



REVISED AGENDA

CODE ENFORCEMENT SPECIAL MAGISTRATE

CITY OF PORT ORANGE

Meeting Date: Wednesday, May 9, 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 - April 25, 2018

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. CEB Case No.: 18-236

Respondent: Donavan A. Huseman, Jr.

Address of Violation: 72 Brandy Hills Drive, Port Orange, FL 32129

Code Officer: Dennis Boehmer

First Notified: 03/29/2018

Compliance: Yes

Cited for violation(s) - City of Port Orange Code of Ordinances, Chapter 42, Section 42-32 (Storage of vehicles, furniture, etc.)

4. CEB Case No.: 17-1882

Respondent: Barbara & Richard L. Divoll

Address of Violation: 164 Sweetgum Lane, Port Orange, FL 32129

Code Officer: Dennis Boehmer

First Notified: 03/23/2018

Compliance: No

Cited for violation(s) - City of Port Orange Code of Ordinances, Chapter 42, Section 42.26(d): Maintenance of improved residential lots

City of Port Orange Land Development Code, Chapter 16, Section 3(b), 4(b)(d): All fences shall be maintained in their original upright condition.

2017 Florida Building Code, 6th Edition, Section 105 (permits), Section 105.1 (Required) as adopted per Chapter 14, Article II of the City of Port Orange Code of

Ordinances: Failure to Obtain a Building Permit.

5. **CEB Case No.:** 18-108

Respondent: Teresa Roddy

Address of Violation: 1225 Thomasina Drive, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 01/25/2018

Compliance: Yes

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

Florida Building Code Chapter 1, Section 105 Permits 105.1 Required

6. **CEB Case No.:** 18-141

Respondent: Jessica Lynn Lincicome

Address of Violation: 9 Raintree Drive, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 04/04/2018

Compliance: No

Cited for violation(s) - City of Port Orange Code of Ordinances, Chapter 42, Article V, Division 2 (Nuisance Trees), Section 42-103, (Declaration of Nuisance), (a)(2); and

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

C. ORDER IMPOSING FINE/LIEN

7. **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: Yes

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.

8. **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.

9. **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: Yes

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)

D. ADJOURNMENT

ANY PERSON WHO DECIDES TO APPEAL ANY DECISION MADE BY THE **CODE ENFORCEMENT SPECIAL MAGISTRATE** WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE HE OR SHE MAY NEED TO ENSURE AT HIS OR HER OWN EXPENSE FOR THE TAKING AND PREPARATION OF A VERBATIM RECORD OF ALL TESTIMONY AND EVIDENCE OF THE PROCEEDINGS UPON WHICH THE APPEAL IS TO BE BASED. NOTE: IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS AN ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT THE CITY CLERK FOR THE CITY OF PORT ORANGE, 1000 CITY CENTER CIRCLE, PORT ORANGE, FLORIDA 32129, TELEPHONE NUMBER 386-506-5563, CITYCLERK@PORT-ORANGE.ORG, AS FAR IN ADVANCE AS POSSIBLE, BUT PREFERABLY WITHIN 2 WORKING DAYS OF YOUR RECEIPT OF THIS NOTICE OR 5 DAYS PRIOR TO THE MEETING DATE. IF YOU ARE HEARING OR VOICE IMPAIRED, CONTACT THE RELAY OPERATOR AT 7-1-1 or 1-800-955-8771. 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 MINUTES
COUNCIL CHAMBERS
1000 CITY CENTER CIRCLE
APRIL 25, 2018

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

PRESENT: David Fuller, Special Magistrate

ALSO PRESENT: Scott Allman, Code Compliance Inspector
Amanda Bonin, Code Compliance Inspector
Dena Joseph, Code Compliance Inspector
Deborah Pearson, Code Enforcement Manager
Robin Fenwick, City Clerk

Attorney Overview of Special Magistrate Code Enforcement Process

Special Magistrate Fuller provided an overview of the Special Magistrate Code Enforcement Process.

Consideration of Minutes

Special Magistrate Fuller approved the April 11, 2018 meeting minutes as presented.

Oaths

Property owner, Debbie Potter, Code Compliance Inspectors Dena Joseph, Scott Allman, Amanda Bonin, and Code Enforcement Manager Deborah Pearson were sworn in by Special Magistrate Fuller.

FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. CEB Case No.: 18-103

Respondent: William K. & Balbina A. McDaniels

Address of Violation: 1218 Jeffery Drive, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 03/20/2018

Compliance: No

Cited for violation(s) - Chapter 9, Article II, Section 10(a) of the City of Port Orange Land Development Code; City of Port Orange Code of Ordinance Chapter 4, Section 42.26 (d) Maintenance of improved residential lots, and (f) Garbage, waste, trash, etc. prohibited.

