108 HARMS WAY, PORT ORANGE, FL 32129, was

☐ Hand-delivered

☒ Posted at the property

Time: 11:21 AM

this 13th day of March, 2015.

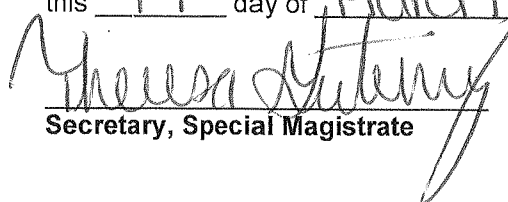
Dena Joseph
DENA JOSEPH

I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to CARROLL GERTRUDE EST., PROPERTY OWNER, 1108 HARMS WAY, PORT ORANGE, FL 32129, was

☒ Posted at City Hall

☒ Sent via certified

this 17th day of March, 2015.


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.



The Volusia County Property Appraiser makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The values shown in the Total Values section at the end of the Property Record Card are "Working Tax Roll" values, as our valuations proceed during the year. These Working Values are subject to change until the Notice of Proposed Taxes (TRIM) are mailed in mid-August. For Official Tax Roll Values, see the History of Values section within the property record card below.

Last Updated: 02-17-2015 Today's Date: 2-23-2015		Volusia County Property Appraiser's Office Property Record Card (PRC) Morgan B. Gilreath Jr., M.A., A.S.A., C.F.A. Property Appraiser			
Full Parcel ID	07-16-33-02-01-0960	Mill Group	402 Port Orange		
Short Parcel ID	6307-02-01-0960				
Alternate Key	3593693	2014 Final Millage Rate	21.15960		
Parcel Status	Active Parcel	PC Code	01		
Date Created	30 DEC 1981				
Owner Name	CARROLL GERTRUDE EST		GO TO ADD'L OWNERS		
Owner Name/Address 1					
Owner Address 2	1108 HARMS WAY				
Owner Address 3	PORT ORANGE FL				
Owner Zip Code	321194097				
Owner Percentage	100	Ownership Type			
Location Address	1108 HARMS WAY PORT ORANGE 32129				

LEGAL DESCRIPTION

LOT 96 WILLOW RUN UNIT 1 MB 34 PGS 182-183 INC PER OR 2797 P

G 1288 PER D/C 6796 PG 3053

SALES HISTORY

#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	6796	3053	11/2012	Death Certificate	Unqualified Sale	Yes	100
2	2797	1288	3/1986	Warranty Deed	Qualified Sale	Yes	59,000
3	2027	0169	11/1978	Warranty Deed	Qualified Sale	Yes	37,000

HISTORY OF VALUES

YEAR	LAND	BLDG (S)	MISC	JUST	ASD	SCH ASD	NS ASD	EXEMPT	TXBL	SCH TXBL	ADD'L EX	NS TXBL
2014	16,082	75,287	0	91,369	91,369	91,369	91,369	0	91,369	91,369	0	91,369
2013	16,082	69,338	0	85,420	85,420	85,420	85,420	0	85,420	85,420	0	85,420

LAND DATA

Summary

Summary Instrument - 2012231111

Image not displayed pursuant to 28.2221(5) Florida Statutes.



Document Information

Date:	12/18/2012	Book:	6796
Document Type:	DEATH CERTIFICATE	Page:	3053
Status:	VERIFIED		

Additional Comments

Instrument:	2012231111	Pages:	1
Time:	04:04 PM	Return to Label:	SIMPLIFILE - ERECORDING 4844 NORTH 300 WEST SUITE 202 PROVO, UT 84604 SENT DATE: 12/20/2012

Parcel/Case #:

Legal Description:

Transfer:	\$ 0.00	Finance:	\$ 0.00
Doc Stamps:	\$ 0.00	Intangible Tax:	\$ 0.00
Recording Fee:	\$ 10.00		

Name Information

Direct Names:	Reverse Names:
STATE OF FLORIDA	CARROLL GERTRUDE OLIVE

IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT OF THE STATE OF
FLORIDA, IN AND FOR VOLUSIA COUNTY
CIVIL DIVISION

EVERBANK

Plaintiff,

vs.

CASE NO. 2012 32859 C19
31

GERTRUDE CARROLL; UNKNOWN SPOUSE OF
GERTRUDE CARROLL; IF LIVING, INCLUDING ANY
UNKNOWN SPOUSE OF SAID DEFENDANT(S), IF
REMARRIED, AND IF DECEASED, THE RESPECTIVE
UNKNOWN HEIRS, DEVISEES, GRANTEES,
ASSIGNEES, CREDITORS, LIENORS, AND TRUSTEES,
AND ALL OTHER PERSONS CLAIMING BY,
THROUGH, UNDER OR AGAINST THE NAMED
DEFENDANT(S); UNKNOWN TENANT #1; UNKNOWN
TENANT #2;

Defendant(s)

FILED
2012 OCT 29 AM 11:39
CLERK OF THE CIRCUIT
& CITY COURT VOLUSIA CITY FL

NOTICE OF LIS PENDENS

5
4
9
TO DEFENDANT(S) GERTRUDE CARROLL; UNKNOWN SPOUSE OF GERTRUDE
CARROLL; IF LIVING, INCLUDING ANY UNKNOWN SPOUSE OF SAID
DEFENDANT(S), IF REMARRIED, AND IF DECEASED, THE RESPECTIVE
UNKNOWN HEIRS, DEVISEES, GRANTEES, ASSIGNEES, CREDITORS, LIENORS,
AND TRUSTEES, AND ALL OTHER PERSONS CLAIMING BY, THROUGH, UNDER
OR AGAINST THE NAMED DEFENDANT(S); UNKNOWN TENANT #1; UNKNOWN
TENANT #2; , AND ALL OTHERS WHOM IT MAY CONCERN:

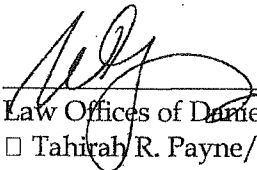
File No.: 138519 - Carroll

4

YOU ARE HEREBY NOTIFIED OF THE FOLLOWING:

- (a) The plaintiff has instituted this action against you seeking to foreclose a mortgage with respect to the property described below;
- (b) The plaintiff in this action is:
EVERBANK
- (c) The case number of the action is as shown in the caption.
- (d) The property that is the subject matter of this action is in Volusia County, Florida, and is described as follows:
SEE ATTACHED EXHIBIT P1

DATED THIS 27 DAY OF October 2012.


Law Offices of Daniel C. Consuegra
☐ Tahira R. Payne/Florida Bar #83398
☐ Megan L. Lazenby/Florida Bar #0014285
☐ Laura H. Compton/Florida Bar #36896
☐ David W. Aring/Florida Bar #0621471
☐ Maria T. Palacios/Florida Bar #89187
☒ Whitney R. Jacque/Florida Bar #96388
9204 King Palm Drive
Tampa, Florida 33619-1328
attorneynotice@consuegralaw.com
Tel (813) 915-8660
Fax (813) 915-0559

IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT OF THE STATE OF
FLORIDA, IN AND FOR VOLUSIA COUNTY
CIVIL DIVISION

EVERBANK

Plaintiff,

vs.

CASE NO. 64-2012-CA-
032859-XXXX-CI

UNKNOWN HEIRS, DEVISEES, GRANTEES,
ASSIGNEES, CREDITORS, LIENORS, TRUSTEES OF
GERTRUDE CARROLL, DECEASED; RAYMOND J.
CARROLL JR, HEIR; IF LIVING, INCLUDING ANY
UNKNOWN SPOUSE OF SAID DEFENDANT(S), IF
REMARRIED, AND IF DECEASED, THE RESPECTIVE
UNKNOWN HEIRS, DEVISEES, GRANTEES,
ASSIGNEES, CREDITORS, LIENORS, AND TRUSTEES,
AND ALL OTHER PERSONS CLAIMING BY,
THROUGH, UNDER OR AGAINST THE NAMED
DEFENDANT(S); UNKNOWN TENANT #1 NKA
CURTIS CLARK;

R
Defendant(s)

AMENDED NOTICE OF LIS PENDENS

900
TO DEFENDANT(S) UNKNOWN HEIRS, DEVISEES, GRANTEES, ASSIGNEES,
CREDITORS, LIENORS, TRUSTEES OF GERTRUDE CARROLL, DECEASED;
RAYMOND J. CARROLL JR, HEIR; IF LIVING, INCLUDING ANY UNKNOWN
SPOUSE OF SAID DEFENDANT(S), IF REMARRIED, AND IF DECEASED, THE

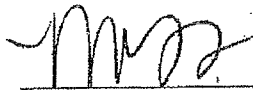
RESPECTIVE UNKNOWN HEIRS, DEVISEES, GRANTEEES, ASSIGNEES, CREDITORS, LIENORS, AND TRUSTEES, AND ALL OTHER PERSONS CLAIMING BY, THROUGH, UNDER OR AGAINST THE NAMED DEFENDANT(S); UNKNOWN TENANT #1 NKA CURTIS CLARK; AND ALL OTHERS WHOM IT MAY CONCERN:

YOU ARE HEREBY NOTIFIED OF THE FOLLOWING:

- (a) The plaintiff has instituted this action against you seeking to foreclose a mortgage with respect to the property described below;
- (b) The plaintiff in this action is:
EVERBANK
- (c) The case number of the action is as shown in the caption.
- (d) The property that is the subject matter of this action is in Volusia County, Florida, and is described as follows:

Lot 96, WILLOW RUN UNIT I, according to the plat thereof, as recorded in Map Book 34, Pages 182 and 183, of the Public Records of Volusia County, Florida.

DATED THIS 14 DAY OF May, 2014.



Megan L Lazenby/Florida Bar # 0014285
Law Offices of Daniel C. Consuegra, P.L.
9204 King Palm Dr., Tampa, FL 33619
Phone: (813) 915-8660/Fax: (813) 915-0559
attorneynotice@consuegralaw.com

IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT OF THE STATE
OF FLORIDA, IN AND FOR VOLUSIA COUNTY
CIVIL DIVISION

EVERBANK,

Plaintiff,

vs.

GERTRUDE CARROLL, et al.

Defendant(s)

CASE NO. 2012 32859 CIVIL
FILED
CLERK
VOLUSIA
JUL 16 2013
By: [Signature] Clerk

NOTICE OF DROPPING DEFENDANT(S)

Plaintiff, EVERBANK, by and through its undersigned attorney, hereby gives notice pursuant to Rule 1.250(b), Florida Rules of Civil Procedure, of its dropping of certain defendant(s) in this action, to wit:

1. The Defendant, GERTRUDE CARROLL, in that she is deceased.
2. The Defendant, UNKNOWN SPOUSE OF GERTRUDE CARROLL, in that per the son of Gertrude Carroll, Gertrude Carroll was not married at the time of her death.
3. The Defendant, UNKNOWN TENANT #2, in that there are no additional adult tenants.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U. S. Mail/Email this 1st day of July, 2013, to all parties listed on the attached service list.



Stacey L Hudon/Florida Bar # 85980
Law Offices of Daniel C. Consuegra, P.L.
9204 King Palm Dr., Tampa, FL 33619
Phone: (813) 915-8660/Fax: (813) 915-0559
attorneynotice@consuegralaw.com

Instrument# 2013-138719 # 2
Book : 6884
Page : 320
Diane M. Matousek
Volusia County, Clerk of Court

MASTER CIVIL SERVICE LIST

ATTORNEY FOR PLAINTIFF
LAW OFFICES OF DANIEL C. CONSUEGRA, P.L.
9204 KING PALM DR.
TAMPA, FL 33619
attorneynotice@consuegralaw.com

UNKNOWN TENANT #1 N/K/A CURTIS CLARK
1108 HARMS WAY
PORT ORANGE, FL 32129

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

Case Cost Sheet Log

Case No. 15-511

Name	Activity	Activity_Date	Status	Cost
Sandy J. Barnes	Mailing Notice of Violation/Notice of Hearing to 5645 Palm Avenue, Port Orange, FL 32127	04/17/2015		\$6.69
Sandy J. Barnes	Mailing Finding of Fact/Conclusion of Law & Order to 5645 Palm Avenue, Port Orange, FL 32127	04/22/2015		\$6.96
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	04/22/2015		\$27.00

Total: \$40.65



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-511

To: Barnes Sandy J.
5645 Palm Ave.
Port Orange, FL 32127

Re: 5645 Palm Ave.
Port Orange, FL 32127
Parcel ID: 6340-01-18-0011

LEGAL DESCRIPTION: LOT 1 BLK 18 EXC W 135 FT ON N/L & 5.5 FT ON S/L & INC TRI IN LOTS 2 & 3 BEING W 70 FT ON S/L TO POINT AT NW CORNER OF LOT 2 HARBOR OAKS UNIT 2 REPLAT PER OR 762 PG 0057 PER OR 6676 PG 0330 PER OR 6688 PG 0450 PER D/C 6694 PG 2333 PER D/C 6694 PG 4437

Volusia County Public Records
Volusia County, FL

An inspection of the premises on March 30, 2015, indicates that certain violation(s) of the City of Port Orange Code exists. In accordance with Section 162.06(4), Florida Statutes (2014), "the violation presents a serious threat to the public health, safety, and welfare" and, further, the violation "is irreparable or irreversible in nature". Briefly stated, the property is in violation of the following:

2015 International Property Maintenance Code, Chapter 1, Section 108, 108.1.1 Unsafe Structures, 103.1.3 Structure unfit for human occupancy, 108.1.5 Dangerous structure or premises, 108.6 Abatement methods.

City of Port Orange Code of Ordinances, Chapter 42, Section 42-26 (d)(f)(h) Cleanliness of property-generally duty of owner.

On February 22, 2014 at 0345 hours, a fire engulfed the structure at 5645 Palm Avenue, Port Orange, FL 32127. The owner of record, Sandy J. Barnes, perished in the fire. A subsequent fire inspection was finalized on February 22, 2015. The fire was deemed accidental. Possible heirs and relatives were sought to no avail. Statements from Chief Weir, Fire Marshal, and Kerry Leuzinger, Building Official, concur that the structure is deemed a severe life safety hazard and imminent collapse hazard due to heavy fire damage that adversely compromised the structure, and should be demolished as soon as possible. A complaint was initiated by a neighbor on March 30, 2015, stating the property is a hazard to the life and safety of the public and a nuisance of high weeds, overgrowth, and prompted an inspection by code enforcement. An inspection on April 16, 2105, found the property in the same condition.

Attachments:

☒ Copy of code

☒ Copy of Deed

☒ Copy of Tax Roll

This correspondence will serve as official notification that the above stated violation(s) must be corrected by April 21, 2015.

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** April 22, 2015, 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 \$ 16.69 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 April 22, 2015, 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 May 27, 2015, 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 16th day of April, 2015.

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 Sandy J. Barnes, 5645 Palm Avenue, Port Orange, FL 32127, was

☐ Hand-delivered

☒ Posted at the property

Time: 3:47 pm

this 16th day of April, 2015.

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 Sandy J. Barnes, 5645 Palm Avenue, Port Orange, FL 32127, was

☒ Posted at City Hall

☒ Sent via certified

this 17 day of April, 2015.

Debra Hebert
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.



The Volusia County Property Appraiser makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The values shown in the Total Values section at the end of the Property Record Card are "Working Tax Roll" values, as our valuations proceed during the year. These Working Values are subject to change until the Notice of Proposed Taxes (TRIM) are mailed in mid-August. For Official Tax Roll Values, see the History of Values section within the property record card below.

