



AGENDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF PORT ORANGE

Meeting Date: Wednesday, March 28, 2018

Time: 9:00 AM

Type of Meeting: Regular

Location: Council Chambers
City Hall, 1000 City Center Circle

A. CALL TO ORDER

1. Attorney Overview of Special Magistrate Code Enforcement Process
2. Consideration of Minutes - March 14, 2018

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. CEB Case No.: 17-1939

Respondent: Rita Lombardi

Address of Violation: 807 Kokomo Circle, Port Orange, FL 32127

Code Officer: Amanda Bonin

First Notified: 02/20/2018

Compliance: No

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

4. CEB Case No.: 18-120

Respondent: Charlotte F. Lunsford

Address of Violation: 1405 Breaks Way, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 02/20/2018

Compliance: No

Cited for violation(s) - Chapter 16 (Miscellaneous Regulations), Section 3 (Fences and Walls), (b) General Provisions, (4) Design and Maintenance, (b) & (d) of the City of Port Orange Land Development Code;
Chapter 70 (Traffic), Article II (Stopping, standing and parking), Section 70-49 (Restrictions on abandoned or disabled vehicles), (c) Restrictions, (1)(a), (b) and (2) of the City of Port Orange Code of Ordinances; and
Chapter 3, Section 303 (Swimming Pools, Spas and Hot Tubs), 303.2 (Enclosures), of

the 2018 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

5. **CEB Case No.:** 17-1260

Respondent: Joseph F. & Lisa Vallario

Address of Violation: 204 Avon Court, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 02/09/2018

Compliance: No

Cited for violation(s) - Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth, Section 42-26 (e) Maintenance of Unimproved residential lots and (h) Abutting property owner maintenance of parkages of the City of Port Orange Code of Ordinances.

6. **CEB Case No.:** 17-1330

Respondent: Jacques J. & Susan Lynn Rippe

Address of Violation: 120 Barefoot Trail, Port Orange, FL 32129

Code Officer: Dennis Boehmer

First Notified: 02/08/2018

Compliance: No

Cited for violation(s) - City of Port Orange Code of Ordinances Chapter 42 Article 2 Section 42-26 - Cleanliness of property generally - duty of owner (d) maintenance of improved residential lots, (f) Garbage, waste, trash, etc. prohibited, and (h) Abutting property owner maintenance of parkages; and Section 42-32 - Storage of vehicles, furniture, etc.

C. ORDER IMPOSING FINE/LIEN

7. **CEB Case No.:** 17-1272

Respondent: Sylvia Finkell

Address of Violation: 717 Palm Circle Drive, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 02/14/2018

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 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.:** 17-887

Respondent: Matilde Kortbus

Address of Violation: 1231 Thomas Drive, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 06/28/2017

Compliance: Yes

Cited for violation(s) - City of Port Orange Land Development Code Chapter 16 Miscellaneous Regulations Section 3: Fences and walls. Modified (b) (4)

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 AN ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT THE CITY CLERK FOR THE CITY OF PORT ORANGE, 1000 CITY CENTER CIRCLE, PORT ORANGE, FLORIDA 32129, TELEPHONE NUMBER 386-506-5563, CITYCLERK@PORT-ORANGE.ORG, AS FAR IN ADVANCE AS POSSIBLE, BUT PREFERABLY WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING DATE. IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 7-1-1 or 1-800-955-8771. UPON REQUEST BY A QUALIFIED INDIVIDUAL WITH A DISABILITY, THIS DOCUMENT WILL BE MADE AVAILABLE IN AN ALTERNATE FORMAT. IF YOU NEED TO REQUEST THIS DOCUMENT IN AN ALTERNATE FORMAT, PLEASE CONTACT THE CITY CLERK WHOSE CONTACT INFORMATION IS PROVIDED ABOVE.

PORT ORANGE CODE ENFORCEMENT
SPECIAL MAGISTRATE MEETING MINUTES
COUNCIL CHAMBERS
1000 CITY CENTER CIRCLE
MARCH 14, 2017

THE SPECIAL MAGISTRATE HEARING of the City of Port Orange was called to order by Special Magistrate Fuller at 9:04 a.m.

PRESENT: David Fuller, Special Magistrate

ALSO PRESENT: Amanda Bonin, Code Compliance Inspector
Debbie Pearson, Code Enforcement Manager
Robin Fenwick, City Clerk

Attorney Overview of Special Magistrate Code Enforcement Process

Special Magistrate Fuller provided an overview to the members of the public in attendance.

Consideration of Minutes

Special Magistrate Fuller approved the February 28, 2018 meeting minutes as presented.

Oaths

Code Compliance Inspector Amanda Bonin and Code Enforcement Manager Debbie Pearson were sworn in by Special Magistrate Fuller.

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. **CEB Case No.:** 17-1642

Respondent: Valerie Potter

Address of Violation: 176 Iron Gate Circle, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 04/10/2017

Compliance: No

Cited for violation(s) - Chapter 1, Section 108 Unsafe Structures and Equipment, 108.1.1 Unsafe Structures; 108.1.3 Structure unfit for human occupancy; 108.1.5 Dangerous Structure or premises of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development code and

Chapter 3, Section 301 General, 301.3 Vacant Structures and Land; Section 304, Exterior Structure, 304.13 Windows Skylight and door frames; and 304.15 Doors of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Land Development Code.

Amanda Bonin, Code Compliance Inspector, was sworn in by Special Magistrate Fuller and testified as to the condition of the property, as well as the notice provided to the property owner. Photos (Exhibit 1) and evidence were submitted and accepted by Special Magistrate Fuller with

no objections. The violation was to be corrected on or before March 9, 2018 by repairing all doors and windows to ensure they are operable and secured, replacing the flooring, removing or replacing the screen porch that has been torn apart from the foundation, and securing the home. The property owner may also demolish the home. Building permits and structural certification will be required for repairs. A demolition permit is required for demolition. A re-inspection conducted on February 2, 2018 found the property remains in non-compliance.

Al Tischler, Interim Building Official, was sworn in by Special Magistrate Fuller, testified as to the condition of the property. He stated it is uninhabitable. Mr. Tischler's affidavit was presented and accepted into evidence as Exhibit 2.

Joseph Morello, 175 Iron Gate Circle, testified as to the occupancy of the house. It has been 12 years since anyone has lived there. This property is across the street from the middle school and students would enter the home before it was boarded up by the City. There has been flooding at the home causing the floors to fall through, and no repairs have been done.