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 were submitted and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected on or before April 3, 2018 by removing all tree debris from the property and applying for and receiving a tree removal permit. Re-inspection was conducted on April 24, 2018 and 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 May 10, 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 \$100.00 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 in the amount of \$53.68 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Special Magistrate Fuller granted the recommendations as to the debris that remains on the property. The property owner has until May 10, 2018 to bring the property into compliance and shall notify the code officer for re-inspection or a \$100.00 daily fine will be assessed. The property was found to be a health, safety, and wellness violation. The costs to date of \$53.68 will be ordered as well.

4. CEB Case No.: 18-173

Respondent: Constance J. Potter & Debbie S. Potter

Address of Violation: 910 Cobblestone Lane, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 03/20/2018

Compliance: No

Cited for violation(s) - Chapter 1, Section 108 Unsafe Structures & Equipment; Chapter 1, Section 109 Emergency Measures; Chapter 3, Section 304 Exterior Structure, Section 304.1 General; Section 304.1.1 Unsafe Conditions; Section 304.3 Premises Identification; Section 304.4 Structural Members, and Section 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 were submitted and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected on or before April 23, 2018 by replacing the roof and all damaged rotten, and deteriorating roofing components. Re-

inspection was conducted on April 25, 2018 and found the property remains in non-compliance.

Ms. Bonin requested that Section 304.3 be stricken as it has been completed.

Debbie Potter, Property Owner, was sworn in by Special Magistrate Fuller and testified as to the condition of the property. She requested more time (two additional months) to complete the repairs.

Ms. Bonin recommended the property owners be found in violation of the above referenced code with the violations to be corrected on or before May 25, 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 \$100.00 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 any future violations under this ordinance be considered repeat. The cost sheet in the amount of \$53.68 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 June 1, 2018 to bring the property into compliance and shall notify the code officer for re-inspection. The costs to date of \$53.68 will be ordered as well.

5. CEB Case No.: 18-0116

Respondent: John L. Ouzts

Address of Violation: 523 Orange Avenue, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 03/23/2018

Compliance: No

Cited for violation(s) - Chapter 16, Section 1(a), (b)(4) of the City of Port Orange Land Development Code.

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

6. CEB Case No.: 17-1464

Respondent: Charles & Peggy Collins

Address of Violation: 5481 Pineland Avenue, Port Orange, FL 32127

Code Officer: Dena Joseph

First Notified: 03/15/2018

Compliance: No

Cited for violation(s) - Chapter 42, Article II, Section 42-26 (d) Maintenance of improved residential lots; (f) Garbage, Waste, Trash, etc, prohibited; Section 42-32 Storage of vehicles, furniture, etc.; Chapter 70, Article II, Section 70-49 Restrictions of Disabled or Abandoned Vehicles, (c) Restrictions, (1) (a), (b) and (2) of the City of Port Orange Code of Ordinances.

Ms. Joseph testified as to the condition of the property, as well as the notice provided to the property owner. Photos were submitted and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected on or before March 25, 2018 by removing, properly registering, or covering with an approved car cover, all inoperable/unregistered vehicles on site, removing all outside storage and storing in an enclosed building, and removing all trash and debris. Reinspection was conducted on April 4, 2018 and found the property in compliance; however, upon re-inspection on April 24, 2018, the property was again in non-compliance. The Notice provides for a finding of non-compliance if the property does not remain in compliance.

Ms. Joseph recommended the property owners be found in violation of the above referenced code with the violations to be corrected on or before May 6, 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. Joseph requested any future violations under this ordinance be considered repeat. The cost sheet in the amount of \$53.68 was tendered into evidence and accepted by Special Magistrate Fuller with no objections.

Special Magistrate Fuller granted the recommendations as to Chapter 42, Article II, Section 42.32 and Chapter 70, Article II, Section 70-49, (c), (1) (a), (b) and (2) of the City of Port Orange Code of Ordinances only. The property owner has until May 6, 2018 to bring the property into compliance as to all violations cited and shall notify the code officer for re-inspection. Any future violations will be repeat violations. The costs to date of \$53.68 will be ordered as well.

7. CEB Case No.: 18-050

Respondent: Aki Bexhet Rexha

Address of Violation: 928 Mill Road Lane, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 03/21/2018

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) of the City of Port Orange Code of Ordinances.

Scott Allman, Code Compliance Inspector, was sworn in by Special Magistrate Fuller and 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.

8. CEB Case No.: 18-326

Respondent: Regan Herbert Alexander Jr.

Address of Violation: 59 Lawrence Court, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 03/22/2018

Compliance: No

Cited for violation(s) - 2017 Florida Building Code, 6th Edition, Section 105 (Permits), Section 105.1 (required) as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances: Failure to obtain a building permit.

Mr. Allman requested a continuance of this case for 30 days. Special Magistrate Fuller granted the continuance as requested.

9. CEB Case No.: 18-324

Respondent: Carol A. Kovacs, TR and Kovacs Family Trust

Address of Violation: 709 Barlow Circle, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 03/22/2018

Compliance: No

Cited for violation(s) - City of Port Orange Code of Ordinances Chapter 42, Section 42-32 Storage of vehicles, furniture, etc. and Chapter 42, Section 42-26(f) Garbage, waste, trash, etc. prohibited; and

International Property Maintenance Code 2018, Section 304 Exterior Structure, 304.1 General. 304.1.1 Unsafe conditions.