Last Updated: 04-07-2015 Today's Date: 4-9-2015		Volusia County Property Appraiser's Office <u>Property Record Card (PRC)</u> Morgan B. Gilreath Jr., M.A., A.S.A., C.F.A. Property Appraiser			
Full Parcel ID	40-16-33-01-18-0011	Mill Group	402 Port Orange		
Short Parcel ID	6340-01-18-0011				
Alternate Key	3688961	2014 Final Millage Rate	21.15960		
Parcel Status	Active Parcel	PC Code	01		
Date Created	31 DEC 1981				
Owner Name	BARNES SANDY J		GO TO ADD'L OWNERS		
Owner Name/Address 1					
Owner Address 2	5645 PALM AVE				
Owner Address 3	PORT ORANGE FL				
Owner Zip Code	32127				
Owner Percentage	100	Ownership Type			
Location Address	5645 PALM AV PORT ORANGE 32127				

LEGAL DESCRIPTION	GO TO ADD'L LEGAL
LOT 1 BLK 18 EXC W 135 FT ON N/L & 5.5 FT ON S/L & INC TRI I	
N LOTS 2 & 3 BEING W 70 FT ON S/L TO POINT AT NW CORNER OF L	

SALES HISTORY						GO TO ADD'L SALES	
#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	6694	2333	3/2012	Death Certificate	Unqualified Sale	Yes	100
2	6694	4437	3/2012	Death Certificate	Unqualified Sale	Yes	100
3	6676	0330	2/2012	Personal Rep	Unqualified Sale	Yes	100

HISTORY OF VALUES								GO TO ADD'L HISTORY				
YEAR	LAND	BLDG (S)	MISC	JUST	ASD	SCH ASD	NS ASD	EXEMPT	TXBL	SCH TXBL	ADD'L EX	NS TXBL
2014	17,448	54,700	0	72,148	64,487	64,487	64,487	25,000	39,487	39,487	14,487	25,000
2013	17,448	50,941	0	68,389	63,534	63,534	63,534	25,000	38,534	38,534	13,534	25,000

LAND DATA												
CODE	TYPE OF	FRONTAGE	DEPTH	# OF	UNIT	RATE	DPH	LOC	SHP	PHY	JUST	

LEGAL DESCRIPTION
LOT 1 BLK 18 EXC W 135 FT ON N/L & 5.5 FT ON S/L & INC TRI I
N LOTS 2 & 3 BEING W 70 FT ON S/L TO POINT AT NW CORNER OF L
OT 2 HARBOR OAKS UNIT 2 REPLAT PER OR 762 PG 0057 PER OR 667
6 PG 0330 PER OR 6688 PG 0450 PER D/C 6694 PG 2333 PER D/C 6
694 PG 4437

This instrument prepared by:
EUGENE E. RHODES, JR.
ATTORNEY AT LAW
PO BOX 290580
PORT ORANGE FL 32129

Tax Parcel ID: 40-16-33-01-18-0011

[space above this line for recording]

Quitclaim Deed

By This Quitclaim Deed, JOSEPH A. BARNES, a married man, herein called Grantor, whose post office address is 3009 E. LYSON, GILBERT, AZ 85295, in consideration of Ten and NO/100 (\$10.00) Dollars paid by SANDY J. BARNES, a single man, herein called Grantee, whose post office address is 5645 PALM AVENUE, PORT ORANGE, FL 32127, and whose Taxpayer Identification Number is UNKNOWN, quit claims to Grantee all of Grantor's right, title and interest in the following described real property in VOLUSIA County, Florida:

PARCEL "A": A portion of Lot 1, Block 18, Replat of part of Harbor Oaks, Bay Shore Section of Unit #2, Harbor Oaks, as recorded in Map Book 23, Page 27, public records of Volusia County, Florida, more particularly described as follows:

From a reference point, being the Northwest corner of said Lot 1, Block 18, being also the intersection of the South line of Palm Avenue, a 60 foot street, with the Easterly line of Bay Shore Drive, a 50 ft. street, both as shown on the said plat of record; thence Easterly along the North line of said Lot 1, a distance of 135 feet to a point therein and the POINT OF BEGINNING; thence continue Easterly along said North line of Lot 1, a distance of 74.5 feet to the Northeast corner thereof; thence Southerly along the Easterly line of said Lot 1, a distance of 92.53 feet to the Southeast corner thereof; thence Southwesterly along the South line of said Lot 1, a distance of 69.84 feet to a point which is 5.5 feet Northeasterly, measured along said South line, from the Southwest corner of said Lot 1; thence Northwesterly in Lot 1 aforesaid, a distance of 125 feet, more or less, to the POINT OF BEGINNING.

PARCEL "B": Part of Lots 2 and 3, Block 18, Replat of part of Harbor Oaks, Bay Shore Section of Unit #2, Harbor Oaks, as recorded in Map Book 23, page 27, public records of Volusia County, Florida, more particularly described as follows:

BEGINNING at the Southwest corner of said Lot 2; thence Northeasterly along the Westerly line thereof, 75.34 feet to the Northwesterly corner thereof; thence Southwesterly in said Lots 2 and 3, 81.12 feet to a point in the Southerly line of said Lot 3, said point being 30 feet Northwesterly of the Southeast corner thereof, as measured on said Southerly line; thence Northwesterly along the Southerly line of said Lots 2 and 3, being also the Northerly line of Bay Shore Drive, a 50 foot street, 70 feet to the POINT OF BEGINNING.

Said property is not the homestead of the Grantor under the laws and Constitution of the State of Florida in that neither Grantor nor any member of the household of Grantor reside thereon.

This document was prepared at the request of the Grantee and no title search was requested or rendered.

Dated on Feb 27, 2012

[space above this line for recording]

Signed, sealed and delivered in the presence of:

Janis K. Barnes

(Type or print name beneath line)

Janis Barnes

Yolanda Rivera

YOLANDA RIVERA

(Type or print name beneath line)

Joseph A. Barnes

JOSEPH A. BARNES

(Type or print name beneath line)

Joseph A Barnes

[space below this line for acknowledgments]

STATE OF ARIZONA

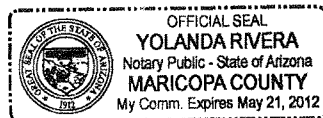
COUNTY OF Maricopa

ACKNOWLEDGMENT

The foregoing instrument was acknowledged before me on Feb 27, 2012, by
JOSEPH A. BARNES, ☐ who is personally known to me or ☒ who produced an Arizona Driver's License as
identification.

NOTARY PUBLIC:

{notarial seal}



Yolanda Rivera

YOLANDA RIVERA

(print or type name beneath signature line)

State of Arizona at Large

My commission expires: 05/21/12

My commission number is:

162.06 Enforcement procedure.—

- (1) It shall be the duty of the code inspector to initiate enforcement proceedings of the various codes; however, no member of a board shall have the power to initiate such enforcement proceedings.
- (2) Except as provided in subsections (3) and (4), if a violation of the codes is found, the code inspector shall notify the violator and give him or her a reasonable time to correct the violation. Should the violation continue beyond the time specified for correction, the code inspector shall notify an enforcement board and request a hearing. The code enforcement board, through its clerical staff, shall schedule a hearing, and written notice of such hearing shall be hand delivered or mailed as provided in s. 162.12 to said violator. At the option of the code enforcement board, notice may additionally be served by publication or posting as provided in s. 162.12. If the violation is corrected and then recurs or if the violation is not corrected by the time specified for correction by the code inspector, the case may be presented to the enforcement board even if the violation has been corrected prior to the board hearing, and the notice shall so state.
- (3) If a repeat violation is found, the code inspector shall notify the violator but is not required to give the violator a reasonable time to correct the violation. The code inspector, upon notifying the violator of a repeat violation, shall notify an enforcement board and request a hearing. The code enforcement board, through its clerical staff, shall schedule a hearing and shall provide notice pursuant to s. 162.12. The case may be presented to the enforcement board even if the repeat violation has been corrected prior to the board hearing, and the notice shall so state. If the repeat violation has been corrected, the code enforcement board retains the right to schedule a hearing to determine costs and impose the payment of reasonable enforcement fees upon the repeat violator. The repeat violator may choose to waive his or her rights to this hearing and pay said costs as determined by the code enforcement board.
- (4) If the code inspector has reason to believe a violation or the condition causing the violation presents a serious threat to the public health, safety, and welfare or if the violation is irreparable or irreversible in nature, the code inspector shall make a reasonable effort to notify the violator and may immediately notify the enforcement board and request a hearing.

[A] **107.4 Unauthorized tampering.** Signs, tags or seals posted or affixed by the *code official* shall not be mutilated, destroyed or tampered with, or removed without authorization from the *code official*.

[A] **107.5 Penalties.** Penalties for noncompliance with orders and notices shall be as set forth in Section 106.4.

[A] **107.6 Transfer of ownership.** It shall be unlawful for the *owner* of any *dwelling unit* or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such *dwelling unit* or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such *owner* or the *owner's* authorized agent shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the *code official* and shall furnish to the *code official* a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

SECTION 108 UNSAFE STRUCTURES AND EQUIPMENT

[A] **108.1 General.** When a structure or equipment is found by the *code official* to be unsafe, or when a structure is found unfit for human *occupancy*, or is found unlawful, such structure shall be *condemned* pursuant to the provisions of this code.

[A] **108.1.1 Unsafe structures.** An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the *occupants* of the structure by not providing minimum safeguards to protect or warn *occupants* in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

[A] **108.1.2 Unsafe equipment.** Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the *premises* or within the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or *occupants* of the *premises* or structure.

[A] **108.1.3 Structure unfit for human occupancy.** A structure is unfit for human *occupancy* whenever the *code official* finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is insanitary, vermin or rat infested, contains filth and contamination, or lacks *ventilation*, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the *occupants* of the structure or to the public.

[A] **108.1.4 Unlawful structure.** An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered or occupied contrary to law.

[A] **108.1.5 Dangerous structure or premises.** For the purpose of this code, any structure or *premises* that has any or all of the conditions or defects described below shall be considered dangerous:

1. Any door, aisle, passageway, stairway, exit or other means of egress that does not conform to the *approved* building or fire code of the jurisdiction as related to the requirements for existing buildings.
2. The walking surface of any aisle, passageway, stairway, exit or other means of egress is so warped, worn loose, torn or otherwise unsafe as to not provide safe and adequate means of egress.
3. Any portion of a building, structure or appurtenance that has been damaged by fire, earthquake, wind, flood, *deterioration*, *neglect*, abandonment, vandalism or by any other cause to such an extent that it is likely to partially or completely collapse, or to become *detached* or dislodged.
4. Any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof that is not of sufficient strength or stability, or is not so *anchored*, attached or fastened in place so as to be capable of resisting natural or artificial loads of one and one-half the original designed value.
5. The building or structure, or part of the building or structure, because of dilapidation, *deterioration*, decay, faulty construction, the removal or movement of some portion of the ground necessary for the support, or for any other reason, is likely to partially or completely collapse, or some portion of the foundation or underpinning of the building or structure is likely to fail or give way.
6. The building or structure, or any portion thereof, is clearly unsafe for its use and *occupancy*.
7. The building or structure is *neglected*, damaged, dilapidated, unsecured or abandoned so as to become an attractive nuisance to children who might play in the building or structure to their danger, becomes a harbor for vagrants, criminals or immoral persons, or enables persons to resort to the building or structure for committing a nuisance or an unlawful act.
8. Any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the *approved* building or fire code of the jurisdiction, or of any law or ordinance to such an extent as to present either a substantial risk of fire, building collapse or any other threat to life and safety.

9. A building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, *ventilation*, mechanical or plumbing system, or otherwise, is determined by the *code official* to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.
10. Any building or structure, because of a lack of sufficient or proper fire-resistance-rated construction, fire protection systems, electrical system, fuel connections, mechanical system, plumbing system or other cause, is determined by the *code official* to be a threat to life or health.
11. Any portion of a building remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned so as to constitute such building or portion thereof as an attractive nuisance or hazard to the public.

[A] **108.2 Closing of vacant structures.** If the structure is vacant and unfit for human habitation and *occupancy*, and is not in danger of structural collapse, the *code official* is authorized to post a placard of condemnation on the *premises* and order the structure closed up so as not to be an attractive nuisance. Upon failure of the *owner* or owner's authorized agent to close up the *premises* within the time specified in the order, the *code official* shall cause the *premises* to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and shall be collected by any other legal resource.

[A] **108.2.1 Authority to disconnect service utilities.** The *code official* shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Section 102.7 in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without approval. The *code official* shall notify the serving utility and, whenever possible, the *owner* or owner's authorized agent and *occupant* of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection the *owner*, owner's authorized agent or *occupant* of the building structure or service system shall be notified in writing as soon as practical thereafter.

[A] **108.3 Notice.** Whenever the *code official* has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the *owner*, owner's authorized agent or the person or persons responsible for the structure or equipment in accordance with Section 107.3. If the notice pertains to equipment, it shall be placed on the condemned equipment. The notice shall be in the form prescribed in Section 107.2.

[A] **108.4 Placarding.** Upon failure of the *owner*, owner's authorized agent or person responsible to comply with the notice provisions within the time given, the *code official* shall post on the *premises* or on defective equipment a placard bearing the word "Condemned" and a statement of the penalties provided for occupying the *premises*, operating the equipment or removing the placard.

[A] **108.4.1 Placard removal.** The *code official* shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated. Any person who defaces or removes a condemnation placard without the approval of the *code official* shall be subject to the penalties provided by this code.

[A] **108.5 Prohibited occupancy.** Any occupied structure condemned and placarded by the *code official* shall be vacated as ordered by the *code official*. Any person who shall occupy a placarded *premises* or shall operate placarded equipment, and any *owner*, owner's authorized agent or person responsible for the *premises* who shall let anyone occupy a placarded *premises* or operate placarded equipment shall be liable for the penalties provided by this code.

[A] **108.6 Abatement methods.** The *owner*, owner's authorized agent, *operator* or *occupant* of a building, *premises* or equipment deemed unsafe by the *code official* shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other *approved* corrective action.

[A] **108.7 Record.** The *code official* shall cause a report to be filed on an unsafe condition. The report shall state the *occupancy* of the structure and the nature of the unsafe condition.

ARTICLE II. - GARBAGE, JUNK AND UNDERGROWTH

FOOTNOTE(S):

--- (2) ---

Land development code reference—Landscaping and buffers, ch. 13.

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

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

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

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

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

- (b) *Purpose and intent.* The city recognizes the need to protect the health, safety and welfare of the citizens of the city through control and elimination of aesthetically displeasing and potentially dangerous accumulations of garbage, waste, trash, debris, junk and undergrowth. It is, therefore, the purpose and intent of this section to reduce or eliminate such conditions within reasonable limits by hereby establishing a duty and responsibility on the part of the owner of designated lots located within the city to keep such lot free and clear of garbage, waste, trash, debris, junk and undergrowth.
- (c) *Maintenance of commercial and industrial zoned lots.* The owner of every improved lot, piece and parcel of land located within a commercial or industrial zone within the city shall keep each such lot, piece or parcel of land free and clear of all fallen trees and limbs and undergrowth exceeding 12 inches in height. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than 12 inches within such natural areas. Owners of unimproved vacant parcels in such zones shall similarly maintain such portion of their property as lies within ten feet of any improved property, any sidewalk, roadway or bicycle path.
- (d) *Maintenance of improved residential lots.* The owner of an improved lot in a residential zone with lot sizes of one acre or less shall keep such lot free and clear of all fallen trees and limbs. All weeds, grass and undergrowth shall be cut to a height not exceeding ten inches. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than ten inches within such natural areas.
- (e) *Maintenance of unimproved residential lots.* The owner of an unimproved lot in a residential zone with lot sizes of one acre or less shall keep that portion of his property abutting and within ten

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

- (f) *Garbage, waste, trash, etc., prohibited.* The owner of every lot, piece and parcel of land located within the city shall keep each such lot, piece and parcel of land free and clear of garbage, waste, trash, debris and junk.
- (g) *No property maintenance permit required; other restrictions and requirements applicable.* No permit shall be required for the limited property maintenance required by this section; however, the requirements, restrictions and limitations imposed by other sections of this Code and applicable provisions of the land development code pertaining to environmental preservation, tree removal, change of grade, etc., shall be effective. In the event of any conflict between this section and any other provision of this Code or applicable provision of the land development code, the other sections of this Code or applicable provisions of the land development code shall prevail and govern.
- (h) *Abutting property owner maintenance of parkages.* It shall be the duty of every owner of real property within the city to at all times cause to be cut and moved the grass and weeds, and to cause to be cut and trimmed the flowers, vines, shrubbery, and trees not exceeding six feet in height, in a manner that protects and promotes the public health, safety and welfare and presents an aesthetically pleasing appearance in those areas of the parkage most nearly abutting their properties. Parkages abutting improved residential or commercial lots shall be maintained as provided in subsection (d) of this section for improved residential lots. Parkages abutting unimproved residential lots shall be maintained as provided in subsection (e) of this section for the maintained portion of unimproved residential lots. "Parkage" is that space between the private property lot or survey line of the property owner and the paved or graded portion of the public street adjacent thereto and includes that area between a sidewalk and street. Every property owner shall also have the duty of removing any refuse or other debris existing within the adjacent parkage, but the placement of refuse for collection in a manner and in containers specified by other provisions of this Code is not prohibited.