Ms. Bonin recommended the property owners be found in violation of the above referenced code with the violations to be corrected on or before March 29, 2018. In the event the property is not brought into compliance on or before the compliance date, and/or not maintained in a state of compliance, a daily fine of \$250.00 per day will be assessed for each day the property is in violation beyond the compliance date. Accused should be further ordered to contact the Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the order. Ms. Bonin requested the property be found a health, safety, and wellness violation with any future violations under this ordinance being considered repeat. The cost sheet (Exhibit 3) in the amount of \$41.28 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Special Magistrate Fuller found the property owner was properly served and granted the recommendations as presented and declared it a health, safety, and wellness concern for the surrounding neighbors. The case may be referred to the City for possible abatement if it is not in compliance by March 29, 2018 and the costs will be added to any lien that is ultimately imposed on the property. The City shall have the option to abate the violation as this is a health, safety, and wellness violation (abatement to include demolition of the property if the City deems fit.) A daily fine of \$250.00 per day is granted should the property remain in violation passed the compliance date.

4. CEB Case No.: 18-100

Respondent: Adam Haller

Address of Violation: 1139 Kane Drive, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 01/17/2018

Compliance: No

Cited for violation(s) - Chapter 70 Section 70-48 - Parking of Recreational vehicles and equipment on residential premises, of the City of Port Orange Code of Ordinances.

Ms. Bonin requested dismissal of this case as it is in compliance with the notice provided to the property owner. Special Magistrate Fuller granted the dismissal request.

5. CEB Case No.: 17-936

Respondent: Gregory M. Soto

Address of Violation: 1223 Jeffery Drive, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 06/26/2017

Compliance: No

Cited for violation(s) - Chapter 3, Section 304 Exterior Structure, 304-1 General, 304.1.1 Unsafe Conditions, 304.7 Roofs and drainage of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

Ms. Bonin testified as to the condition of the property, as well as the notice provided to the property owner. Photos and evidence were submitted and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected on or before February 29, 2018 by repairing or replacing the damaged roof. Re-inspections conducted on July 31, 2017 and March 14, 2018 found the property remains in non-compliance.

Ms. Bonin recommended the property owners be found in violation of the above referenced code with the violations to be corrected on or before March 29, 2018. A fine is not being recommended as the owner is believed to be deceased and a foreclosure action has been filed. The accused should be further ordered to contact the Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the order. The cost sheet in the amount of \$41.28 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Special Magistrate Fuller granted the recommendations as presented. The property owner has until March 29, 2018 to bring the property into compliance as to all violations cited and shall notify the code officer for re-inspection. The costs to date of \$41.28 will be ordered as well.

6. CEB Case No.: 17-1397

Respondent: Rose C. & Lilly H. Ogden

Address of Violation: 43 Springwood Sq., Port Orange, FL 32129

Code Officer: Dennis Boehmer

First Notified: 09/21/2017

Compliance: No

Cited for violation(s) - Chapter 3, Section 304 Exterior Structure of the 2015 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

Ms. Bonin o/b/o Dennis Boehmer testified as to the condition of the property, as well as the notice provided to the property owner. Photos and evidence were submitted and accepted by

Special Magistrate Fuller with no objections. The violation was to be corrected on or before March 5, 2018 by having a deck/balcony installed by a licensed contractor with the proper permit. A re-inspection conducted on January 2, 2018 found the property remains in non-compliance.

Steve Moltane, Brinkerhoff Property Management, was sworn in by Special Magistrate Fuller and testified as to the issues finding a contractor to replace the damaged deck/balcony that was removed. He testified that the doors leading out to the deck/balcony have been secured so no one exits the home. He has received the funding from the owner to replace the deck/balcony. He asked for additional time to obtain a contractor. The property is tenant occupied. He asked for eight (8) weeks to replace the deck/balcony.

Debbie Pearson, Code Compliance Manager, was sworn in and testified as to the condition of the property being this way since at least November 2017. She is concerned that he does not have a contractor under contract to replace the deck/balcony. Mr. Moltane advised that he is on a call back list for a few contractors. He hasn't been able to get any to commit.

Ms. Bonin recommended the property owners be found in violation of the above referenced code with the violations to be corrected (full deck/balcony installed) on or before May 13, 2018. In the event the property is not brought into compliance on or before the compliance date, and/or not maintained in a state of compliance, a daily fine of \$250.00 per day will be assessed for each day the property is in violation beyond the compliance date. Accused should be further ordered to contact the Code Enforcement Officer to arrange for a re-inspection of the property to verify compliance with the order. The cost sheet in the amount of \$55.56 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Special Magistrate Fuller granted the recommendations as presented but did not declare it a health, safety, and wellness concern for the surrounding neighbors. Costs in the amount of \$55.56 will be ordered as well.

C. PUBLIC COMMENTS - There were none.

D. ADJOURNMENT - 10:05 a.m.

Special Magistrate Fuller

Case Cost Sheet Log

Case No. 17-1939

Name	Activity	Activity_Date	Status	Cost
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law and Order	03/28/2018		\$27.00
Rita Lombardi	Cost to mail Finding of Fact, Conclusion of Law and Order	03/28/2018		\$7.14

Total: 34.14



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 17-1939

To: Rita Lombardi
807 Kokomo Circle
Port Orange, FL 32127

Re: 807 Kokomo Circle
Port Orange, FL 32127
Parcel ID: 6309-27-00-0070

LEGAL DESCRIPTION: LOT 7 EXC W 43.24 FT SILVER OAK DUPLEXES SUB MB 42 PG 187 PER OR 3926 PG 3945
PER UNREC AFFIDAVIT OF DEATH FOR JOSEPH BILELLO
Volusia County Public Records
Volusia County, FL

An inspection of the premises on December 27, 2017, indicates that certain violation(s) of the City of Port Orange Code exists.

Property owner was notified of the violations noted below and given two weeks to correct. A re-inspection was done on January 11, 2018, and again on February 16, 2018, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by February 28, 2018.

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

**City of Port Orange Land Development Code Chapter 16 Miscellaneous Regulations Section 3: - Fences and walls.
Modified (b) General Provisions (4) Design and maintenance**

- (a) 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.

To comply the fence needs to be in its original and upright condition by repair or replacement or you have the option of removal. A permit is required for replacement.

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

Failure to comply after this date may result in the commencement of appropriate code enforcement action and/or possible fine of up to \$1,000.00 per day for a first violation, \$5,000.00 per day per violation for a repeat violation, and up to \$15,000.00 per violation if the code enforcement board or special magistrate finds the violation to be irreparable or irreversible in nature.

If the violation is corrected and then recurs, or if the violation is not corrected by the specified time for correction by the Code Compliance Inspector, the case shall be presented to the **Special Magistrate** on the date set forth below, even if the violation has been corrected prior to this scheduled hearing.

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

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate March 28, 2018, 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 \$ 20 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.