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

Sec. 42-27. - Same—City to clean upon failure of owner; assessment of costs, creation of lien.

- (a) If the city manager or his designee determines that any property owner has failed to comply with the provisions of section 42-26, the property owner or abutting property owner to a parkage shall be notified by first class United States mail as follows: A written notice of violation of section 42-26 shall be sent to the property owner, or property owner whose real property most closely abuts the parkage, as his name appears in the most recent real property tax rolls available to the city advising that he has ten calendar days to comply with section 42-26.
- (b) If compliance is not had, the city may then cause compliance at the expense of the property owner whose property is in violation or abutting property owner when the abutting parkage is in violation.
- (c) A lien shall be imposed on the property in violation, or abutting property in the case of a failure to maintain parkage, for the costs incurred by the city in bringing the property or parkage into

Case Cost Sheet Log

Case No. 14-2722

Name	Activity	Activity_Date	Status	Cost
Ronald Roark	Mailing Notice of Violation/Notice of Hearing to 5404 Wood Street, Port Orange, FL 32127	06/09/2014	Certified Mail returned to City Clerk's Office on June 16, 2015 marked "undeliverable as addressed".	\$6.69
Barbara J. Roark	Mailing Notice of Violation/Notice of Hearing to 5404 Wood Street, Port Orange, FL 32127	06/09/2014	Certified Mail returned to City Clerk's Office on June 16, 2015 marked "undeliverable as addressed".	\$6.69
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	07/10/2014	BK: 7010 PG: 3021	\$27.00
Ronald Roark	Mailing Finding of Fact/Conclusion of Law & Order to 5404 Wood Street, Port Orange, FL 32127	07/10/2014		\$6.96
Barbara J. Roark	Mailing Finding of Fact/Conclusion of Law & Order to 5404 Wood Street, Port Orange, FL 32127	07/10/2014		\$6.96
Ronald Roark	Mailing "Re-notice for Order Imposing Fine/Lien" to 5404 Wood Street, Port Orange, FL 32127	03/12/2015	Certified Mail returned to City Clerk's Office marked "No Such Number".	\$6.48
Barbara J. Roark	Mailing "Re-notice for Order Imposing Fine/Lien" to 5404 Wood Street, Port Orange, FL 32127	03/12/2015	Certified Mail returned to City Clerk's Office marked "No Such Number".	\$6.48
Ronald Roark	Mailing Order Imposing Fine/Lien w/ Affidavit of Non-Compliance to 5404 Wood Street, Port Orange, FL 32127	04/22/2015		\$0.69
Barbara J. Roark	Mailing Order Imposing Fine/Lien w/ Affidavit of Non-Compliance to 5404 Wood Street, Port Orange, FL 32127	04/22/2015		\$0.69
Clerk of Court	Recording Fee - Order Imposing Fine/Lien w/ Affidavit of Non-Compliance	04/22/2015		\$44.00

Total: \$112.64



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 14-2722

To: Ronald B. Sr. & Barbara J. Roark

5404 Wood St

Port Orange, FL 32127

Re: 5404 Wood St

Port Orange, FL 32127

Parcel ID: 6315-07-20-0060

LEGAL DESCRIPTION: LOT 6 BLK 20 COMMONWEALTH MOBILE ESTS 2ND ADD MB 31 PGS 104 TO 106 INC PER OR
4253 PG 3928

Volusia County Public Records

Volusia County, FL

An inspection of the premises on **January 3, 2014** indicates that certain violation(s) of the City of Port Orange Code exists. Briefly stated, the property is in violation of the following:

- 1) Chapter 42, Article II, Section 42-26 (d) of the City of Port Orange Code of Ordinances.
- 2) Chapter 42, Article II, Section 42-32 of the City of Port Orange Code of Ordinances.

On January 3, 2014 I observed that the lawn was very overgrown and in need of mowing. I also observed a large storage container on the side of the home and various stored items in the driveway and in front of the home. I was notified by a neighbor that the home was abandoned. I researched ownership on several occasions to try and find or contact the owner without success. There were re-inspections conducted on February 3, 2014 and June 2, 2014 with the results being non-compliance.

Attachments: ☒ Copy of code

☒ Copy of Deed

☒ Copy of Tax Roll

This correspondence will serve as official notification that the above stated violation(s) must be corrected by **June 25, 2014**.

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 July 9, 2014**,

at 9:00 a.m., or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

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

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$ 13.38 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 July 9, 2014 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 August 13, 2014, 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) 506-4111.

DATED this 3rd day of JUNE, 2014.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: J. Scott Allman
J. SCOTT ALLMAN

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Ronald B. Sr. & Barbara J. Roark at 5404 Wood St, Port Orange, FL 32127, was

☐ Hand-delivered

☒ Posted at the property

this 4th day of JUNE, 2014.

Time: 10:58 AM

J. Scott Allman
J. SCOTT ALLMAN

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Ronald B. Sr. & Barbara J. Roark at 5404 Wood St, Port Orange, FL 32127, was

☒ Posted at City Hall

☒ Sent via certified

this 9th day of JUNE, 2014.

Theresa Stuenkel
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.



The Volusia County Property Appraiser makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The values shown in the Total Values section at the end of the Property Record Card are "Working Tax Roll" values, as our valuations proceed during the year. These Working Values are subject to change until the Notice of Proposed Taxes (TRIM) are mailed in mid-August. For Official Tax Roll Values, see the History of Values section within the property record card below.

Last Updated: 04-29-2014 Today's Date: 5-5-2014		Volusia County Property Appraiser's Office Property Record Card (PRC) <u>Morgan B. Gilreath Jr., M.A., A.S.A., C.F.A.</u> Property Appraiser			
Full Parcel ID Short Parcel ID		15-16-33-07-20-0060 6315-07-20-0060		Mill Group 402 Port Orange	
Alternate Key		3637585		2013 Final Millage Rate 21.48270	
Parcel Status		Active Parcel		PC Code 02	
Date Created		31 DEC 1981			
Owner Name		ROARK RONALD B SR & BARBARA J			GO TO ADD'L OWNERS
Owner Name/Address 1					
Owner Address 2		5404 WOOD ST			
Owner Address 3		PORT ORANGE FL			
Owner Zip Code		32127			
Location Address		5404 WOOD ST PORT ORANGE 32127			

LEGAL DESCRIPTION

LOT 6 BLK 20 COMMONWEALTH MOBILE ESTS 2ND ADD MB 31 PGS 104

TO 106 INC PER OR 4253 PG 3928

SALES HISTORY

#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	4253	3928	11/1997	Warranty Deed	Qualified Sale	Yes	40,000
2	4163	2417	12/1996	Personal Representative	Unqualified Sale	Yes	10
3	1590	0232	5/1973	Warranty Deed	Qualified Sale	No	6,000

HISTORY OF VALUES

[GO TO ADD'L HISTORY](#)

YEAR	LAND	BLDG (S)	MISC	JUST	ASD	SCH ASD	NS ASD	EXEMPT	TXBL	SCH TXBL	ADD'L EX	NS TXBL
2013	15,529	14,774	0	30,303	30,303	30,303	30,303	0	30,303	30,303	0	30,303
2012	15,529	14,381	0	29,910	29,910	29,910	29,910	25,000	4,910	4,910	0	4,910

LAND DATA

CODE	TYPE OF LAND USE	FRONTAGE	DEPTH	# OF UNITS	UNIT TYPE	RATE	DPH	LOC	SHP	PHY	JUST VAL
------	------------------	----------	-------	------------	-----------	------	-----	-----	-----	-----	----------

This Instrument Prepared by: Debbie Price
An Officer of Associated Land Title Group, Inc. (357),
632 Dunlawton, Suite C, Port Orange, FL 32127,
For Purposes of Title Ins.
File # 357-2616
Parcel ID # 6315-07-20-0060

11/19/1997 14:17
Doc stamps 280.00
(Transfer Amt \$ 40000)
Instrument # 97195140
Book: 4253
Page: 3928

Warranty Deed

(The terms "grantor" and "grantee" herein shall be construed to include all genders and singular or plural as the context indicates.)

Made November 14, 1997, BETWEEN

Robert R. Weed, joined by his spouse Lyola B. Weed,
whose post office address is 2278 Checker Tavern Road, Appleton, NY 14008 of the County of
~~NIAGARA~~ State of NY, grantor, and

Ronald B. Roark, Sr. and Barbara J. Roark, husband and wife (SS#: [REDACTED]
whose post office address is 12045 Cinnamon Street, Loveland, Ohio [REDACTED] of the County
of [REDACTED], State of Ohio, grantee,

WITNESSETH: That the said grantor, for and in consideration of the sum of Ten (\$10.00) 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, successors and assigns forever, the following described land, situate, lying and being in Volusia County, Florida to-wit:

Lot 6, Block 20, COMMONWEALTH MOBILE ESTATES, SECOND ADDITION,
as per map recorded in Map Book 31, Page 106, of the Public
Records of Volusia County, Florida.

TOGETHER WITH 1979 NOBILITY MOBILE HOME ID# N21573A AND #N21573B

Subject to easements and restrictions of record, if any, which are specifically not extended or reimposed hereby. Subject to 1997 taxes and assessments.

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.

Book: 4253
Page: 3929
Diane M. Matousek
Volusia County, Clerk of Court

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

Signed, sealed and delivered in the presence of:

Jessica E. Dold
WITNESS SIGNATURE (1st Witness)

JESSICA E. DOLD
WITNESS PRINTED NAME

Gail T. Timkey
WITNESS SIGNATURE (2nd Witness)

GAIL T. TIMKEY
WITNESS PRINTED NAME

Robert R. Weed
Robert R. Weed

Lyola B. Weed
Lyola B. Weed

STATE OF New York

COUNTY OF Niagara

I HEREBY CERTIFY, that on November 14th, 1997, before me personally appeared Robert R. Weed joined by his spouse Lyola B. Weed, who is personally known to me or has produced the identification identified below, who is the persons described in and who executed the foregoing instrument, and who after being duly sworn says that they execution hereof is their free act and deed for the uses and purposes herein mentioned.

SWORN TO AND SUBSCRIBED before me the undersigned Notary Public by my hand and official seal, the day and year last aforesaid.

() To me personally known (X) Identified by Driver's License () Identified by _____

My Commission Expires: 3/10/99

Commission No.: _____

Margot E. Randolph
Notary Public

Margot E. Randolph
PLEASE PRINT OR TYPE NAME AS IT APPEARS

MARGOT E. RANDOLPH
Notary Public, State of New York
Qualified in Niagara County
Registration No. 01RA5074150
My Commission Expires on 3/10/99

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

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

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

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

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

- (b) *Purpose and intent.* The city recognizes the need to protect the health, safety and welfare of the citizens of the city through control and elimination of aesthetically displeasing and potentially dangerous accumulations of garbage, waste, trash, debris, junk and undergrowth. It is, therefore, the purpose and intent of this section to reduce or eliminate such conditions within reasonable limits by hereby establishing a duty and responsibility on the part of the owner of designated lots located within the city to keep such lot free and clear of garbage, waste, trash, debris, junk and undergrowth.
- (c) *Maintenance of commercial and industrial zoned lots.* The owner of every improved lot, piece and parcel of land located within a commercial or industrial zone within the city shall keep each such lot, piece or parcel of land free and clear of all fallen trees and limbs and undergrowth exceeding 12 inches in height. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than 12 inches within such natural areas. Owners of unimproved vacant parcels in such zones shall similarly maintain such portion of their property as lies within ten feet of any improved property, any sidewalk, roadway or bicycle path.
- (d) *Maintenance of improved residential lots.* The owner of an improved lot in a residential zone with lot sizes of one acre or less shall keep such lot free and clear of all fallen trees and limbs. All weeds, grass and undergrowth shall be cut to a height not exceeding ten inches. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than ten inches within such natural areas.
- (e) *Maintenance of unimproved residential lots.* The owner of an unimproved lot in a residential zone with lot sizes of one acre or less shall keep that portion of his property abutting and within ten feet of any improved lot, sidewalk, street or bicycle path free and clear of all fallen trees and limbs, and all weeds, grass and undergrowth therein shall be cut to a height not exceeding 12 inches within such area.
- (f) *Garbage, waste, trash, etc., prohibited.* The owner of every lot, piece and parcel of land located within the city shall keep each such lot, piece and parcel of land free and clear of garbage, waste, trash, debris and junk.
- (g) *No property maintenance permit required; other restrictions and requirements applicable.* No permit shall be required for the limited property maintenance required by this section; however, the requirements, restrictions and limitations imposed by other sections of this Code and applicable provisions of the land development code pertaining to environmental

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

- (h) *Abutting property owner maintenance of parkages.* It shall be the duty of every owner of real property within the city to at all times cause to be cut and moved the grass and weeds, and to cause to be cut and trimmed the flowers, vines, shrubbery, and trees not exceeding six feet in height, in a manner that protects and promotes the public health, safety and welfare and presents an aesthetically pleasing appearance in those areas of the parkage most nearly abutting their properties. Parkages abutting improved residential or commercial lots shall be maintained as provided in subsection (d) of this section for improved residential lots. Parkages abutting unimproved residential lots shall be maintained as provided in subsection (e) of this section for the maintained portion of unimproved residential lots. "Parkage" is that space between the private property lot or survey line of the property owner and the paved or graded portion of the public street adjacent thereto and includes that area between a sidewalk and street. Every property owner shall also have the duty of removing any refuse or other debris existing within the adjacent parkage, but the placement of refuse for collection in a manner and in containers specified by other provisions of this Code is not prohibited.

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

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)

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

Vs

C.E. 14-2722

**Ronald B. Sr. & Barbara J. Roark
5404 Wood St
Port Orange, FL 32127
6315-07-20-0060**

Respondents,

**AFFIDAVIT OF POSTING
NOTICE OF VIOLATION AND NOTICE OF HEARING**

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

BEFORE ME, the undersigned authority, personally appeared J. Scott Allman, Code Compliance Inspector, City of Port Orange, who after being duly sworn, deposes and says:

1. Those statements sets forth herein are based upon personal knowledge.
2. That he is a resident of the State of Florida, over twenty-one years of age, and not a party to this cause.
3. That he posted a Notice of Violation and Notice of Hearing on property owned by: Ronald B. Sr. & Barbara J. Roark, by posting the Notice of Violation and Notice of Hearing at 5404 Wood St, Port Orange, FL 32127 at 10:58 AM on the 4th day of June, 2014.
4. That is 5404 Wood St, Port Orange, FL 32127 is owned by Ronald B. Sr. & Barbara J. Roark.
5. That 5404 Wood St, Port Orange, FL 32127 is the location where the code violation is or was occurring.

6. That the above described Notice of Violation and Notice of hearing was posted at the Port Orange City Hall, 1000 City Center Circle, Port Orange FL. 32129, from June 9, 2014 through June 19, 2014.

FURTHER AFFIANT SAYETH NOT.

DATED this 9th day of JUNE, 2014.

J. Scott Allman
J. Scott Allman
Code Compliance Inspector
City of Port Orange, Florida

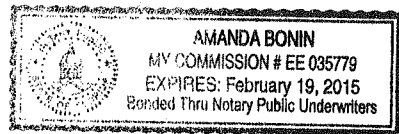
**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was acknowledged before me

on this 9th day of June, 2014.

By J. Scott Allman, who is personally known to me.