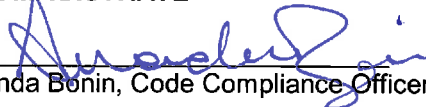
NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **March 28, 2018**, 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 9, 2018, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

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

DATED this 20th day of February, 2018.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: 
Amanda Bonin, Code Compliance Officer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Rita Lombardi 807 Kokomo Circle Port Orange FL 32127, RE: 807 Kokomo Circle Port Orange FL 32127, was

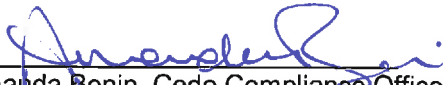
☒ Hand-delivered

Recipient of hand delivered documents: Scott Philbrick

☐ Posted at the property

this 20th day of February, 2018.

Time: approx. 1:33 p.m.


Amanda Bonin, Code Compliance Officer

- ☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Rita Lombardi 807 Kokomo Circle Port Orange FL 32127, RE: 807 Kokomo Circle Port Orange FL 32127, was
- ☒ Posted at City Hall
- ☐ Sent via certified and regular

this 21st day of February, 2018.

Michelle Amato
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.

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

vs.

CASE NO: 17-1939

RITA LOMBARDI,

Respondent.

Property Address: 807 Kokomo Circle
Port Orange, FL 32127
Parcel ID: 6309-27-00-0070

AFFIDAVIT OF HAND DELIVERY
NOTICE OF VIOLATION AND
NOTICE OF HEARING

STATE OF FLORIDA
COUNTY OF VOLUSIA

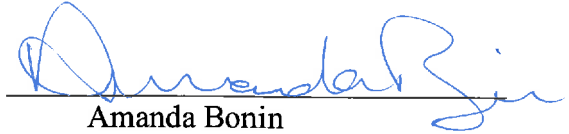
BEFORE ME, the undersigned authority, personally appeared Amanda Bonin, Code Compliance Inspector, City of Port Orange, Florida, who after being duly sworn, deposes and says:

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 807 Kokomo Circle, Port Orange, Florida 32127, is owned by Rita Lombardi.
4. That 807 Kokomo Circle, 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 807 Kokomo Circle, Port Orange, Florida 32127, at 1:33 p.m. on the 20th day of

February 2018, to Scott Philbrick, 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.

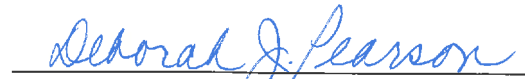
FURTHER AFFIANT SAYETH NOT.

DATED this 21st day of February, 2018.

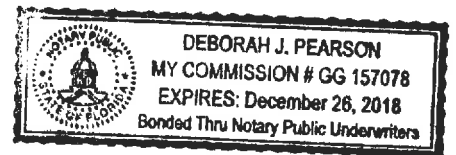

Amanda Bonin
Code Compliance Inspector

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was sworn to before me on the 21st day of February, 2018, by Amanda Bonin, who is personally known to me.


Notary Public, State of Florida

Commission No. _____



Case Cost Sheet Log

Case No. 18-120

Name	Activity	Activity_Date	Status	Cost
Charlotte F. Lunsford	Cost to mail Notice of Violation/Notice of Hearings to 1405 Breaks Way, Port Orange, FL 32127 via regular and certified mail	02/22/2018	Green card was signed for (undated)	\$7.14
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law, and Order	03/28/2018		\$27.00
Charlotte F. Lunsford	Cost to mail Finding of Fact, Conclusion of Law and Order to 1405 Breaks Way, Port Orange, FL 32127 via regular and certified mail	03/28/2018		\$7.14

Total: 41.28



NOTICE OF VIOLATION AND NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 18-120

To: Charlotte F. Lunsford
1405 Breaks Way
Port Orange, FL 32127

Re: 1405 Breaks Way
Port Orange, FL 32127
Parcel ID: 6314-06-00-0390
LEGAL DESCRIPTION: LOT 39 HARBOR POINT PHASE III MB 35 PG 49 PER OR 3809 PG 3511
Volusia County Public Records
Volusia County, FL

An inspection of the premises on January 25, 2018, indicates that certain violation(s) of the City of Port Orange Code exists.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by March 20, 2018.

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

1. Chapter 16 (Miscellaneous Regulations), Section 3 (Fences and Walls), (b) General Provisions, (4) Design and Maintenance, (b) & (d) of the City of Port Orange Land Development Code.
 - The initial inspection of the property found a damaged stockade fence. A re-inspection of the property found the fence to be in the same condition. To correct the violation, the fence must be repaired to its original and upright condition or removed from the property. If the fence is replaced a permit will be required.
2. Chapter 70 (Traffic), Article II (Stopping standing and parking), Section 70-49 (Restrictions on abandoned or disabled vehicles), (c) Restrictions, (1) (a), (b) and (2) of the City of Port Orange Code of Ordinances.
 - The initial inspection of the property found an unlicensed vehicle stored in the back yard. A re-inspection of the property found the condition to be the same. To correct the violation, the vehicle must be removed from the property, stored in an enclosed garage or parked in an approved parking area and covered with a standard vehicle cover.
3. Chapter 3, Section (303 Swimming Pools, Spas and Hot Tubs), 303.2 (Enclosures), of the 2018 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.
 - The spa in the backyard must have an appropriate barrier or an approved spa cover.

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 28, 2018, at 9:00 a.m., or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

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

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$ 7.14 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 28, 2018, 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 9, 2018, 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 20th day of February, 2018.

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 Charlotte F. Lunsford, 1405 Breaks Way, Port Orange, FL 32127, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

this 20th day of February, 2018.

Time: approx. 11:20 A.M.

J. Scott Allman
J. Scott Allman

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Charlotte F. Lunsford, 1405 Breaks Way, Port Orange, FL 32127, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 22nd day of February, 2018.

Michelle Cella

Secretary, Special Magistrate

RIGHT TO APPEAL

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

ACCOMMODATIONS

IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ANY ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT THE CITY CLERK FOR THE CITY OF PORT ORANGE, 1000 CITY CENTER CIRCLE, PORT ORANGE, FLORIDA 32129, TELEPHONE NUMBER 386-506-5563, WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING DATE; IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 1-800-955-8771.


Volusia County
Property Appraiser
Larry Bartlett, J.D.

[Home](#)
[Search](#)
[Downloads](#)
[Exemptions](#)
[Agriculture](#)
[Maps](#)
[Tangible](#)
[Links](#)
[Contact](#)

[Home](#)
[Search Choices](#)
[Search By Location Address](#)
[Property Information](#)

Parcel Information: 6314-06-00-0390 **2018 Working Tax Roll** Last Updated: 01-30-2018

Owner Name and Address

Alternate Key	3632664	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6314-06-00-0390	Mill Group	402 Port Orange
Full Parcel ID	14-16-33-06-00-0390	2017 Final Mill Rate	19.34090
Created Date	31 DEC 1981		
Property Class	01 Single Family		
Ownership Type		Ownership Percent	100
Owner Name	LUNSFORD CHARLOTTE F		
Owner Name/Address 1			
Owner Address 2	1405 BREAKS WAY		
Owner Address 3	PORT ORANGE FL		
Owner Zip/Postal Code	32127-5604		
Situs Address	1405 BREAKS WAY PORT ORANGE 32127		

Legal Description
 LOT 39 HARBOR POINT PHASE III MB 35 PG 49 PER OR 3809 PG 3511

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
3809 3511	02/1993	Warranty Deed	Qualified Sale	Yes	59,000
3718 0510	12/1991	Unknown	Affiliated Parties	Yes	100
3238 0204	12/1988	Quit Claim Deed	Affiliated Parties	Yes	100
2503 1879	10/1983	Certificate of Title	Unqualified Sale	Yes	1,000
2180 1479	07/1980	Warranty Deed	Qualified Sale	Yes	46,500

History of Values

Year	Land	Bldg(s)	Misc. Impr.	Just Value	School Assessed	Non-School Assessed	School Exemption	School Taxable	Non-School Exemption	Non-School Taxable
2017	21,725	81,702	1,855	105,282	68,653	68,653	25,000	43,653	18,653	25,000
2016	21,725	75,720	1,862	99,307	67,241	67,241	25,000	42,241	17,241	25,000

Display Value History

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
0101	IMP PVD THRU .49 AC	79.0	100.0	79.00	FRONT FEET	330.00	83	100	100	100	21,725
Neighborhood 4248 HARBOR POINT PHASE THREE											
Total Land Classified											0
Total Land Just											21,725

Building Characteristics
 Building Number: 115759 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
115759	Single Family	142	1979	300		27%	0%	0%	2999
Roof Type	GABLE	Floors		Carpet	Bedrooms	2	4 Fixture Bath		0
Roof Cover	ASPHALT SHINGL	Wall Type		Plaster	X Fixture Bath	0	5 Fixture Bath		0
Heat Type1	Forced Ducted	Heat Source1		Electricity	2 Fixture Bath	0	6 Fixture Bath		0
Heat Type2		Heat Source2			3 Fixture Bath	2	7 Fixture Bath		0
Foundation	Concrete Slab	Year Remodeled			Fireplaces	0	A/C		Yes

Section Number	Area Type	Exterior Wall Type	Number Stories	Year Built	Attic Finish	Bsmt Area	Bsmt Finish	Floor Area
001	Res BASE Area (BAS)	CONC OR CINDER BLOCK	1.0	1979	N	0%	0%	1040 Sq. Feet
002	Patio (PTO)	Non-Applicable	1.0	1979	N	0%	0%	154 Sq. Feet
003	Finished Garage (FGR)	Non-Applicable	1.0	1979	N	0%	0%	378 Sq. Feet
004	Porch, Open Finished (FOP)	Non-Applicable	1.0	1979	N	0%	0%	52 Sq. Feet

6-415 ac

BOOK PAGE
3809 3511
VOLUSIA CO., FL

This Instrument Prepared by and Return To:
Harold A. Ward III, Esquire
Winderweede, Gaines, Ward & Woodman, P.A.
P. O. Box 880
Winter Park, FL 32790

Property Folio Number: 6314-06-00-0390

(Space Above This Line for Recording Data)

WARRANTY DEED (FROM INDIVIDUAL)

This Warranty Deed Made and executed the 18th day of February A.D. 1993
by Karin Teston, a single person,

hereinafter called the grantor, to Charlotte P. Lumsford

whose social security number(s) is (are): [REDACTED]

whose post office address is 1405 Breaks Way, Port Orange, FL 32127
hereinafter called the grantee:

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives 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, Florida, viz:

Lot 39, HARBOR POINT PHASE III, according to the Plat thereof as recorded in Map Book 35, Pages 48 and 49, Public Records of Volusia County, Florida.

Subject To restrictions and easements of record, if any, but this reference shall not act to reimpose same.

Subject To taxes for the year 1993 and subsequent years.

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

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

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

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

Signed, sealed and delivered in the presence of:

Betty A. Mueller
Betty A. Mueller
NAME PRINTED
Randolph J. Rush
NAME PRINTED

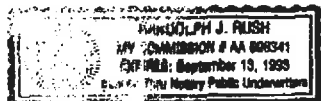
Karin Teston
Karin Teston
P. O. Box 291031
Port Orange, FL 32129

REC'D FEE \$ 6.00 REC'D PAYMENT AS
BOOKED \$ 413.00 INDICATED FOR CLASS
RECEIVED BY [REDACTED] OFF. PUBLIC REC. & DOC
FEBRUARY 19 1993 OFF. PUBLIC REC. & DOC
COUNTY OF VOLUSIA
NOTARY PUBLIC

STATE OF FLORIDA
COUNTY OF ORANGE

The foregoing instrument was acknowledged before me this 18th day of February, 1993, by Karin Teston, a single person, who is personally known to me or who produced FL Dept. License as identification and who did take an oath.

[Signature]
Notary Public
My commission expires: 9-13-94



025917
RECORDED
FOR RE-ENTRY
RECORD VERIFIED

93 MAR 1 AM 11:24
OFFICE OF THE CLERK
COUNTY OF VOLUSIA, FL

025917

Section 3: - Fences and walls.

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

(b) *General provisions.*

(1) *Restrictions.*

- (a) No barbed wire, razor wire or similar material shall be allowed for residential uses.
- (b) Barbed wire, razor wire, or similar material shall be prohibited for commercial and industrial uses, except when installed at an eight-foot height or greater.
- (c) Temporary construction fencing.
 - (1) Temporary construction fencing shall be allowed for sites in all zoning districts that have been issued a development order by the city.
 - (2) The city shall require the installation of a temporary construction fence in areas where construction activities create impacts to adjoining properties and rights-of-way such as debris, glare, and noise, which cannot otherwise be mitigated.
 - (3) A building permit shall be obtained prior to the erection of the temporary construction fence.
 - (4) The fence shall be constructed according to the adopted standard construction detail for a temporary construction fence. Approved fence materials shall include opaque privacy fencing or other semipermanent materials deemed appropriate by the administrative official.
 - (5) If the fence or gate is not properly maintained in an upright position with all fabric materials fully attached, or the fence or gates are not in working order, a stop work order shall be issued for the construction site until the fence is determined to be in proper working order as originally permitted.
 - (6) The temporary construction fence is intended to remain no longer than necessary to mitigate the conflict with other construction infrastructure for the project. Before a certificate of occupancy is

figure16A

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

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 unrepared, 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)

GENERAL REQUIREMENTS

302.9 Defacement of property. A person shall not willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

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

SECTION 303

SWIMMING POOLS, SPAS AND HOT TUBS

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

303.2 Enclosures. Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier not less than 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. An existing pool enclosure shall not be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Exception: Spas or hot tubs with a safety cover that complies with ASTM F1346 shall be exempt from the provisions of this section.

SECTION 304

EXTERIOR STRUCTURE

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

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

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength.
2. The *anchorage* of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects.
3. Structures or components thereof that have reached their limit state.
4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight.