Amanda Bonin
Notary Public, State of Florida At Large



Commission No. _____

AFTER FIVE DAYS RETURN TO

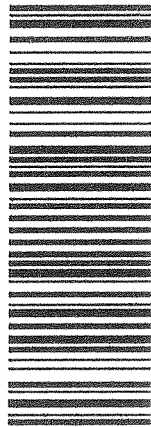
CITY OF PORT ORANGE

1000 CITY CENTER CIRCLE
PORT ORANGE, FL 32129

Case No. 14-2722 SM 7/9/14

Mailing:
Notice of Hearing/Notice of Violation
June 9, 2014
TG

CERTIFIED MAIL™



7013 2250 0002 1742 1056
7013 2250 0002 1742 1056

Hasler

06/09/2014

US POSTAGE

\$06.69



ZIP 32129

011D11644012

U.S. Postal Service™

CERTIFIED MAIL™ RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

City of Port Orange

Postage	\$.69
Certified Fee	3.30
Return Receipt Fee (Endorsement Required)	2.70
Restricted Delivery Fee (Endorsement Required)	—
Total Postage & F	6.69

Postmark
Here

Sent To

Street, Apt. No.,
or PO Box No.

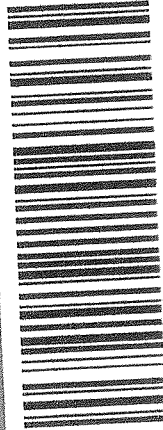
City, State, ZIP+4

PS Form 3800, A

Ronald D. Roark Sr.
5404 Wood Street
Port Orange, FL 32127
Case No. 14-2722 SM 7/9/14

Hasler
06/09/2014
US POSTAGE
\$06.69
ZIP 32129
011D11644012

CERTIFIED MAIL™



7013 2250 0002 1742 1049
7013 2250 0002 1742 1049

AFTER FIVE DAYS RETURN TO
CITY OF PORT ORANGE
1000 CITY CENTER CIRCLE
PORT ORANGE, FL 32129

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

CHIT Put Orange

Postage	\$.69
Certified Fee	3.30
Return Receipt Fee (Endorsement Required)	2.70
Restricted Delivery Fee (Endorsement Required)	6.69

Postmark
Here

Total P.

Sent To
Street, Ap.
or PO Box
City, State
PS Form

Barbara J. Roark
5404 Wood Street
Port Orange, FL 32127
Case No. 14-2722 SM 7/9/14

Case No. 14-2722 SM 7/9/14

Mailing:
Notice of Hearing/Notice of Violation
June 9, 2014
TG

**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 14-2654**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

Peter J. Renko
150 Howes Street
Port Orange, FL 32127
6310 [REDACTED]

Respondent.

_____ /

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

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on March 11, 2015, after due notice to the Respondent(s), and the Special Magistrate having heard testimony under oath, received evidence and heard argument from Staff thereupon issues its Findings of Fact, Conclusions of Law, and Order, as follows:

FINDINGS OF FACT:

A. Respondent(s), Peter J. Renko, whose mailing address is 150 Howes Street, Port Orange, FL 32127, is/are the owner(s) of the property located at 150 Howes Street, Port Orange, FL 32127, and more particularly described as:

LOTS 12 13 & 14 BLK 44 ALLANDALE PER OR 3705 PG 4975

B. There has been no change of grade permit applied for. A permit must be applied for, issued, and all dirt will have to be properly leveled. This condition was first observed at the real property described above on December 15, 2015; re-inspections made on March 9, 2015 confirmed the condition as being the same. Respondent(s), Peter J. Renko, received notice via hand delivery on February 20, 2015 at 12:25 p.m. to Peter J. Renko on February 23, 2015. The aforesaid conditions constituted a violation of Chapter 10, Article I, Section 2 (Change of grade) of the City of Port Orange Land Development Code, and was to be corrected by March 9, 2015.

C. At the time of the hearing on March 11, 2015, the violations cited above: ☒ continue to exist, or ☐ remained noncompliant until _____ [Date].

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

CONCLUSION OF LAW:

Respondent(s), Peter J. Renko, by reason of the foregoing, has/have violated Chapter 10, Article I, Section 2 (Change of grade) of the City of Port Orange Land Development Code, in that the Respondent(s) failed, on or before the date set in the notice of violation, to remedy the conditions of applying for a change of grade permit, is therefore subject to the provisions of the City of Port Orange Municipal Code 2.207.

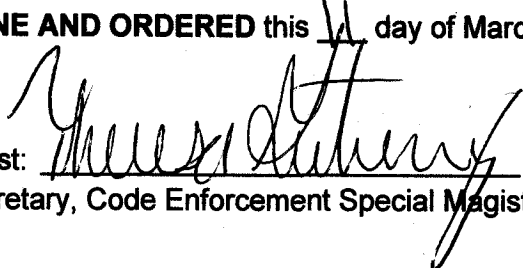
ORDER:

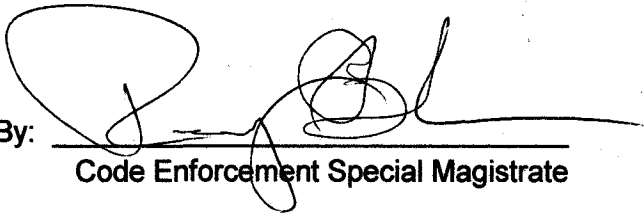
A. Respondent(s) shall correct the aforesaid violation by obtaining a change of grade permit or remove all fill dirt that has been placed on the property on or before March 31, 2015. In the event that the property is not brought into compliance on or before March 31, 2015, and/or not maintained in a state of compliance, a daily fine of \$50.00 per day will be assessed for each day the property is in violation past March 31, 2015. If paragraph D. above is checked and the Respondent(s) has/have not abated the condition by March 31, 2015, then notice of the violation will be given to the City Council. The City Council may repair the condition and charge the Respondent(s) with the reasonable costs of the repairs. Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the Special Magistrate may impose additional fines to cover all costs incurred by the City in enforcing its codes and all costs or repairs pursuant to sub section (a)." The cost to date is \$33.96 as indicated on the cost sheet submitted into evidence. The Respondent(s) will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion. Any future violations under this ordinance shall be considered repeat violations.

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

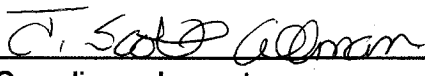
C. A certified copy of this Order may be recorded in the public records of Volusia County, Florida, and shall thereafter constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property. The findings in this Order shall be binding upon Respondent(s) and if the violation concerns real property, any subsequent purchasers, successors in interest, or assigns pursuant to the City of Port Orange Municipal Code 2.207. Failure to comply with this Order shall result in the issuance of an Order Imposing Fine and Lien. The Order Imposing Fine and Lien shall not constitute a lien until a certified copy of said Order is recorded pursuant to Section 162.09(3), Florida Statutes.

DONE AND ORDERED this 11 day of March, 2015.

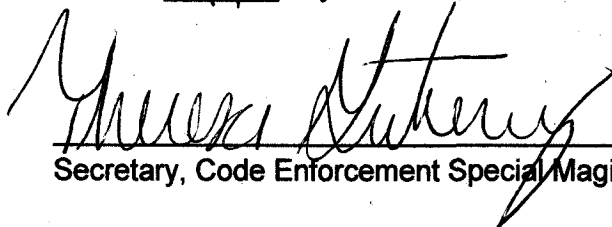
Attest: 
Secretary, Code Enforcement Special Magistrate

By: 
Code Enforcement Special Magistrate

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


Code Compliance Inspector

I HEREBY CERTIFY that a true and correct copy of the foregoing Findings of Fact, Conclusion of Law, and Order have been furnished to Respondent(s), Peter J. Renko, 150 Howes Street, Port Orange, FL 32127 by Certified and Regular Mail this 11 day of March, 2015.


Secretary, Code Enforcement Special Magistrate

Case Cost Sheet Log

Case No. 14-2624

Name	Activity	Activity_Date	Status	Cost
Juan F. Galarza	Mailing Notice of Violation/Notice of Hearing to 118 Carlton Place, Port Orange, FL 32127	01/22/2015	Certified Mail returned to City Clerk's Office on January 26, 2015 marked "not deliverable as addressed - return to sender".	\$6.69
Mary L. Galarza	Mailing Notice of Violation/Notice of Hearing to 118 Carlton Place, Port Orange, FL 32127	01/22/2015	Certified Mail returned to City Clerk's Office on January 26, 2015 marked "not deliverable as addressed - return to sender".	\$6.69
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	03/11/2015	BK: 7093 PG: 3805	\$27.00
Juan F. Galarza	Mailing Finding of Fact/Conclusion of Law & Order to 118 Carlton Place, Port Orange, FL 32127	03/11/2015	Certified Mail returned to City Clerk's Office on March 15, 2015 marked "unclaimed/unable to forward".	\$6.96
Mary L. Galarza	Mailing Finding of Fact/Conclusion of Law & Order to 118 Carlton Place, Port Orange, FL 32127	03/11/2015	Certified Mail returned to City Clerk's Office on March 15, 2015 marked "unclaimed/unable to forward".	\$6.96
Juan F. Galarza	Mailing Order Imposing Fine/Lien to 118 Carlton Place, Port Orange, FL 32127	04/22/2015		\$0.48
Mary L. Galarza	Mailing Order Imposing Fine/Lien to 118 Carlton Place, Port Orange, FL 32127	04/22/2015		\$0.48
Clerk of Court	Recording Fee - Order Imposing Fine/Lien	04/22/2015		\$18.50

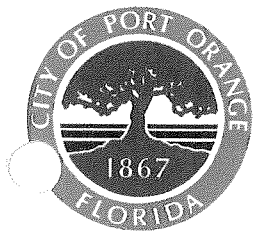
Total: \$73.76

Case Cost Sheet Log

Case No. 15-89

Name	Activity	Activity_Date	Status	Cost
James E. Redmond	Mailing Notice of Hearing/Notice of Violation to 5400 Turton Lane, Port Orange, FL 32127	02/10/2015	Certified Mail returned to City Clerk's Office on March 1, 2015 marked "Unclaimed/Unable to Forward"	\$6.69
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	03/11/2015	BK: 7093 PG: 3808	\$27.00
James E. Redmond	Mailing Finding of Fact/Conclusion of Law & Order to 5400 Turton Lane, Port Orange, FL 32127	03/11/2015	Attempted to deliver item at 2:28 pm on March 14, 2015 in PORT ORANGE, FL 32127 and a notice was left because an authorized recipient was not available.	\$6.96
James E. Redmond	Mailing Order Imposing Fine/Lien to 5400 Turton Lane, Port Orange, FL 32127	04/22/2015		\$0.48
Clerk of Court	Recording Fee - Order Imposing Fine/Lien	04/22/2015		\$0.48

Total: \$41.61



NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-89

To: James E. Redmond
5400 Turton Lane
Port Orange, FL 32127

Re: 5400 Turton Lane
Port Orange, FL 32127
Parcel ID: 6314-01-07-0080

LEGAL DESCRIPTION: 14 16 33 S 15 FT OF LOT 7 & LOT 8 & N 10 FT OF LOT 9 BLK 7 HARBOR POINT PER OR 4496 PG 1933

Volusia County Public Records
Volusia County, FL

An inspection of the premises on **January 27, 2015**, indicates that certain violation(s) of the City of Port Orange Code exists. Briefly stated, the property is in violation of the following:

Chapter 42, 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.

On January 27, 2015, I observed a repeat violation of the above referenced code. The original case #14-112 was heard on February 26, 2014 by the City of Port Orange Special Magistrate and was found in violation. See attached recorded finding of Fact, Conclusion of Law and Order. I notified Mr. Redmond that the property was now in repeat violation status. I also notified him that the repeat violation needs to be corrected or a notice of hearing would be issued and the case would be presented to the Special Magistrate. To correct the repeat violation, the property needs to be mowed and all high weeds and vines need to be trimmed.

Attachments:

☒ Copy of code

☒ Copy of Deed

☒ Copy of Tax Roll

This correspondence will serve as official notification that the above stated repeat violation must be corrected immediately.

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 March 11, 2015, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

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

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$ 6.69 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 **March 11, 2015**, 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 **April 22, 2015, 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 Officer at (386) 506-5641.

DATED this 5th day of February, 2015.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: J. Scott Allman
J. SCOTT ALLMAN, Code Enforcement Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to **James E. Redmond, 5400 Turton Lane, Port Orange, FL 32127**, was

☐ Hand-delivered

☒ Posted at the property

Time: 12:10 p.m.

this 5th day of February, 2015.

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

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to **James E. Redmond, 5400 Turton Lane, Port Orange, FL 32127**, was

☒ Posted at City Hall
☒ Sent via certified

this 10th day of February, 2015.

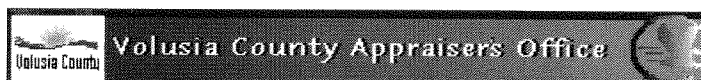

THERESA GUTIERREZ, Secretary to Special Magistrate

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.



The Volusia County Property Appraiser makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The values shown in the Total Values section at the end of the Property Record Card are "Working Tax Roll" values, as our valuations proceed during the year. These Working Values are subject to change until the Notice of Proposed Taxes (TRIM) are mailed in mid-August. For Official Tax Roll Values, see the History of Values section within the property record card below.

Last Updated: 01-27-2015 Today's Date: 1-30-2015		Volusia County Property Appraiser's Office Property Record Card (PRC) Morgan B. Gilreath Jr., M.A., A.S.A., C.F.A. Property Appraiser			
Full Parcel ID	14-16-33-01-07-0080	Mill Group	402 Port Orange		
Short Parcel ID	6314-01-07-0080				
Alternate Key	3629159	2014 Final Millage Rate	21.15960		
Parcel Status	Active Parcel	PC Code	01		
Date Created	31 DEC 1981				
Owner Name	REDMOND JAMES E		GO TO ADD'L OWNERS		
Owner Name/Address 1					
Owner Address 2	5400 TURTON LANE				
Owner Address 3	PORT ORANGE FL				
Owner Zip Code	32127				
Owner Percentage	100	Ownership Type			
Location Address	5400 TURTON LN PORT ORANGE 32127				

LEGAL DESCRIPTION
14 16 33 S 15 FT OF LOT 7 & LOT 8 & N 10 FT OF LOT 9 BLK 7
HARBOR POINT PER OR 4496 PG 1933

SALES HISTORY						GO TO ADD'L SALES	
#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	4496	1933	11/1999	Warranty Deed	Qualified Sale	Yes	68,500
2	4433	4840	5/1999	Warranty Deed	Institutional/bank	Yes	45,000
3	4378	3711	12/1998	Certificate of Title	Institutional/bank	Yes	100

HISTORY OF VALUES									GO TO ADD'L HISTORY				
YEAR	LAND	BLDG (S)	MISC	JUST	ASD	SCH ASD	NS ASD	EXEMPT	TXBL	SCH TXBL	ADD'L EX	NS TXBL	
2014	19,813	53,751	7,377	80,941	76,446	76,446	76,446	25,000	51,446	51,446	25,000	26,446	
2013	21,026	54,722	7,379	83,127	75,316	75,316	75,316	25,000	50,316	50,316	25,000	25,316	

LAND DATA												
CODE	TYPE OF LAND USE	FRONTAGE	DEPTH	# OF UNITS	UNIT TYPE	RATE	DPH	LOC	SHP	PHY	JUST VAL	

Parcel ID Number: [REDACTED]

Grantee #1 TIN: [REDACTED]

Warranty Deed

This Indenture, Made this 16th day of November, 1999 A.D., Between Judith L. Raske, a single woman, and William J. Pearson, a single man,

of the County of Volusia, State of Florida, grantors, and James E. Redmond,

whose address is: 5400 Turton Lane, Port Orange, Florida, 32127

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

Witnesseth that the GRANTORS, for and in consideration of the sum of TEN & NO/100 (\$10.00) DOLLARS, and other good and valuable consideration to GRANTORS in hand paid by GRANTEE, the receipt whereof is hereby acknowledged, have granted, bargained and sold to the said GRANTEE and GRANTEE'S heirs and assigns forever, the following described land, situate, lying and being in the County of Volusia State of Florida to wit:

The southerly 15 feet of Lot 7, all of Lot 8, and the ^{NORTHERLY} ~~North~~ 10 feet of Lot 9, Block 7, Harbor Point Subdivision, as per map or plat thereof as recorded in Map Book 11, page 91, Public Records of Volusia County, Florida.