5. Structural members that have evidence of *deterioration* or that are not capable of safely resisting all nominal loads and load effects.
6. Foundation systems that are not firmly seated by footings, are not plumb and free from cracks and breaks, are not properly *anchored* and are not capable of supporting all nominal loads and resisting all load effects.
7. Exterior walls that are not *anchored* to supported elements or are not plumb and free from holes, cracks or breaks and loose materials, are not properly *anchored* and are not capable of supporting all nominal loads and resisting all load effects.
8. Roofing or roofing components that have holes that admit rain, roof surfaces with poor drainage, or any portion of the roof framing not in good repair with signs of *deterioration* or fatigue, are not properly *anchored* and are not capable of supporting all nominal loads and resisting all load effects.
9. Flooring and flooring components that affect serviceability or flooring components that show signs of *deterioration* or fatigue, are not properly *anchored* or are incapable of supporting all nominal loads and resisting all load effects.
10. Veneer, cornices, belt courses, corbels, moldings, facings and similar decorative features are not properly *anchored* or that are *anchored* in conditions not capable of supporting all nominal loads and resisting all load effects.
11. Overhang extensions or projections in excess of 12 inches, not limited to, trash chutes, canopies, signs, awnings, fire escapes, stair enclosures, exhaust ducts not properly *anchored* and are not capable of supporting all nominal loads and resisting all load effects.
12. Exterior stairs, decks, porches, balconies and similar appurtenances attached thereto, including handrails, are not structurally sound, are not properly *anchored* or that are *anchored* in conditions not capable of supporting all nominal loads and resisting all load effects.
13. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound, are not properly *anchored*, or that are *anchored* in conditions not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

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

304.2 Protective treatment. Exterior surfaces, not limited to, doors, door and window frames, porches, trim, balconies, decks and fences, shall be maintained in good condition. Exterior wood surfaces shall be maintained in good condition.

Case Cost Sheet Log

Case No. 17-1260

Name	Activity	Activity_Date	Status	Cost
Joseph F. & Lisa Vallario	Cost to mail the Notice of Violation/Notice of Hearings to 5206 Auth Road, Suitland, MD 20746-4325 via regular and certified mail	02/13/2018	Green cards for both were signed and returned dated 2/17/18	\$14.28
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law and Order	03/28/2018		\$27.00
Joseph F. & Lisa Vallario	Cost to mail the Finding of Fact, Conclusion of Law and Order to 5206 Auth Road, Suitland, MD 20746-4325 via regular and certified mail	03/28/2018		\$14.28

Total: 55.56



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 17-1260

To: Joseph F. & Lisa Vallario

5206 Auth Rd

Suitland, MD 20746-4325

Re: 204 Avon Ct

Port Orange, FL 32127

Parcel ID: 6321-01-01-0860

LEGAL DESCRIPTION: LOT 86 CAMBRIDGE SUB UNIT 1 MB 32 PG 4 PER OR 1697 PG 198

Volusia County Public Records

Volusia County, FL

An inspection of the premises on August 29, 2017, indicates that certain violation(s) of the City of Port Orange Code exists.

Property owner was notified of the violations noted below on September 28, 2017 and given 30 days to correct. A re-inspection was done on November 28, 2017, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by March 8, 2018.

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

1. Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (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.
 - An inspection of the property was conducted on August 29, 2017. During the inspection, I observed an unimproved lot in which the perimeter and right of way are severely overgrown. I was able to contact the owner Ms. Vallario on September 28, 2017 and we discussed the alleged violation. At that time, Ms. Vallario stated that she would hire a contractor to mow the right of way and the ten-foot perimeter adjoining said right of way. A re-inspection on November 28, 2017 revealed the conditions to be the same. To correct the alleged violation, the right of way and ten feet beyond the right of way needs to be mowed, all high weeds trimmed and all fallen trees and limbs removed.
2. (Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (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.
 - An inspection of the property was conducted on August 29, 2017. During the inspection, I observed an unimproved lot in which the perimeter and right of way are severely overgrown. I was able to contact the owner

Ms. Vallario on September 28, 2017 and we discussed the alleged violation. At that time, Ms. Vallario stated that she would hire a contractor to mow the right of way and the ten-foot perimeter adjoining said right of way. A re-inspection on November 28, 2017 revealed the conditions to be the same. To correct the alleged violation, the right of way and ten feet beyond the right of way needs to be mowed, all high weeds trimmed and all fallen trees and limbs removed.

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 Respondents to request a re-inspection by the Code Compliance Inspector to determine whether the property is in compliance.

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate** March 28, 2018, at 9:00 a.m., or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

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

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$ 14.28 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 28, 2018, 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 9, 2018, 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 9th day of February, 2018.

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 Joseph F. & Lisa Vallario, 5206 Auth Rd, Suitland, MD 20746-4325, Re: 204 Avon Ct, Port Orange, FL 32127, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

this 9th day of February, 2018.

Time: approx. 10:20 A.M.

J. Scott Allman
J. Scott Allman

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Joseph F. & Lisa Vallario, 5206 Auth Rd, Suitland, MD 20746-4325, Re: 204 Avon Ct, Port Orange, FL 32127, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 12th day of February, 2018.

Nichelle Cecla
Secretary, Special Magistrate

RIGHT TO APPEAL

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

ACCOMMODATIONS

IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ANY ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT THE CITY CLERK FOR THE CITY OF PORT ORANGE, 1000 CITY CENTER CIRCLE, PORT ORANGE, FLORIDA 32129, TELEPHONE NUMBER 386-506-5563, WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING DATE; IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 1-800-955-8771.

Case Cost Sheet Log

Case No. 17-1330

Name	Activity	Activity_Date	Status	Cost
Jacques J. & Susan Lynn Rippe	Cost to mail Notice of Violation/Notice of Hearings to 120 Barefoot Trail, Port Orange, FL 32129 via regular and certified mail	02/09/2018	Certifies were returned "vacant"; Regular mail was not returned	\$14.28
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law, and Order	03/28/2018		\$27.00
Jacques J. & Susan Lynn Rippe	Cost to mail Finding of Fact, Conclusion of Law and Order to 120 Barefoot Trail, Port Orange, FL 32129 via regular and certified mail	03/28/2018		\$14.28

Total: 55.56



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 17-1330

To: Jacques J. & Susan Lynn Rippe
120 Barefoot Trail
Port Orange, FL 32129

Re: 120 Barefoot Trail
Port Orange, FL 321229
Parcel ID: 6305-03-00-1100

LEGAL DESCRIPTION: LOT 110 BAREFOOT PARK MB 31 PG 62 PER OR 4044 PG 3396 PER OR 5764 PG 2209
Volusia County Public Records
Volusia County, FL

An inspection of the premises on September 5th, 2017, indicates that certain violation(s) of the City of Port Orange Code exists.

Property owner was notified of the violations noted below and given 120 days to correct. A re-inspection was done on January 3rd, 2018, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by **March 7th, 2018**.

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

**City of Port Orange Code of Ordinances Chapter 42 Article 2 Section 42-26. - Cleanliness of property generally—
Duty of owner.**

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

(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.

(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. Parkages abutting improved residential or commercial lots shall be maintained as provided in subsection (d) of this section for improved residential lots...

City of Port Orange Code of Ordinances Chapter 42 Article 2 Section 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.

To comply: Mow/weed-eat entire property of all high weeds/grasses to include along the sidewalk, around all shrubs, trees, and home. Remove all stored items currently on carport (gas cans, hose, lawnmower, red cooler,

lawn equipment, broom, dust pan and spare tire, oil container) to an enclosed area or behind fenced property. Pick up all trash and debris to include your driveway, carport and parkage, along with tree limb debris lying the yard. All garbage cans/recycle bins are to be stored neatly on the side of the property.

Attachments: ☐ Copy of code

☐ Copy of Deed

☐ Copy of Tax Roll

Failure to comply after this date may result in the commencement of appropriate code enforcement action and/or possible fine of up to \$1,000.00 per day for a first violation, \$5,000.00 per day per violation for a repeat violation, and up to \$15,000.00 per violation if the code enforcement board or special magistrate finds the violation to be irreparable or irreversible in nature.

If the violation is corrected and then recurs, or if the violation is not corrected by the specified time for correction by the Code Compliance Inspector, the case shall be presented to the **Special Magistrate** on the date set forth below, even if the violation has been corrected prior to this scheduled hearing.

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

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate March 28th, 2018, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

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

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$7.14 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 28th, 2018**, 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 9th, 2018, 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) 506-5643.

DATED this 8th day of FEBRUARY, 2018.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: [Signature]
Dennis Boehmer

☐ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Jacques J. & Susan Lynn Rippe 120 Barefoot Trail Port Orange, FL 32129, RE: 120 Barefoot Trail Port Orange, FL 32129, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

this 8th day of February, 2018.

Time: approx. 1:20 PM

[Signature]
Dennis Boehmer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Jacques J. & Susan Lynn Rippe 120 Barefoot Trail Port Orange, FL 32129, RE: 120 Barefoot Trail Port Orange, FL 32129, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 9th day of February, 2018.

[Signature]
Secretary, Special Magistrate

RIGHT TO APPEAL

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

ACCOMMODATIONS

IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ANY ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT THE CITY CLERK FOR THE CITY OF PORT ORANGE, 1000 CITY CENTER CIRCLE, PORT ORANGE, FLORIDA 32129, TELEPHONE NUMBER 386-506-5563, WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING DATE; IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 1-800-955-8771.



Volusia County Property Appraiser

Larry Bartlett, J.D.

Home Search Downloads Exemptions Agriculture Maps Tangible Links Contact

Home Search Choices Search By Location Address **Property Information**

Parcel Information: 6305-03-00-1100 **2018 Working Tax Roll** Last Updated: 01-24-2018

Owner Name and Address

Alternate Key	3585089	Parcel Status	Active Parcel (Real Estate)
Short Parcel ID	6305-03-00-1100	Mill Group	402 Port Orange
Full Parcel ID	05-16-33-03-00-1100	2017 Final Mill Rate	19.34090
Created Date	30 DEC 1981		
Property Class	02 Mobile Homes		
Ownership Type		Ownership Percent	100
Owner Name	RIPPE JACQUES J & SUSAN LYNN		
Owner Name/Address 1			
Owner Address 2	120 BAREFOOT TRAIL		
Owner Address 3	PORT ORANGE FL		
Owner Zip/Postal Code	32129		
Situs Address	120 BAREFOOT TR PORT ORANGE 32129		

Legal Description

LOT 110 BAREFOOT PARK MB 31 PG 62 PER OR 4044 PG 3396 PER OR 5764 PG 2209

Sales History

Book Page	Sale Date	Sale Instrument	Qualified Unqualified	Improved	Sale Price
5764 2209	02/2006	Warranty Deed	Qualified Sale	Yes	125,000
4044 3396	10/1995	Warranty Deed	Qualified Sale	Yes	38,900

History of Values

Year	Land	Bldg(s)	Misc. Impr.	Just Value	School Assessed	Non-School Assessed	School Exemption	School Taxable	Non-School Exemption	Non-School Taxable
2017	12,700	31,297	267	44,264	33,275	33,275	25,500	7,775	0	7,775
2016	19,750	23,673	267	43,690	32,591	32,591	25,500	7,091	0	7,091

[Display Value History](#)

Land Data

Code	Land Use Type	Frontage	Depth	No. Units	Unit Type	Rate	Depth	Loc	Shp	Phy	Just Value
0202	MH ON MH SITE PVD	62.0	113.0	1.00	LOT	12700.00	100	100	100	100	12,700
Neighborhood	5984 BAREFOOT PARK M-H MB 31 PG 62										
										Total Land Classified	0
										Total Land Just	12,700

Building Characteristics

Building Number: 111526 (Building 1 of 1)

Bldg. No.	Improvement Type	Base Perimeter	Year Built	Quality Grade	Architecture	Phys. Depr.	Func. Obs.	Loc. Obs.	Next Review
111526	Manufact/Mobile	144	1978	250	Manufactured Home	60%	0%	0%	2999
Roof Type	GABLE	Floors		Carpet	Bedrooms	2	4 Fixture Bath 0		
Roof Cover	METAL	Wall Type		Plywood Panel	X Fixture Bath	0	5 Fixture Bath 0		
Heat Type1	Forced Ducted	Heat Source1		Electricity	2 Fixture Bath	0	6 Fixture Bath 0		
Heat Type2		Heat Source2			3 Fixture Bath	2	7 Fixture Bath 0		
Foundation	Wd Conc Piers	Year Remodeled			Fireplaces	0	A/C Yes		
Section Number	Area Type	Exterior Wall Type	Number Stories	Year Built	Attic Finish	Bsmt Area	Bsmt Finish	Floor Area	
001	Res BASE Area (BAS)	ALUMINUM SIDING	1.0	1978	N	0%	0%	1152 Sq. Feet	
003	Carport, Unfinished (UCP)	Non-Applicable	1.0	1978	N	0%	0%	187 Sq. Feet	
005	Porch, Open Unfinished (UOP)	Non-Applicable	1.0	1996	N	0%	0%	99 Sq. Feet	
006	Porch, Open Unfinished (UOP)	Non-Applicable	1.0	2002	N	0%	0%	55 Sq. Feet	
007	Finished Enclosed Porch (FEP)	Non-Applicable	1.0	1978	N	0%	0%	216 Sq. Feet	
008	Unfinished Enclosed Porch (UEP)	Non-Applicable	1.0	1978	N	0%	0%	242 Sq. Feet	