Subject to restrictions, reservations and easements of record, if any, which are not reimposed hereby, and taxes subsequent to December 31st, 1999.

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

In Witness Whereof, the grantors have hereunto set their hands and seals the day and year first above written. Signed, sealed and delivered in our presence:

[Signature]
Printed Name: Roger K. T. Kony
Witness as to Both

[Signature]
Printed Name: Janet C. Benton
Witness as to Both

[Signature] (Seal)
Judith L. Raske

P.O. Address 6148 Half Moon Drive, Port Orange, FL 32127

[Signature] (Seal)
William J. Pearson
P.O. Address 6148 Half Moon Drive, Port Orange, FL 32127

STATE OF Florida
COUNTY OF Volusia

The foregoing instrument was acknowledged before me this 16th day of November, 1999 by Judith L. Raske, a single woman, and William J. Pearson, a single man,

ch 42-Nuisances

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.

**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 14-112**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

V.

James E Redmond
5400 Turton Lane
Port Orange, FL 32127
6314 [REDACTED]

Respondent.

FINDING OF FACT, CONCLUSION OF LAW AND ORDER

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on February 26, 2014, after due notice to the Respondent, and the Special Magistrate having heard testimony under oath, received evidence and heard argument from Staff thereupon issues its Findings of Fact, Conclusions of Law, and Order, as follows:

FINDINGS OF FACT:

A. Respondent, James E Redmond, whose mailing address is 5400 Turton Lane, Port Orange, FL 32127, is the owner of the property located at 5400 Turton Lane, Port Orange, FL 32127, and more particularly described as:

14 16 33 S 15 FT OF LOT 7 & LOT 8 & N 10 FT OF LOT 9 BLK 7
HARBOR POINT PER OR 4496 PG 1933

B. The entire property needs to be mowed and maintained at a height not to exceed 10 inches. All garbage, waste, debris etc., shall be removed. The fence needs to be repaired and in its original upright condition. The pool needs to be maintained and kept in a clear and sanitary condition. There must be a safety barrier around the pool at all times. All vehicles must be properly parked, registered and licensed/covered with an approved car cover. This condition was first observed at the real property described above on January 13, 2014; re-inspections made on February 7, 2014 confirmed the condition as being the same. The most recent inspection was on February 18, 2014 resulting in non-compliance. Respondent, James E Redmond, received notice via certified mail, posted on the property and City Hall on January 23, 2014, that the aforesaid conditions constituted a violation of Chapter 42 (Nuisances) of the City of Port Orange Code of Ordinances, Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of Property Generally-Duty of Owner), (d). 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), (f). Chapter 42 (Nuisances) of the City of Port Orange Code of Ordinances, Article II (Garbage, Junk and Undergrowth), Section 42-32 (Storage of vehicles, furniture, etc.). Chapter 70 of the City of Port Orange Code of Ordinances, Article II (Stopping, Standing, and Parking), Section 70-36, Stopping, standing or parking prohibited in specified places (k) (1) (2) & (3). Chapter 16 Miscellaneous Regulations of the Land Development Code, Section 3 Fences and Walls, 4

(a) (b) (c) and (d) Design and Maintenance. Chapter 3 (General Requirements), Section 303 (Swimming Pools, Spas, and Hot Tubs), 303.1 (Swimming Pools) of the 2009 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, Spas, and Hot Tubs), 303.2 (Enclosures) of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances, and was to be corrected by February 7, 2014.

C. At the time of the hearing on February 26, 2014, the violations cited above continue to exist.

CONCLUSION OF LAW:

Respondent, James E Redmond, by reason of the foregoing, has violated the 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). 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), (f). Chapter 42 (Nuisances) of the City of Port Orange Code of Ordinances, Article II (Garbage, Junk and Undergrowth), Section 42-32 (Storage of vehicles, furniture, etc.). Chapter 70 of the City of Port Orange Code of Ordinances, Article II (Stopping, Standing, and Parking), Section 70-36, Stopping, standing or parking prohibited in specified places (k) (1) (2) & (3). Chapter 16 Miscellaneous Regulations of the Land Development Code, Section 3 Fences and Walls, 4 (a) (b) (c) and (d) Design and Maintenance. Chapter 3 (General Requirements), Section 303 (Swimming Pools, Spas, and Hot Tubs), 303.1 (Swimming Pools) of the 2009 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, Spas, and Hot Tubs), 303.2 (Enclosures) of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances, in that the respondent failed, on or before the date set in the notice of violation, to remedy the conditions of the entire property in need to be mowed and maintained at a height not to exceed 10 inches. All garbage, waste, debris etc., shall be removed. The fence needs to be repaired and in its original upright condition. The pool needs to be maintained and kept in a clear and sanitary condition. There must be a safety barrier around the pool at all times. All vehicles must be properly parked, registered and licensed/covered with an approved car cover, is therefore subject to the provisions of the City of Port Orange Municipal Code 2.207.

ORDER:

A. Respondent shall correct the aforesaid violation by mowing and weed eating the entire property, repairing the fence to its original and upright condition, removing the inoperable car in the front yard or must be properly parked, registered and licensed/covered with an approved car cover. The pool needs to be maintained in a clean and sanitary condition, the pool enclosure must be maintained in its original condition and any garbage, trash, debris, and outside storage needs to be removed from the property on or before March 10, 2014. In the event that the property is not brought into compliance on or before March 10, 2014, a fine of \$100 per day will be assessed for each day the property is in violation beyond March 10, 2014. Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the code enforcement board may impose additional fines to cover all costs incurred by the city in enforcing its codes and all costs or repairs pursuant to sub section (a)." The cost to date is \$39.88 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion. Any future violations under this ordinance shall be considered repeat violations.

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

A certified copy of this Order may be recorded in the public records of Volusia County, Florida, and shall thereafter constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property. The findings in this Order shall be binding upon Respondent and if the violation concerns real property, any subsequent purchasers, successors in interest, or assigns pursuant to the City of Port Orange Municipal Code 2.207.

DONE AND ORDERED this 26 day of February, 2014.

Attest: *Theresa Gutierrez*
Secretary, Code Enforcement Special Magistrate

By: *[Signature]*
Code Enforcement Special Magistrate

Instrument# 2014-041031 # 3
Book: 6966
Page: 17
Diane M. Matousek
Volusia County, Clerk of Court

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

[Signature]
Code Compliance Inspector

I HEREBY CERTIFY that a true and correct copy of the foregoing Findings of Fact, Conclusion of Law, and Order have been furnished to Respondent James E Redmond, 5400 Turton Lane, Port Orange, FL 32127 by Certified and Regular Mail this 6 day of March, 2014.

Theresa Gutierrez
Secretary, Code Enforcement Special Magistrate

U.S. DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D.C. 20535
COMMUNICATIONS SECTION
FEB 27 2014



CITY OF PORT ORANGE, FLORIDA
I HEREBY CERTIFY the foregoing is a true copy
of the original filed in this office.
This document has not been redacted pursuant to Florida Law.
This 15 day of March, 2014.
By: *[Signature]*

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

Vs.

CASE NO: 15-89

James E. Redmond,

Respondent.

Property Address: 5400 Turton Ln
Port Orange, FL 32127
Parcel ID: 6314-01-07-0080

AFFIDAVIT OF PROPERTY POSTING
NOTICE OF VIOLATION AND
NOTICE FOR HEARING

STATE OF FLORIDA
COUNTY OF VOLUSIA

BEFORE ME, the undersigned authority, personally appeared. J. Scott Allman, Code Compliance Inspector, City of Port Orange, Florida, who after being duly sworn, deposes and says:

1. That the statements set forth herein are based upon personal knowledge.
2. That I am a resident of the State of Florida, over twenty-one years of age, and not a party to this action.
3. That, according to the records of the Volusia County Property Appraisers Office, the property located at 5400 Turton Ln, Port Orange, Florida 32127, is owned by James E. Redmond.
4. That 5400 Turton Ln, Port Orange, Florida 32127 is the location where the alleged code violation is or was occurring.
5. That I posted a Notice of Violation and Request for Hearing on the property at 5400

Turton Ln, Port Orange, Florida 32127, at 12:10 p.m. on the 5th day of February, 2015, as required by Florida Statute Section 162.12(2)(b)(1). A copy of the Notice and Request is attached hereto and made a part hereof.

FURTHER AFFIANT SAYETH NOT.

DATED this 5th, day of February, 2015.

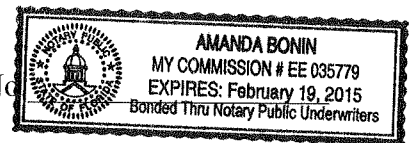
J. Scott Allman
J. SCOTT ALLMAN
Code Compliance Inspector

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was sworn to before me on the 5th day of
February, 2015, by J. Scott Allman, who is
personally known to me.

Amanda Bonin
Notary Public, State of Florida

Commission No



**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 15-89**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

James E. Redmond
5400 Turton Lane
Port Orange, FL 32127
6314 [REDACTED]

Respondent.

_____ /

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

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on March 11, 2015, after due notice to the Respondent(s), and the Special Magistrate having heard testimony under oath, received evidence and heard argument from Staff thereupon issues its Findings of Fact, Conclusions of Law, and Order, as follows:

FINDINGS OF FACT:

A. Respondent(s), James E. Redmond, whose mailing address is 5400 Turton Lane, Port Orange, FL 32127, is/are the owner(s) of the property located at 5400 Turton Lane, Port Orange, FL 32127, and more particularly described as:

14 16 33 S 15 FT OF LOT 7 & LOT 8 & N 10 FT OF LOT 9 BLK 7
HARBOR POINT PER OR 4496 PG 1933

B. This is a repeat violation of Chapter 42, 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. This condition was first observed at the real property described above on January 27, 2015; re-inspections made on March 5, 2015 and March 9, 2015 confirmed the condition as being the same. Respondent(s), James E. Redmond, received notice via certified mail and posted at City Hall on February 10, 2015 and property posting on February 5, 2015. The aforesaid conditions constituted a violation of Chapter 42, Article II (Garbage, Junk, and Undergrowth), Section 42-26 (Cleanliness of Property Generally-Duty of Owner), §§ (d) (Maintenance of Improved Residential Lots) of the City of Port Orange Code of Ordinances.

C. At the time of the hearing on March 11, 2015, the violations cited above: ☐ continue to exist, or ☒ remained noncompliant until March 5, 2015 [Date].

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

CONCLUSION OF LAW:

Respondent(s), James E. Redmond, by reason of the foregoing, has/have violated Chapter 42, 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, in that the Respondent(s) failed, on or before the date set in the notice of violation, to remedy the conditions of the overgrowth located at the property, is therefore subject to the provisions of the City of Port Orange Municipal Code 2.207.

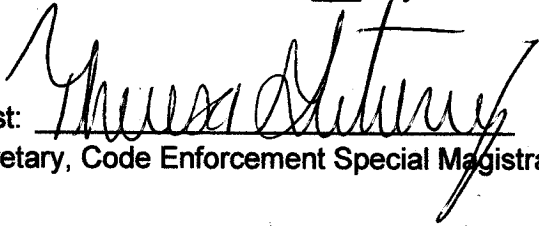
ORDER:

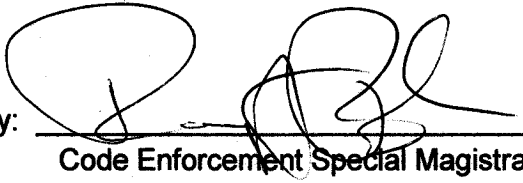
A. Respondent shall be found in violation of Chapter 42, Article II (Garbage, Junk, and Undergrowth), Section 42-26 (Cleanliness of Property Generally-Duty of Owner), §§ (d) (Maintenance of Improved Residential Lots) of the City of Port Orange Code of Ordinances. A fine of \$150.00 per day shall be imposed for each day the property was in repeat violation starting on January 28, 2015 and ending February 5, 2015 for a total of 9 days. The total amount of the fine is \$1,350.00. If paragraph D. above is checked and the Respondent(s) has/have not abated the condition by March 31, 2015, then notice of the violation will be given to the City Council. The City Council may repair the condition and charge the Respondent(s) with the reasonable costs of the repairs. Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the Special Magistrate may impose additional fines to cover all costs incurred by the city in enforcing its codes and all costs or repairs pursuant to sub section (a)." The cost to date is \$40.65 as indicated on the cost sheet submitted into evidence. The Respondent(s) will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion. Any future violations under this ordinance shall be considered repeat violations.

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

C. A certified copy of this Order may be recorded in the public records of Volusia County, Florida, and shall thereafter constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property. The findings in this Order shall be binding upon Respondent(s) and if the violation concerns real property, any subsequent purchasers, successors in interest, or assigns pursuant to the City of Port Orange Municipal Code 2.207. Failure to comply with this Order shall result in the issuance of an Order Imposing Fine and Lien. The Order Imposing Fine and Lien shall not constitute a lien until a certified copy of said Order is recorded pursuant to Section 162.09(3), Florida Statutes.

DONE AND ORDERED this 11 day of March, 2015.

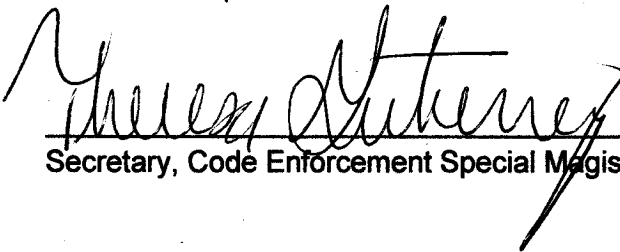
Attest: 
Secretary, Code Enforcement Special Magistrate

By: 
Code Enforcement Special Magistrate

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


Code Compliance Inspector

I HEREBY CERTIFY that a true and correct copy of the foregoing Findings of Fact, Conclusion of Law, and Order have been furnished to Respondent(s), James E. Redmond, 5400 Turton Lane, Port Orange, FL 32127 by Certified and Regular Mail this 11 day of March, 2015.

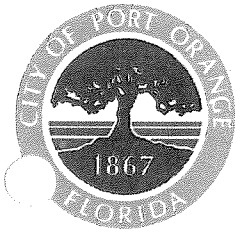

Secretary, Code Enforcement Special Magistrate

Case Cost Sheet Log

Case No. 14-2654

Name	Activity	Activity_Date	Status	Cost
Peter J. Renko	Notice of Violation/Notice of Hearing	02/20/2015	Hand Delivered to Peter J. Renko on February 20, 2015	\$0.00
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	03/11/2015	BK: 7093 PG: 3799	\$27.00
Peter J. Renko	Mailing Finding of Fact/Conclusion of Law & Order to 150 Howes Street, Port Orange, FL 32127	03/11/2015	Certified Green Card signed on March 14, 2015 and returned to City Clerk's Office.	\$6.96
Peter J. Renko	Mailing Order Imposing Fine/Lien w/ Affidavit of Non-Compliance to 150 Howes Street, Port Orange, FL 32127	04/22/2015		\$0.69
Clerk of Court	Recording Fee - Order Imposing Fine/Lien w/ Affidavit of Non-Compliance	04/22/2015		\$44.00

Total: \$78.65



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO.: 14-2654

To: Peter J. Renko
150 Howes St,
Port Orange, FL 32127

Re: 150 Howes St,
Port Orange, FL 32127
Parcel ID: 6310-07-44-0120

LEGAL DESCRIPTION: LOTS 12 13 & 14 BLK 44 ALLANDALE PER OR 3705 PG 4975
Volusia County Public Records, Volusia County, FL

An inspection of the premises on December 15, 2014 indicates that certain violation(s) of the City of Port Orange Code exists. Briefly stated, the property is in violation of the following:

Chapter 10, Article I, Section 2 (Change of grade) of the City of Port Orange Land Development Code.