02/09/2006 01:48 PM
Doc stamps 875.00
(Transfer Amt \$ 125000)
Instrument# 2006-034466 # 1
Book: 5764
Page: 2209
Diane M. Matousek
Volusia County, Clerk of Court

This Warranty Deed

Made this 7th day of February A.D. 2006
by Velma McIntosh, joined by her spouse, Michael
McIntosh

hereinafter called the grantor, to
Jacques J. Rippe, Jr. and Susan Lynn Rippe,
husband and wife

whose post office address is:
120 Barefoot Trail
Port Orange, Florida 32129

hereinafter called the grantee:

(Whenever 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)

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

Lot 110, BAREFOOT PARK MOBILE HOME SUBDIVISION, according to the plat thereof
recorded in Map Book 31, Page 62, Public Records of Volusia County, Florida.
Together with that certain 1978 SUNC doublewide Mobile Home ID# FLFL2, [REDACTED]
and FLFL2, [REDACTED]

Parcel Identification Number: 6305-03-00-1100

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

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

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land
in fee simple that the grantor has good right and lawful authority to sell and convey said land; that the
grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all
persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to
December 31, 2005.

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:

Carol J. Bocook
Witness Printed Name CAROL J. BOCOOK

Maria Schmitt
Witness Printed Name Maria Schmitt

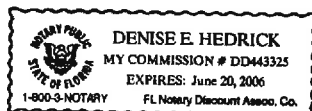
Velma McIntosh (Seal)
Velma McIntosh
Address:

Michael McIntosh (Seal)
Michael McIntosh
Address:

State of **Florida**
County of **Volusia**

The foregoing instrument was acknowledged before me this 7th day of February, 2006, by
Velma McIntosh, joined by her spouse, Michael McIntosh
who is/are personally known to me or who has produced driver's license as identification.

Denise E. Hedrick
Notary Public
Print Name: _____
My Commission Expires: _____



PREPARED BY: Denise E. Hedrick
RECORD AND RETURN TO:
Columbia Title Research Corporation ←
200 Forest Lake Blvd.
Daytona Beach, Florida 32119
FILE No.:06-0101

Violation Charges in Naviline for Notices

City of Port Orange Code of Ordinances Chapter 42 Article 2 Section 42-26. - Cleanliness of property generally—Duty of owner.

(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.

(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. 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. "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.

City of Port Orange Code of Ordinances Chapter 42 Article 2 Section 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.

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

vs.

CASE NO: 17-1330

Jacques J. & Susan Lynn Rippe,
Respondent.

Property Address: 120 Barefoot Trail, Port Orange, FL 32129
Parcel ID: 6305-03-00-1100

AFFIDAVIT OF PROPERTY POSTING
NOTICE OF VIOLATION AND
NOTICE FOR HEARING

STATE OF FLORIDA
COUNTY OF VOLUSIA

BEFORE ME, the undersigned authority, personally appeared Dennis Boehmer, 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 120 Barefoot Trail, Port Orange, Florida 32129, is owned by Jacques J. & Susan Lynn Rippe.
4. That 120 Barefoot Trail, Port Orange, Florida 32129 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 120 Barefoot Trail, Port Orange, Florida 32129, at 1:20 p.m. on the 8th day of February 2018, 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.

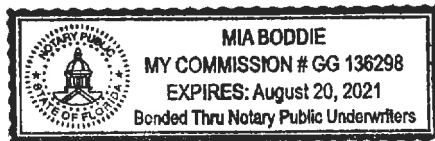
DATED this 8th day of February 2018.



Dennis Boehmer
Code Compliance Inspector

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was sworn to before me on the 8th day of
February, 2018, by Dennis Boehmer, who is personally known to me.



Notary Public, State of Florida

Commission No. GG 136298

Case Cost Sheet Log

Case No. 17-1272

Name	Activity	Activity_Date	Status	Cost
Sylvia Finkell	Cost to mail Notice of Violation to 717 Palm Circle Drive to 717 Palm Circle Drive, Port Orange, FL 32127 via regular and certified mail	01/12/2018	Certified mail returned "refused" & notify sender of new address	\$7.14
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law & Order	02/14/2018		\$27.00
Sylvia Finkell	Cost to mail Finding of Fact, Conclusion of Law & Order to 717 Palm Circle Drive, Port Orange, FL 32127 via regular and certified mail	02/14/2018		\$7.14

Total: 41.28



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 17-887

To: Matilde Kortbus
1231 Thomas Drive
Port Orange, FL 32129

Re: 1231 Thomas Drive
Port Orange, FL 32129

Parcel ID: 6307-05-00-0180

LEGAL DESCRIPTION: LOT 18 WILLOW RUN UNIT 4 MB 37 PGS 116 & 117 PER OR 2463 PG 824

Volusia County Public Records

Volusia County, FL

An inspection of the premises on June 23, 2017, indicates that certain violation(s) of the City of Port Orange Code exists.

Property owner was notified of the violations noted below and given five days to correct. A re-inspection was done on June 28, 2017, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by January 19, 2017.

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

City of Port Orange Land Development Code Chapter 16 Miscellaneous Regulations Section 3: - Fences and walls. Modified (b) (4)

- (a) In general. All fences and walls shall be constructed in compliance with applicable building codes and in accordance with the following dimensional and use regulations.
- (b) General provisions.
 - (4) Design and maintenance.
 - (b) All fences shall be maintained in their original upright condition.
 - (d) Missing boards, pickets, or posts shall be replaced in a timely manner with material of the same type and quality.

The panel of fencing and the post are not up to code and need to be removed.

Attachments: ☐ Copy of code

☐ Copy of Deed

☐ Copy of Tax Roll

Failure to comply after this date may result in the commencement of appropriate code enforcement action and/or possible fine of up to \$1,000.00 per day for a first violation, \$5,000.00 per day per violation for a repeat violation, and up to \$15,000.00 per violation if the code enforcement board or special magistrate finds the violation to be irreparable or irreversible in nature.

If the violation is corrected and then recurs, or if the violation is not corrected by the specified time for correction by the Code Compliance Inspector, the case shall be presented to the **Special Magistrate** on the date set forth below, even if the violation has been corrected prior to this scheduled hearing.

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

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate February 14, 2018, 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 \$ 100.00 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.

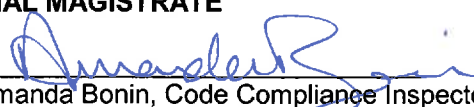
NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **February, 14, 2018**, 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 **March 28, 2018, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

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

DATED this 12th day of January 2018.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: 
Amanda Bonin, Code Compliance Inspector

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Matilde Kortbus 1231 Thomas Drive, Port Orange, FL 32129, RE: 1231 Thomas Drive, Port Orange, FL 32129, was

☒ Hand-delivered

Recipient of hand delivered documents: Armando Kortbus

☐ Posted at the property

this 12th day of January 2018.