On December 15, 2014, I observed fill dirt that had been dumped in the front yard that has changed the grade of the property located at 150 Howes St. Contact was made with Ms. Jill Hammond, who was then notified of the violation. Ms. Hammond stated she would notify the owner of the property, Mr. Peter J. Renko. On January 22, 2014, I re-inspected the property and spoke with Mr. Renko and notified him of the violation and that a change of grade permit is needed. To correct the violation, a change of grade permit application must be completed, a permit issued, and finally the fill dirt would have to be properly leveled. As of February 20, 2015, there has been no permit application received nor permit issued for change of grade.

Attachments:

☒ Copy of code

☒ Copy of Deed

☒ Copy of Tax Roll

This correspondence will serve as official notification that the above stated violation must be corrected by the **9th day of March, 2015.**

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 a Code Enforcement 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 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 VIOLATIONS 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 the 11th day of MARCH, 2015, 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 \$ 0 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 the 11th day of MARCH, 2015, 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 the 22 day of APRIL, 2015 at 9:00 a.m., or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Special Magistrate will consider setting 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 Officer at (386) 506-5641.

DATED this 20th day of FEBRUARY, 2015.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: C. Scott Allman
J. SCOTT ALLMAN, Code Enforcement Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Peter J. Renko, 150 Howes St., Port Orange, FL 32127, was

☒ Hand-delivered
☐ Posted at the property

Time: 12:25 pm

this 20th day of FEBRUARY, 2015.

C. Scott Allman
J. SCOTT ALLMAN, Code Enforcement Officer

☐ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Peter J. Renko, 150 Howes St., Port Orange, FL 32127, was

- ☐ Posted at City Hall
☐ Sent via certified

this _____ day of _____, 2015.

THERESA GUTIERREZ, Secretary to 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.



The Volusia County Property Appraiser makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The values shown in the Total Values section at the end of the Property Record Card are "Working Tax Roll" values, as our valuations proceed during the year. These Working Values are subject to change until the Notice of Proposed Taxes (TRIM) are mailed in mid-August. For Official Tax Roll Values, see the History of Values section within the property record card below.

Last Updated: 02-17-2015 Today's Date: 2-18-2015		Volusia County Property Appraiser's Office Property Record Card (PRC) Morgan B. Gilreath Jr., M.A., A.S.A., C.F.A. Property Appraiser			
Full Parcel ID Short Parcel ID		10-16-33-07-44-0120 6310-07-44-0120		Mill Group 402 Port Orange	
Alternate Key		3611934		2014 Final Millage Rate 21.15960	
Parcel Status		Active Parcel		PC Code 01	
Date Created		31 DEC 1981			
Owner Name		RENKO PETER J		GO TO ADD'L OWNERS	
Owner Name/Address 1					
Owner Address 2		150 HOWES STREET			
Owner Address 3		ALLANDALE FL			
Owner Zip Code		321275443			
Owner Percentage		100		Ownership Type	
Location Address		150 HOWES ST PORT ORANGE 32127			

LEGAL DESCRIPTION

LOTS 12 13 & 14 BLK 44 ALLANDALE PER OR 3705 PG 4975

SALES HISTORY

[GO TO ADD'L SALES](#)

#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	3705	4975	11/1991	Warranty Deed	Qualified Sale	Yes	50,000
2	3490	0171	6/1990	Warranty Deed	Qualified Sale	Yes	50,000
3	3490	0170	6/1990	Quit Claim Deed	Affiliated Parties	Yes	100

HISTORY OF VALUES

[GO TO ADD'L HISTORY](#)

YEAR	LAND	BLDG (S)	MISC	JUST	ASD	SCH ASD	NS ASD	EXEMPT	TXBL	SCH TXBL	ADD'L EX	NS TXBL
2014	23,750	56,386	2,664	82,800	74,646	74,646	74,646	25,000	49,646	49,646	24,646	25,000
2013	20,425	50,351	2,767	73,543	73,543	73,543	73,543	25,000	48,543	48,543	23,543	25,000

LAND DATA

CODE	TYPE OF LAND USE	FRONTAGE	DEPTH	# OF UNITS	UNIT TYPE	RATE	DPH	LOC	SHP	PHY	JUST VAL
0101		100.0	100.0	100.00	FRONT FEET	250.00	100	100	95	100	23,750

This **Warranty Deed** Made the 1st day of November 1991 by Volusia Co., FL
Angelo J. Renko and Marjorie E. Renko, husband and wife

hereinafter called the grantor, to

Peter J. Renko, a single man

whose post office address is: 150 Howes Street
Allandale, Florida 32127

hereinafter called the grantee:

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

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

Lots Twelve (12), Thirteen (13), and Fourteen (14), Block 44, Allandale, according to the revised map of Allandale, as recorded in Map Book 4, page 146, of the Public Records of Volusia County, Florida.

SUBJECT TO covenants, restrictions, easements of record and taxes for the current year.

REC FEES 6.10 RECD PAYMENT AS
DOC ST 20.00 INDICATED FOR CLASS
INT TAX TANGIBLE & DOC
PENALTY STAMP TAXES SIGNED
INTEREST *James B. Hubley*
Clerk Clerk Court Volusia Co., FL

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining. Parcel Identification Number:

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 19 90

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:

William Navarra
William Navarra
Patricia Milnes
Patricia Milnes

Angelo J. Renko LS
Angelo J. Renko LS
Marjorie E. Renko LS
Marjorie E. Renko LS

STATE OF Florida
COUNTY OF Volusia

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, personally appeared Angelo J. Renko and Marjorie E. Renko, husband and wife

to me known to be the person(s) 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 1st day of November, A.D. 19 91

PREPARED BY: Patricia Milnes
RECORD & RETURN TO:
Columbia Title Services Inc.
200 Forest Lake Blvd.
Daytona Beach, Florida 32119
File No: 91-2607

Patricia Milnes
Notary Public Notary Public, State of Florida
My Commission Expires My Commission Expires 2, 1992
Patricia Milnes

FILED FOR RECORD
RECORD VERIFIED
CLERK OF THE CIRCUIT
CLY. COURT VOLUSIA CTY., FL

91 NOV -4 AM 9:50

140111

Section 2: - Permit requirements for change of grade.

It is hereby unlawful for any person to change or modify the grade of any land without obtaining a change of grade permit in accordance with the provisions of this chapter. The following procedure shall apply for unsubdivided property or subdivided lots with no approved development or building plan. However, the provisions of article II of this chapter shall supersede the following for those activities requiring a stormwater management permit as reflected in article II of this chapter.

- (a) *Application procedure.* Application shall be made to the community development department on an appropriate form provided by the city. Application submittal shall include the necessary drawings of documents to show the following:
 - (1) All existing trees eight inches or over DBH; other vegetation depicted by canopy area or spread with average density, height, and trunk dimensions; the trees and vegetation to be removed shall be clearly noted and all specimen trees proposed for removal shall be individually noted.
 - (2) The existing and proposed grades, in one-foot contours, of the property of the applicant and that of all abutting property owners. The nature of the proposed changes of grade and justification for such changes shall be noted.
 - (3) The name, address and telephone number of the applicant to which all notices and communications relating to such application may thereafter be sent, as well as a brief statement describing the need for, and intent of, the proposed work.
- (b) *Standards of review.* The application shall be reviewed on the following criteria:
 - (1) The extent to which the actual or intended use of the property requires changes of grade.
 - (2) The desirability of preserving any tree by reason of its size, age, or some other outstanding quality, such as uniqueness, rarity or status as an historic or specimen tree.
 - (3) The extent to which the area would be subject to increased water runoff and other environmental degradation due to removal of the trees and changes of grade.
 - (4) The heightened desirability of preserving or enhancing tree cover in densely developed populated areas.
 - (5) The need for visual screening in transitional areas, or relief from glare, blight, commercial or industrial unsightliness or any other affront to the visual or aesthetic sense in the area.
 - (6) The effect that changes in the natural existing grade will have on the trees to be protected and preserved.
 - (7) The effect that changes in the natural or existing grade will have on drainage and its impact on adjoining properties.

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

Vs.

CASE NO: 14-2654

Peter Renko,

Respondent,

Property Address: 150 Howes St
Port Orange, FL 32127
Parcel ID: 6310-07-44-0120

AFFIDAVIT OF HAND DELIVERY
NOTICE OF VIOLATION AND
NOTICE OF HEARING

STATE OF FLORIDA
COUNTY OF VOLUSIA

BEFORE ME, the undersigned authority, personally appeared J. Scott Allman, Code Compliance Inspector, City of Port Orange, Florida, who after being duly sworn, deposes and says:

1. That the statements set forth herein are based upon personal knowledge.
2. That I am a resident of the State of Florida, over twenty-one years of age, and not a party to this action.
3. That, according to the records of the Volusia County Property Appraisers Office, the property located at 150 Howes St, Port Orange, Florida 32127, is owned by Peter J. Renko.
4. That 150 Howes St, Port Orange, Florida 32127, is the location where the alleged code violation is or was occurring.
5. That I hand delivered a Notice of Violation and Request for Hearing on the property at 150 Howes St, Port Orange, Florida 32127, at 12:25 p.m. on the 20th day of February,

2015, to Peter J. Renko, who is 15 years of age or over, as required by Florida Statute Section 162.12(2)(b)(1). A copy of the Notice and Request is attached hereto and made a part hereof.

FURTHER AFFIANT SAYETH NOT.

DATED this 23 day of FEBRUARY, 2015.

J. Scott Allman

J. Scott Allman
Code Compliance Inspector

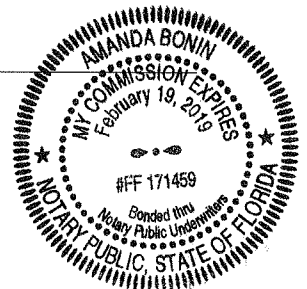
**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was sworn to before me on the 23 day of
February, 2015, by J. Scott Allman, who is personally
Known to me.

Amanda Bonin

Notary Public, State of Florida

Commission No. _____



**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 14-2654**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

Peter J. Renko
150 Howes Street
Port Orange, FL 32127
6310 [REDACTED]

Respondent.

_____ /

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

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on March 11, 2015, after due notice to the Respondent(s), and the Special Magistrate having heard testimony under oath, received evidence and heard argument from Staff thereupon issues its Findings of Fact, Conclusions of Law, and Order, as follows:

FINDINGS OF FACT:

A. Respondent(s), Peter J. Renko, whose mailing address is 150 Howes Street, Port Orange, FL 32127, is/are the owner(s) of the property located at 150 Howes Street, Port Orange, FL 32127, and more particularly described as:

LOTS 12 13 & 14 BLK 44 ALLANDALE PER OR 3705 PG 4975

B. There has been no change of grade permit applied for. A permit must be applied for, issued, and all dirt will have to be properly leveled. This condition was first observed at the real property described above on December 15, 2015; re-inspections made on March 9, 2015 confirmed the condition as being the same. Respondent(s), Peter J. Renko, received notice via hand delivery on February 20, 2015 at 12:25 p.m. to Peter J. Renko on February 23, 2015. The aforesaid conditions constituted a violation of Chapter 10, Article I, Section 2 (Change of grade) of the City of Port Orange Land Development Code, and was to be corrected by March 9, 2015.

C. At the time of the hearing on March 11, 2015, the violations cited above: ☒ continue to exist, or ☐ remained noncompliant until _____ [Date].

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

CONCLUSION OF LAW:

Respondent(s), Peter J. Renko, by reason of the foregoing, has/have violated Chapter 10, Article I, Section 2 (Change of grade) of the City of Port Orange Land Development Code, in that the Respondent(s) failed, on or before the date set in the notice of violation, to remedy the conditions of applying for a change of grade permit, is therefore subject to the provisions of the City of Port Orange Municipal Code 2.207.

ORDER:

A. Respondent(s) shall correct the aforesaid violation by obtaining a change of grade permit or remove all fill dirt that has been placed on the property on or before March 31, 2015. In the event that the property is not brought into compliance on or before March 31, 2015, and/or not maintained in a state of compliance, a daily fine of \$50.00 per day will be assessed for each day the property is in violation past March 31, 2015. If paragraph D. above is checked and the Respondent(s) has/have not abated the condition by March 31, 2015, then notice of the violation will be given to the City Council. The City Council may repair the condition and charge the Respondent(s) with the reasonable costs of the repairs. Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the Special Magistrate may impose additional fines to cover all costs incurred by the City in enforcing its codes and all costs or repairs pursuant to sub section (a)." The cost to date is \$33.96 as indicated on the cost sheet submitted into evidence. The Respondent(s) will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion. Any future violations under this ordinance shall be considered repeat violations.

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

C. A certified copy of this Order may be recorded in the public records of Volusia County, Florida, and shall thereafter constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property. The findings in this Order shall be binding upon Respondent(s) and if the violation concerns real property, any subsequent purchasers, successors in interest, or assigns pursuant to the City of Port Orange Municipal Code 2.207. Failure to comply with this Order shall result in the issuance of an Order Imposing Fine and Lien. The Order Imposing Fine and Lien shall not constitute a lien until a certified copy of said Order is recorded pursuant to Section 162.09(3), Florida Statutes.

DONE AND ORDERED this 11 day of March, 2015.

Attest: [Signature]
Secretary, Code Enforcement Special Magistrate

By: [Signature]
Code Enforcement Special Magistrate

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

[Signature]
Code Compliance Inspector

I HEREBY CERTIFY that a true and correct copy of the foregoing Findings of Fact, Conclusion of Law, and Order have been furnished to Respondent(s), Peter J. Renko, 150 Howes Street, Port Orange, FL 32127 by Certified and Regular Mail this 11 day of March, 2015.

[Signature]
Secretary, Code Enforcement Special Magistrate

Case Cost Sheet Log

Case No. 15-90

Name	Activity	Activity_Date	Status	Cost
James E. Redmond	Mailing Notice of Violation/Notice of Hearing to 5400 Turton Lane, Port Orange, FL 32127	02/10/2015	Certified Mail returned to City Clerk's Office on February 10, 2015 marked "Unclaimed/Unable to Forward".	\$6.69
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	03/11/2015	BK: 7093 PG: 3811	\$27.00
James E. Redmond	Mailing Finding of Fact/Conclusion of Law & Order to 5400 Turton Lane, Port Orange, FL 32127	03/11/2015	Attempted to deliver item at 2:28 pm on March 14, 2015 in PORT ORANGE, FL 32127 and a notice was left because an authorized recipient was not available.	\$6.96
James E. Redmond	Mailing Affidavit of Compliance to 5400 Turton Lane, Port Orange, FL 32127	04/22/2015		\$0.48
Clerk of Court	Recording Fee - Affidavit of Compliance	04/22/2015		\$18.50

Total: \$40.65



NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-90

To: James E. Redmond
5400 Turton Lane
Port Orange, FL 32127

Re: 5400 Turton Lane
Port Orange, FL 32127
Parcel ID: 6314-01-07-0080

LEGAL DESCRIPTION: 14 16 33 S 15 FT OF LOT 7 & LOT 8 & N 10 FT OF LOT 9 BLK 7 HARBOR POINT PER OR 4496 PG 1933

Volusia County Public Records
Volusia County, FL

An inspection of the premises on **January 27, 2015**, indicates that certain violation(s) of the City of Port Orange Code exists. Briefly stated, the property is in violation of the following:

Chapter 3, Section 304.6 of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code.

On January 27, 2015, I observed a large hole in the front wall of the home located at 5400 Turton Lane. I notified Mr. Redmond that the property was now in violation due to the exterior hole and that the violation needs to be corrected. To correct the violation, the large hole in the front wall of his home must be repaired.

Attachments:

☒ Copy of code

☒ Copy of Deed

☒ Copy of Tax Roll

This correspondence will serve as official notification that the above stated violation must be corrected by **February 28, 2015**.

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 either 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 March 11, 2015, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

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

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$ 6.69 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

At the event the **Special Magistrate**, during the hearing on **March 11, 2015**, 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 **April 22, 2015, 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 Officer at (386) 506-5641.