Time: approx. _____


Amanda Bonin, Compliance Inspector

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Matilde Kortbus 1231 Thomas Drive, Port Orange, FL 32129, RE: 1231 Thomas Drive, Port Orange, FL 32129, was

☒ Posted at City Hall

☒ Sent via certified and regular

this 12th day of January, 2018.

Michelle Cella
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.

**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 17-1272**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

SYLVIA FINKELL
717 PALM CIRCLE DRIVE, PORT ORANGE, FL 32127
6340-04-00-0080

Recorded in the Public Records:
Instrument # 2018 029 760 2/14/18
Book: 7507 Page: 1197

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 FEBRUARY 14, 2018, 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), SYLVIA FINKELL, (hereinafter referred to as "Respondent(s)", whose mailing address is 717 PALM CIRCLE DRIVE, PORT ORANGE, FL 32127 is the owner(s) of the property located at 717 PALM CIRCLE DRIVE, PORT ORANGE, FL 32127, and more particularly described as:

LOT 8 & IRREG PARCEL IN LOT 9 BEING S 2.57 FT ON E/L & 116.55 FT ON N/L & S 6.50 FT ON W/L BAYWOOD REPLAT NO 2 MB 19 PG 203 PER OR 4355 PG 3783

B. The property must be mowed and maintained, all fallen limbs and trees must be removed, the front area of the property that is so overgrown must be thinned out and cleaned up. Removal of all garbage, junk, trash, and debris on the property and around exterior of the home and all outside stored items must be placed in an enclosed building. This condition was first observed at the real property described above on August 30, 2017; re-inspections were made on February 9, 2018 and confirmed the condition as being the same. Respondent(s) received notice via certified mail, posted on the property and City Hall January 12, 2018, 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, Chapter 42, Article II, Section 42-26 (f) 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, and was to be corrected by January 21, 2018.

C. At the time of this hearing, 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:

CONCLUSION OF LAW:

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

ORDER:

A. Respondent(s) shall correct the aforesaid violation by mowing the entire property to include weed eating, edging, and trimming all high weeds, removing all fallen limbs, and cutting back undergrowth, removing all outside storage on the property, and removing any trash and debris on site **on or before February 23, 2018 ("Compliance Date")**. If paragraph D. above is checked and the Respondent(s) has/have not abated the condition by the Compliance Date, then notice of the violation will be given to the City Council. The City Council may repair the condition and charge the Respondent(s) with the reasonable costs of the repairs. Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the Special Magistrate may impose additional fines to cover all costs incurred by the city in enforcing its codes and all costs or repairs pursuant to sub section (a)." The cost to date is \$41.28 as indicated on the cost sheet submitted into evidence. The Respondent(s) will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion. Any future violations under this ordinance shall be considered repeat violations.

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

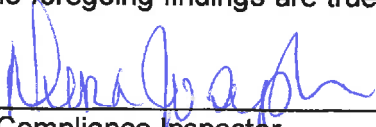
C. A certified copy of this Order may be recorded in the public records of Volusia County, Florida, and shall thereafter constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property. The findings in this Order shall be binding upon Respondent(s)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

DONE AND ORDERED this 14th day of February, 2018.

Attest: Michelle Osella
Secretary, Code Enforcement Special Magistrate

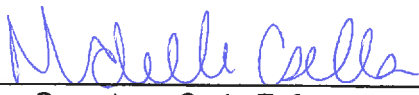
By: [Signature]
Code Enforcement Special Magistrate

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



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), SYLVIA FINKELL, 717 PALM CIRCLE DRIVE, PORT ORANGE, FL 32127 by Certified and Regular Mail this 14th day of February, 2018.



Secretary, Code Enforcement Special Magistrate

Case Cost Sheet Log

Case No. 17-887

Name	Activity	Activity_Date	Status	Cost
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law & Order	02/14/2018		\$27.00
Matilde Kortbus	Cost to mail Finding of Fact	02/14/2018		\$7.14

Total: 34.14



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 17-887

To: Matilde Kortbus
1231 Thomas Drive
Port Orange, FL 32129

Re: 1231 Thomas Drive
Port Orange, FL 32129

Parcel ID: 6307-05-00-0180

LEGAL DESCRIPTION: LOT 18 WILLOW RUN UNIT 4 MB 37 PGS 116 & 117 PER OR 2463 PG 824

Volusia County Public Records

Volusia County, FL

An inspection of the premises on June 23, 2017, indicates that certain violation(s) of the City of Port Orange Code exists.

Property owner was notified of the violations noted below and given five days to correct. A re-inspection was done on June 28, 2017, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by January 19, 2017.

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

City of Port Orange Land Development Code Chapter 16 Miscellaneous Regulations Section 3: - Fences and walls. Modified (b) (4)

- (a) In general. All fences and walls shall be constructed in compliance with applicable building codes and in accordance with the following dimensional and use regulations.
- (b) General provisions.
 - (4) Design and maintenance.
 - (b) All fences shall be maintained in their original upright condition.
 - (d) Missing boards, pickets, or posts shall be replaced in a timely manner with material of the same type and quality.

The panel of fencing and the post are not up to code and need to be removed.

Attachments: ☐ Copy of code

☐ Copy of Deed

☐ Copy of Tax Roll

Failure to comply after this date may result in the commencement of appropriate code enforcement action and/or possible fine of up to \$1,000.00 per day for a first violation, \$5,000.00 per day per violation for a repeat violation, and up to \$15,000.00 per violation if the code enforcement board or special magistrate finds the violation to be irreparable or irreversible in nature.

If the violation is corrected and then recurs, or if the violation is not corrected by the specified time for correction by the Code Compliance Inspector, the case shall be presented to the **Special Magistrate** on the date set forth below, even if the violation has been corrected prior to this scheduled hearing.

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

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate February 14, 2018, 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 \$ 100.00 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.

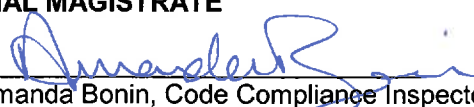
NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **February, 14, 2018**, 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 **March 28, 2018, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

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

DATED this 12th day of January 2018.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: 
Amanda Bonin, Code Compliance Inspector

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Matilde Kortbus 1231 Thomas Drive, Port Orange, FL 32129, RE: 1231 Thomas Drive, Port Orange, FL 32129, was

☒ Hand-delivered

Recipient of hand delivered documents: Armando Kortbus

☐ Posted at the property

this 12th day of January 2018.

Time: approx. _____


Amanda Bonin, Compliance Inspector

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Matilde Kortbus 1231 Thomas Drive, Port Orange, FL 32129, RE: 1231 Thomas Drive, Port Orange, FL 32129, was

☒ Posted at City Hall

☐ Sent via certified and regular

this 12th day of January, 2018.

Michelle Cella
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.