DATED this 5th day of February, 2015.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: J. Scott Allman
J. SCOTT ALLMAN, Code Enforcement Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to **James E. Redmond, 5400 Turton Lane, Port Orange, FL 32127**, was

☐ Hand-delivered

☒ Posted at the property

Time: 12:10 pm

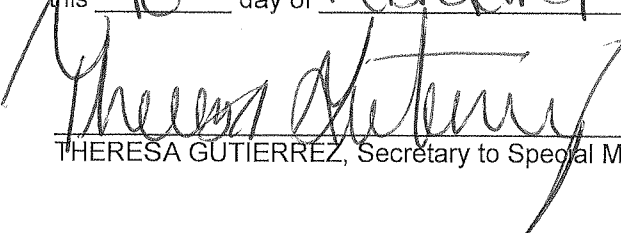
this 5th day of February, 2015.

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

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to **James E. Redmond, 5400 Turton Lane, Port Orange, FL 32127**, was

☒ Posted at City Hall
☒ Sent via certified

this 10th day of February, 2015.


THERESA GUTIERREZ, Secretary to 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 Appraisers Office



The Volusia County Property Appraiser makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The values shown in the Total Values section at the end of the Property Record Card are "Working Tax Roll" values, as our valuations proceed during the year. These Working Values are subject to change until the Notice of Proposed Taxes (TRIM) are mailed in mid-August. For Official Tax Roll Values, see the History of Values section within the property record card below.

Last Updated: 01-27-2015 Today's Date: 1-30-2015		Volusia County Property Appraiser's Office <u>Property Record Card (PRC)</u> <u>Morgan B. Gilreath Jr., M.A., A.S.A., C.F.A.</u> Property Appraiser			
Full Parcel ID Short Parcel ID		14-16-33-01-07-0080 6314-01-07-0080		Mill Group 402 Port Orange	
Alternate Key		3629159		2014 Final Millage Rate 21.15960	
Parcel Status		Active Parcel		PC Code 01	
Date Created		31 DEC 1981			
Owner Name		REDMOND JAMES E		GO TO ADD'L OWNERS	
Owner Name/Address 1					
Owner Address 2		5400 TURTON LANE			
Owner Address 3		PORT ORANGE FL			
Owner Zip Code		32127			
Owner Percentage		100		Ownership Type	
Location Address		5400 TURTON LN PORT ORANGE 32127			

LEGAL DESCRIPTION

14 16 33 S 15 FT OF LOT 7 & LOT 8 & N 10 FT OF LOT 9 BLK 7

HARBOR POINT PER OR 4496 PG 1933

SALES HISTORY

[GO TO ADD'L SALES](#)

#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	4496	1933	11/1999	Warranty Deed	Qualified Sale	Yes	68,500
2	4433	4840	5/1999	Warranty Deed	Institutional/bank	Yes	45,000
3	4378	3711	12/1998	Certificate of Title	Institutional/bank	Yes	100

HISTORY OF VALUES

[GO TO ADD'L HISTORY](#)

YEAR	LAND	BLDG (S)	MISC	JUST	ASD	SCH ASD	NS ASD	EXEMPT	TXBL	SCH TXBL	ADD'L EX	NS TXBL
2014	19,813	53,751	7,377	80,941	76,446	76,446	76,446	25,000	51,446	51,446	25,000	26,446
2013	21,026	54,722	7,379	83,127	75,316	75,316	75,316	25,000	50,316	50,316	25,000	25,316

LAND DATA

CODE	TYPE OF LAND USE	FRONTAGE	DEPTH	# OF UNITS	UNIT TYPE	RATE	DPH	LOC	SHP	PHY	JUST VAL

Parcel ID Number: [REDACTED]

Grantee #1 TIN: [REDACTED]

Warranty Deed

This Indenture, Made this 16th day of November, 1999 A.D., Between Judith L. Raske, a single woman, and William J. Pearson, a single man,

of the County of Volusia, State of Florida, grantors, and James E. Redmond,

whose address is: 5400 Turton Lane, Port Orange, Florida, 32127

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

Witnesseth that the GRANTORS, for and in consideration of the sum of TEN & NO/100 (\$10.00) DOLLARS, and other good and valuable consideration to GRANTORS in hand paid by GRANTEE, the receipt whereof is hereby acknowledged, have granted, bargained and sold to the said GRANTEE and GRANTEE'S heirs and assigns forever, the following described land, situate, lying and being in the County of Volusia State of Florida to wit:

The southerly 15 feet of Lot 7, all of Lot 8, and the ~~North~~ ^{NORTHERLY} 10 feet of Lot 9, Block 7, Harbor Point Subdivision, as per map or plat thereof as recorded in Map Book 11, page 91, Public Records of Volusia County, Florida.

Subject to restrictions, reservations and easements of record, if any, which are not reimposed hereby, and taxes subsequent to December 31st, 1999.

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

In Witness Whereof, the grantors have hereunto set their hands and seals the day and year first above written.

Signed, sealed and delivered in our presence:

Printed Name: Robert K. T. Koney

Witness as to Both

Printed Name: Janet C. Benton

Witness as to Both

Judith L. Raske (Seal)

P.O. Address 6148 Half Moon Drive, Port Orange, FL 32127

William J. Pearson (Seal)

P.O. Address 6148 Half Moon Drive, Port Orange, FL 32127

STATE OF Florida
COUNTY OF Volusia

The foregoing instrument was acknowledged before me this 16th day of November, 1999 by Judith L. Raske, a single woman, and William J. Pearson, a single man,

kept in such condition so as to prevent the entry of rodents and other pests.

304.6 Exterior walls. All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof 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. All 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. All 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. When 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. All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. 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.

304.12 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. All 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 not less than 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. All exterior doors, door assemblies 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 lock throw of not less than 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.

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 the structure which they occupy or control in a clean and sanitary condition. Every *owner* of a structure containing a *rooming house*, *housekeeping units*, a hotel, a dormitory, two or more *dwelling units* or two or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and *exterior property*.

305.1.1 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 *Inter-*

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

Vs.

CASE NO: 15-90

James E. Redmond,

Respondent.

Property Address: 5400 Turton Ln

Port Orange, FL 32127

Parcel ID: 6314-01-07-0080

AFFIDAVIT OF PROPERTY POSTING
NOTICE OF VIOLATION AND
NOTICE FOR HEARING

STATE OF FLORIDA
COUNTY OF VOLUSIA

BEFORE ME, the undersigned authority, personally appeared. J. Scott Allman, Code Compliance Inspector, City of Port Orange, Florida, who after being duly sworn, deposes and says:

1. That the statements set forth herein are based upon personal knowledge.
2. That I am a resident of the State of Florida, over twenty-one years of age, and not a party to this action.
3. That, according to the records of the Volusia County Property Appraisers Office, the property located at 5400 Turton Ln, Port Orange, Florida 32127, is owned by James E. Redmond.
4. That 5400 Turton Ln, Port Orange, Florida 32127 is the location where the alleged code violation is or was occurring.
5. That I posted a Notice of Violation and Request for Hearing on the property at 5400

Turton Ln, Port Orange, Florida 32127, at 12:10 p.m. on the 5th day of February, 2015, as required by Florida Statute Section 162.12(2)(b)(1). A copy of the Notice and Request is attached hereto and made a part hereof.

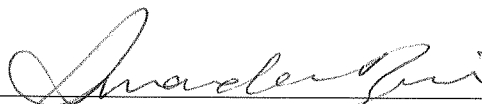
FURTHER AFFIANT SAYETH NOT.

DATED this 5th, day of FEBRUARY, 2015.

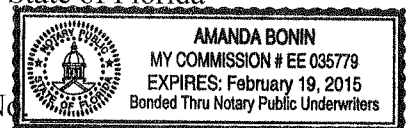

J. SCOTT ALLMAN
Code Compliance Inspector

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was sworn to before me on the 5th day of
February, 2015, by J. Scott Allman, who is
personally known to me.


Notary Public, State of Florida

Commission No.



**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 15-90**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

James E. Redmond
5400 Turton Lane
Port Orange, FL 32127
6314 [REDACTED]

Respondent.

_____ /

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

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on March 11, 2015, after due notice to the Respondent(s), and the Special Magistrate having heard testimony under oath, received evidence and heard argument from Staff thereupon issues its Findings of Fact, Conclusions of Law, and Order, as follows:

FINDINGS OF FACT:

A. Respondent(s), James E. Redmond, whose mailing address is 5400 Turton Lane, Port Orange, FL 32127, is/are the owner(s) of the property located at 5400 Turton Lane, Port Orange, FL 32127, and more particularly described as:

14 16 33 S 15 FT OF LOT 7 & LOT 8 & N 10 FT OF LOT 9 BLK 7
HARBOR POINT PER OR 4496 PG 1933

B. There is a large hole in the front wall of the home located at 5400 Turton Lane, Port Orange, FL 32127. This condition was first observed at the real property described above on January 27, 2015; re-inspections made on March 5, 2015 and March 9, 2015 confirmed the condition as being the same. Respondent(s), James E. Redmond, received notice via certified mail and posted at City Hall on February 10, 2015 and property posting on February 5, 2015. The aforesaid conditions constituted a violation of Chapter 3, Section 304.6 of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code.

C. At the time of the hearing on March 11, 2015, the violations cited above: ☒ continue to exist, or ☐ remained noncompliant until _____ [Date].

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

CONCLUSION OF LAW:

Respondent(s), James E. Redmond, by reason of the foregoing, has/have violated Chapter 3, Section 304.6 of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code, in that the Respondent(s) failed, on or before the date set in the notice of violation, to remedy the conditions of the large hole in the front wall of the home, is therefore subject to the provisions of the City of Port Orange Municipal Code 2.207.

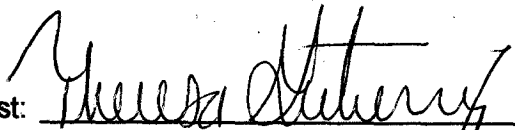
ORDER:

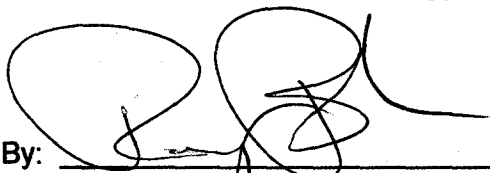
A. Respondent shall correct the aforesaid violation by repairing the large hold in the front wall of the home on or before March 31, 2015. In the event that the property is not brought into compliance on or before March 31, 2015, and/or not maintained in a state of compliance, a daily fine of \$100 per day will be assessed for each day the property is in violation beyond March 31, 2015. If paragraph D. above is checked and the Respondent(s) has/have not abated the condition by March 31, 2015, then notice of the violation will be given to the City Council. The City Council may repair the condition and charge the Respondent(s) with the reasonable costs of the repairs. Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the Special Magistrate may impose additional fines to cover all costs incurred by the city in enforcing its codes and all costs or repairs pursuant to sub section (a)." The cost to date is \$40.65 as indicated on the cost sheet submitted into evidence. The Respondent(s) will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion. Any future violations under this ordinance shall be considered repeat violations.

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

C. A certified copy of this Order may be recorded in the public records of Volusia County, Florida, and shall thereafter constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property. The findings in this Order shall be binding upon Respondent(s) and if the violation concerns real property, any subsequent purchasers, successors in interest, or assigns pursuant to the City of Port Orange Municipal Code 2.207. Failure to comply with this Order shall result in the issuance of an Order Imposing Fine and Lien. The Order Imposing Fine and Lien shall not constitute a lien until a certified copy of said Order is recorded pursuant to Section 162.09(3), Florida Statutes.

DONE AND ORDERED this 11 day of March, 2015.

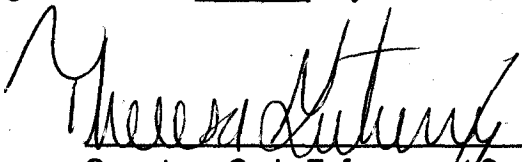
Attest: 
Secretary, Code Enforcement Special Magistrate

By: 
Code Enforcement Special Magistrate

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


Code Compliance Inspector

I HEREBY CERTIFY that a true and correct copy of the foregoing Findings of Fact, Conclusion of Law, and Order have been furnished to Respondent(s), James E. Redmond, 5400 Turton Lane, Port Orange, FL 32127 by Certified and Regular Mail this 11 day of March, 2015.

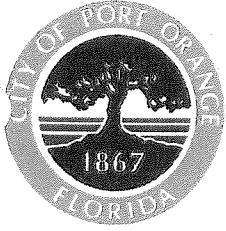

Secretary, Code Enforcement Special Magistrate

Case Cost Sheet Log

Case No. 14-2623

Name	Activity	Activity_Date	Status	Cost
Tommy Chesser	Mailing Notice of Violation/Notice of Hearing to 5604 Lancewood Circle South, Port Orange, FL 32127	01/22/2015	Certified Mail returned to City Clerk's Office on January 26, 2015 marked "Vacant/Unable to Forward".	\$6.69
Lynn Chesser	Mailing Notice of Violation/Notice of Hearing to 5604 Lancewood Circle South, Port Orange, FL 32127	01/22/2015	Certified Mail returned to City Clerk's Office on January 26, 2015 marked "Vacant/Unable to Forward".	\$6.69
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	03/11/2015	BK: 7093 PG: 3802	\$27.00
Tommy Chesser	Mailing Finding of Fact/Conclusion of Law & Order to 5604 Lancewood Circle South, Port Orange, FL 32127	03/11/2015	Certified Mail returned to City Clerk's Office on March 15, 2015 marked "Vacant/Unable to Forward".	\$6.96
Lynn Chesser	Mailing Finding of Fact/Conclusion of Law & Order to 5604 Lancewood Circle South, Port Orange, FL 32127	03/11/2015	Certified Mail returned to City Clerk's Office on March 15, 2015 marked "Vacant/Unable to Forward".	\$6.96

Total: \$54.30



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

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

CITY OF PORT ORANGE,

Petitioner

CASE NO. 14-2623

To: Tommy & Lynn Chesser
5604 Lancewood Circle South
Port Orange, FL 32127

Re: 5996 S. Lancewood Cir
Port Orange, FL 32127

Parcel ID: 6340-03-06-0550

LEGAL DESCRIPTION: LOT 55 BLK F BAYWOOD REPLAT MB 23 PGS 44 & 45 PER OR 2502 PG 1359.

Volusia County Public Records

Volusia County, FL

An inspection of the premises on **December 4, 2014** indicates that certain violation(s) of the City of Port Orange Code exist. Briefly stated, the property is in violation of the following:

City of Port Orange Code of Ordinances, Chapter 42, Article II, Section 42-26 (d). This is a repeat violation according to Florida Statutes 162.04(5) & 162.06(3).

On December 4, 2014 I observed a repeat violation of the above referenced codes. The original case # 14-1611 was heard on August 13, 2014 by the City of Port Orange Special Magistrate and was found in violation. See attached recorded finding of Fact, Conclusion of Law and Order. Also attached is the recorded affidavit of non-compliance. To abate the violation, the lawn must be mowed and all high weeds trimmed.

Attachments: ☒ Copy of code

☒ Copy of Deed

☒ Copy of Tax Roll

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

The burden shall rest upon the Respondent(s) 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 March 11, 2015 at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

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

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$ 13.36 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **March 11, 2015** 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 **April 22, 2015, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

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

DATED this 15 day of January, 2015.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: J. Scott Allman
J. SCOTT ALLMAN

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Tommy & Lynn Chesser, 5596 S. Lancewood Cir, Port Orange, FL 32127, was

☐ Hand-delivered

☒ Posted at the property

Time: 2:44 pm

this 15 day of January, 2015.

J. Scott Allman
J. SCOTT ALLMAN

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Tommy & Lynn Chesser, 5604 Lancewood Circle South, Port Orange, FL 32127 was

☐ Posted at City Hall

☒ Sent via certified

this 22nd day of January, 2015.

Theresa Hutyra
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.



The Volusia County Property Appraiser makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The values shown in the Total Values section at the end of the Property Record Card are "Working Tax Roll" values, as our valuations proceed during the year. These Working Values are subject to change until the Notice of Proposed Taxes (TRIM) are mailed in mid-August. For Official Tax Roll Values, see the History of Values section within the property record card below.

Last Updated: 12-16-2014 Today's Date: 12-16-2014		Volusia County Property Appraiser's Office Property Record Card (PRC) Morgan B. Gilreath Jr., M.A., A.S.A., C.F.A. Property Appraiser			
Full Parcel ID	40-16-33-03-06-0550	Mill Group	402 Port Orange		
Short Parcel ID	6340-03-06-0550				
Alternate Key	3691229	2014 Final Millage Rate	21.15960		
Parcel Status	Active Parcel	PC Code	01		
Date Created	31 DEC 1981				
Owner Name	CHESSER TOMMY & LYNN			GO TO ADD'L OWNERS	
Owner Name/Address 1					
Owner Address 2	5604 LANCEWOOD CIRCLE SOUTH				
Owner Address 3	HARBOR OAKS FL				
Owner Zip Code	321276310				
Owner Percentage	100	Ownership Type			
Location Address	5596 S LANCEWOOD CIR PORT ORANGE 32127				

LEGAL DESCRIPTION

LOT 55 BLK F BAYWOOD REPLAT MB 23 PGS 44 & 45 PER OR 2502 PG

1359

SALES HISTORY

#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	2502	1359	10/1983	Warranty Deed	Qualified Sale	No	9,000

HISTORY OF VALUES

[GO TO ADD'L HISTORY](#)

YEAR	LAND	BLDG (S)	MISC	JUST	ASD	SCH ASD	NS ASD	EXEMPT	TXBL	SCH TXBL	ADD'L EX	NS TXBL
2014	14,928	66,950	668	82,546	82,546	82,546	82,546	0	82,546	82,546	0	82,546
2013	14,928	62,475	693	78,096	78,096	78,096	77,912	0	78,096	78,096	0	77,912

LAND DATA

CODE	TYPE OF LAND USE	FRONTAGE	DEPTH	# OF UNITS	UNIT TYPE	RATE	DPH	LOC	SHP	PHY	JUST VAL
0101		70.0	103.0	70.00	FRONT FEET	240.00	89	100	100	100	14,928

2502/1359

5021350

BOOK PAGE

This Warranty Deed Made this 24th day of October 1983
Carl J. Zeis, a single man

hereinafter called the grantor to
Tommy Chesser and Lynn Chesser, his wife

whose postoffice address is 105 Roins Drive, Ponce Inlet, FL 32019
hereinafter called the grantee

Witnesseth: That the grantor, he and in consideration of the sum of \$10.00--- and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, alien, conveys, releases, conveys and confirms unto the grantee, all that certain land situate in Volusia County, Florida, viz:

Lot Fifty-five (55), Block "F", Baywood Replat, according to map or plat thereof as recorded in Map Book 23, page 44, of the Public Records of Volusia County, Florida.

SUBJECT TO: (A) Taxes for the years subsequent to December 31, 1982.
(B) Restrictions, reservations, limitations and easements of record, if any; this reference to said restrictions shall not operate to reimpose the same (C) Zoning ordinances affecting said property.

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

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 1982.

DS Paid 40.50 Date OCT 25 1983
County Volusia
Signature of Clerk

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:

Shelly M. Benz
Barbara Hornett

Carl J. Zeis
Carl J. Zeis

STATE OF FLORIDA
COUNTY OF VOLUSIA

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, personally appeared

Carl J. Zeis, a single man

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

WITNESS my hand and official seal in the County and State last aforesaid this 24th day of October 1983

Shelly M. Benz

This instrument prepared by

Address
NALIFAX TITLE COMPANY
709 BROADWAY P O BOX 2088
DAYTONA BEACH, FLORIDA 32026

Notary Public, State of Florida
My Commission Expires Nov. 12, 1985

SPACE BELOW FOR RECORDERS USE

FILED FOR RECORD
RECORD VERIFIED
OCT 25 12 06 PM '83
CLERK OF COUNTY CLERK
VOLUSIA COUNTY, FLORIDA

098140

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.

**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 14-1611**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

Tommy & Lynn Chesser
5596 S. Lancewood Circle
Port Orange, FL. 32127
6340 [REDACTED]

Respondents.

_____ /

FINDING OF FACT, CONCLUSION OF LAW AND ORDER

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on August 13, 2014, after due notice to the Respondents, and the Special Magistrate having heard testimony under oath, received evidence and heard argument from Staff thereupon issues its Findings of Fact, Conclusions of Law, and Order, as follows:

FINDINGS OF FACT:

A. Respondents, Tommy & Lynn Chesser, whose mailing address is 5604 Lancewood Circle South, Port Orange, FL 32127, is the owner of the property located at 5596 S. Lancewood Circle Port Orange, FL. 32127, and more particularly described as:

LOT 55 BLK F BAYWOOD REPLAT MB 23 PGS 44 & 45 PER OR 2502 PG
1359

B. The property is vacant and in foreclosure with high weeds and grass in excess of the height allowed by city code. This condition was first observed at the real property described above on July 9, 2014; re-inspections made on July 28, 2014 and August 11, 2014 confirmed the condition as being the same. Respondents, Tommy & Lynn Chesser, received notice via certified mail, posted on the property and City Hall on July 11, 2014, that the aforesaid conditions constituted a violation of Chapter 42, Article II, Section 42-26 (d) of the City of Port Orange Code of Ordinances, and were to be corrected by July 25, 2014.

C. At the time of the hearing on August 13, 2014, the violations cited above continue to exist.

CONCLUSION OF LAW:

Respondents, Tommy & Lynn Chesser, by reason of the foregoing, have violated Chapter 42, Article II, Section 42-26 (d) of the City of Port Orange Code of Ordinances, in that the Respondents failed, on or before the date set in the notice of violation, to remedy the conditions of the high weeds and grass located at the property, therefore subject to the provisions of the City of Port Orange Municipal Code 2.207. It is further found that the condition causing the violation presents a serious threat to the public health, safety and welfare based on the unrebutted testimony of the code compliance inspector.

ORDER:

A. Respondents shall correct the aforesaid violation by mowing and maintaining the property and removing all debris on or before August 25, 2014. The city council shall be notified of this violation and, if the Respondent(s) has (have) not abated the violation by August 25, 2014, it may make all repairs which are required to bring the property into compliance and charge violator with the reasonable costs of the repairs. Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the Special Magistrate may impose additional fines to cover all costs incurred by the city in enforcing its codes and all costs or repairs pursuant to sub section (a)." The cost to date is \$46.92 as indicated on the cost sheet submitted into evidence. The respondents will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion. Any future violations under this ordinance shall be considered repeat violations.

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

A certified copy of this Order may be recorded in the public records of Volusia County, Florida, and shall thereafter constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property. The findings in this Order shall be binding upon Respondent and if the violation concerns real property, any subsequent purchasers, successors in interest, or assigns pursuant to the City of Port Orange Municipal Code 2.207.

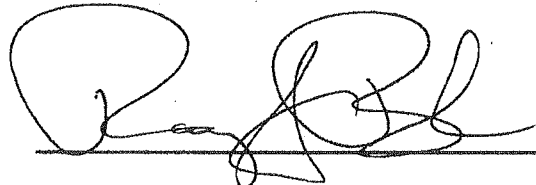
DONE AND ORDERED this 13th day of August, 2014.

Attest:



Secretary, Code Enforcement Special Magistrate

By:



Code Enforcement Special Magistrate

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



Code Compliance Inspector

I HEREBY CERTIFY that a true and correct copy of the foregoing Findings of Fact, Conclusion of Law, and Order have been furnished to Respondent Tommy & Lynn Chesser, 5604 Lancewood Circle South, Port Orange, FL 32127 by Certified and Regular Mail this 14 day of August, 2014.



Secretary, Code Enforcement Special Magistrate

Exhibit A
Affidavit of Non-Compliance

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

Vs.

CASE NO: 14-1611

**Tommy & Lynn Chesser,
5596 S. Lancewood Cir, Port Orange, FL 32127
6340 [REDACTED]**

Respondents,

AFFIDAVIT OF NON-COMPLIANCE

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

BEFORE ME, The undersigned authority personally appeared: J. Scott Allman, Code Compliance Inspector for the City of Port Orange, Florida. Who, after being duly sworn, deposes and says:

1. That on August 13, 2014, the Special Magistrate held a public hearing and issued his Order in the above-styled matter.
2. That, pursuant to said Order, Respondents was to have taken certain corrective action on or before August 25, 2014.
3. That a re-inspection was performed on August 26, 2014.
4. That the re-inspection revealed that the corrective action ordered by the Special Magistrate has not been taken. In that: the property owner did not mow the property and trim all high weeds.

FURTHER AFFIANT SAYETH NOT.

Dated this 26th day of August 2014.

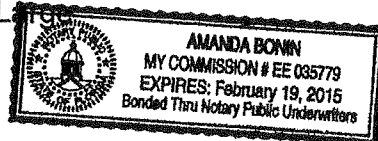
J. Scott Allman
J. Scott Allman
Code Compliance Inspector
City of Port Orange, Florida

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me

This 26th day of August, 2014 by J. Scott Allman who
is personally known to me.

Amanda Bonin
Notary Public
State of Florida at Large



Commission No. _____

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

Vs

C.E. 14-2623

**Tommy & Lynn Chesser
5596 S. Lancewood Cir
Port Orange, FL 32127
6340-03-06-0550**

Respondents,

**AFFIDAVIT OF POSTING
NOTICE OF VIOLATION AND NOTICE OF HEARING**

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

BEFORE ME, the undersigned authority, personally appeared J. Scott Allman, Code Compliance Inspector, City of Port Orange, who after being duly sworn, deposes and says:

1. Those statements sets forth herein are based upon personal knowledge.
2. That he is a resident of the State of Florida, over twenty-one years of age, and not a party to this cause.
3. That he posted a Notice of Violation and Notice of Hearing on property owned by: Tommy & Lynn Chesser, by posting the Notice of Violation and Notice of Hearing at 5596 S. Lancewood Cir, Port Orange, FL 32127 at approximately 2:44 PM on the 19^h day of January, 2015.
4. That is 5596 S. Lancewood Cir, Port Orange, FL 32127 is owned by Tommy & Lynn Chesser.
5. That 5596 S. Lancewood Cir, Port Orange, FL 32127 is the location where the code violation is or was occurring.

6. That the above described Notice of Violation and Notice of hearing was posted at the Port Orange City Hall, 1000 City Center Circle, Port Orange FL. 32129, from January 20, 2015 through January 30, 2015.

FURTHER AFFIANT SAYETH NOT.

DATED this 20th day of JANUARY, 2015.

J. Scott Allman
J. Scott Allman
Code Compliance Inspector
City of Port Orange, Florida

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

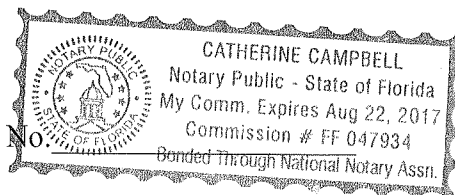
The foregoing instrument was acknowledged before me

on this 20 day of January, 2015.

By J. Scott Allman, who is personally known to me.

[Signature]
Notary Public, State of Florida At Large

Commission No.



**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 14-2623**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

Tommy & Lynn Chesser
5996 S. Lancewood Circle
Port Orange, FL 32127
6340 [REDACTED]

Respondent.

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

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on March 11, 2015, after due notice to the Respondent(s), and the Special Magistrate having heard testimony under oath, received evidence and heard argument from Staff thereupon issues its Findings of Fact, Conclusions of Law, and Order, as follows:

FINDINGS OF FACT:

A. Respondent(s), Tommy & Lynn Chesser, whose mailing address is 5604 S. Lancewood Circle, Port Orange, FL 32127, is/are the owner(s) of the property located at 5996 S. Lancewood Circle, Port Orange, FL 32127, and more particularly described as:

LOT 55 BLK F BAYWOOD REPLAT MB 23 PGS 44 & 45 PER OR 2502 PG\ 1359

B. This is a repeat violation of Chapter 42, Article II, Section 42-26 (d) of the City of Port Orange Code of Ordinances. This condition was first observed at the real property described above on December 4, 2014; re-inspections made on March 9, 2015 confirmed the condition as being the same. Respondent(s), Tommy & Lynn Chesser, received notice via certified mail on posting at City Hall on January 22, 2015 and property posting on January 19, 2015. The aforesaid conditions constituted a violation of Chapter 42, Article II, Section 42-26 (d) of the City of Port Orange Code of Ordinances.

C. At the time of the hearing on March 11, 2015, the violations cited above: ☒ continue to exist, or ☐ remained noncompliant until _____ [Date].

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

CONCLUSION OF LAW:

Respondent(s), Tommy & Lynn Chesser, by reason of the foregoing, has/have violated Chapter 42, Article II, Section 42-26 (d) of the City of Port Orange Code of Ordinances, in that the Respondent(s) failed, on or before the date set in the notice of violation, to remedy the conditions of the overgrowth of the lawn, is therefore subject to the provisions of the City of Port Orange Municipal Code 2.207.

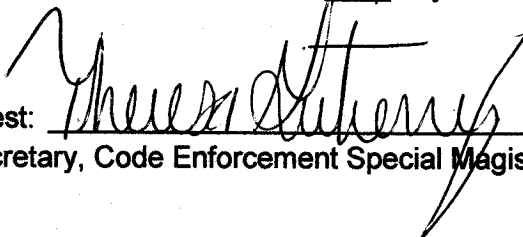
ORDER:

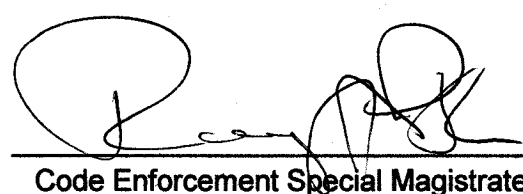
A. Respondent(s) shall correct the aforesaid violation by mowing the property, trimming all high weeds and removing all yard debris immediately. If paragraph D. above is checked and the Respondent(s) has/have not abated, then notice of the violation will be given to the City Council. The City Council may repair the condition and charge the Respondent(s) with the reasonable costs of the repairs. Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the Special Magistrate may impose additional fines to cover all costs incurred by the city in enforcing its codes and all costs or repairs pursuant to sub section (a)." The cost to date is \$54.30 as indicated on the cost sheet submitted into evidence. The Respondent(s) will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion. Any future violations under this ordinance shall be considered repeat violations.

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

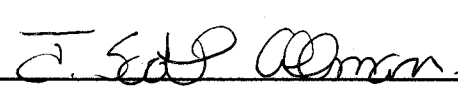
C. A certified copy of this Order may be recorded in the public records of Volusia County, Florida, and shall thereafter constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property. The findings in this Order shall be binding upon Respondent(s) and if the violation concerns real property, any subsequent purchasers, successors in interest, or assigns pursuant to the City of Port Orange Municipal Code 2.207. Failure to comply with this Order shall result in the issuance of an Order Imposing Fine and Lien. The Order Imposing Fine and Lien shall not constitute a lien until a certified copy of said Order is recorded pursuant to Section 162.09(3), Florida Statutes.

DONE AND ORDERED this 11 day of March, 2015.

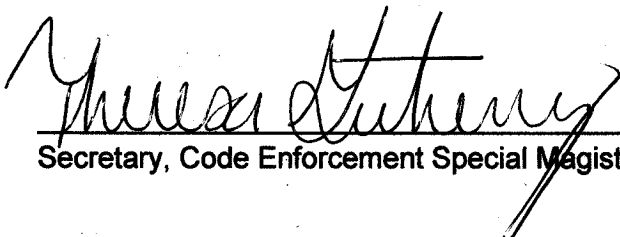
Attest: 
Secretary, Code Enforcement Special Magistrate

By: 
Code Enforcement Special Magistrate

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


Code Compliance Inspector

I HEREBY CERTIFY that a true and correct copy of the foregoing Findings of Fact, Conclusion of Law, and Order have been furnished to Respondent(s), Tommy & Lynn Chesser, 5604 S. Lancewood Circle, Port Orange, FL 32127 by Certified and Regular Mail this 11 day of March, 2015.


Secretary, Code Enforcement Special Magistrate