Mr. Allman testified as to the condition of the property, as well as the notice provided to the property owner. Photos were submitted and accepted by Special Magistrate Fuller with no objections. The violation was to be corrected on or before April 16, 2018 by removing or properly storing all outdoor stored items, by removing all garbage and debris and by removing, repairing, or replacing the damaged car-port. Reinspection was conducted on April 23, 2018 and found the property remains in non-compliance.

Mr. Allman recommended the property owners be found in violation of the above referenced code with the violations to be corrected on or before May 18, 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 \$100.00 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. Mr. Allman requested the property be found a health, safety, and wellness violation with any future violations under this ordinance being considered repeat. 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 May 18, 2018 to bring the property into compliance as to all violations cited and shall notify the code officer for re-inspection or a \$100.00 daily fine will be imposed. The property was found to be a health, safety, and wellness violation. The costs to date of \$41.28 will be ordered as well.

C. ORDER IMPOSING FINE/LIEN

10. 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.

Ms. Bonin requested a continuance of this case until May 23, 2018 to allow for the vendor to complete the work to abate the violations. Special Magistrate Fuller granted the continuance as requested.

11. 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 requested an Order Setting Fine/Lien as the property was not in compliance on or before March 29, 2018 as ordered in the previous hearing on March 14, 2018 by the Special Magistrate. A reinspection was conducted on March 30, 2018 and showed the property remained in non-compliance. The cost sheet for mailing and recording costs in the amount of \$92.42 was tendered and submitted into evidence without objection. No daily fine was requested.

Special Magistrate Fuller found the property in non-compliance and awarded the total cost of mailing and recording to date of \$92.42.

PUBLIC COMMENTS – There were no public comments.

ADJOURNMENT – 10:07 a.m.

Special Magistrate David Fuller

Case Cost Sheet Log

Case No. 17-1882

Name	Activity	Activity_Date	Status	Cost
Barbara & Richard L. Divoll	Cost to mail Notice of Violation/Notice of Hearings to 67 Tamarind Drive, Key West, FL 33040	03/27/2018	Both green cards were signed for by Barbara Divoll on March 29, 2018	\$13.34
Clerkk of Court	Fee to record Finding of Fact, Conclusion of Law, & Order	05/09/2018		\$27.00
Barbara & Richard L. Divoll	Cost to mail Finding of Fact, Conclusion of Law & Order to 67 Tamarind Drive, Key West, FL 33040	05/09/2018		\$13.34

Total: 53.68



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 17-1882

To: Barbara & Richard L Divoll
67 Tamarind Drive
Key West, FL 33040

Re: 164 Sweetgum Lane
Port Orange, FL 32129
Parcel ID: 6337-09-01-1640

LEGAL DESCRIPTION: LOT 164 SPRINGWOOD VILLAGE UNIT 1 MB 34 PG 167 INC PER OR 4132 PG 1183 PER OR 5606 PG 3036
Volusia County Public Records
Volusia County, FL

An inspection of the premises on December 12, 2017, indicates that certain violation(s) of the City of Port Orange Code exists. A reinspection on March 21, 2018, showed the violations still the same.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by **April 27, 2018**.

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

1. **City of Port Orange Code of Ordinances, Chapter 42, Section 42-26(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.*
 - Upon inspection of this property, I observed that the fenced-in patio was covered in high weeds and grass. To comply with this notice, mow, cut back all high weeds and grass, and maintain in this condition.
2. **City of Port Orange Land Development Code, Chapter 16, Section 3(b),4(b)(d):** *All fences shall be maintained in their original upright condition. Missing boards, pickets, or posts shall be replaced in a timely manner with material of the same type and quality.*
 - Upon inspection of this property, I observed the fence surrounding the patio area is dilapidated and falling down. To comply with this notice, the fence needs to be removed, repaired, or replaced with a building permit.
3. **2017 Florida Building Code, 6th Edition, Section 105 (Permits), Section 105.1 (Required) as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances:** *Failure to Obtain a Building Permit: Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any required impact-resistant coverings, electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.*
 - Upon inspection of this property, I observed that part of the Mansard roof was tarped and another part of the roof was missing shingles. To comply with this notice, an approved building permit is required for the repair/replacement of all rotten wood and roofing materials.

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

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

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

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate May 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 **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 \$ 19,288 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

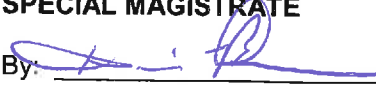
NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **May 9, 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 **June 13, 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 23RD day of MAY, 2018.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: 

Dennis A. Boehmer

☐ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Barbara & Richard L Divoll, 67 Tamarind Drive, Key West, FL 33040, RE: 164 Sweetgum Lane Port Orange, FL 32129, was

☐ Hand-delivered

Recipient of hand delivered documents: _____

☒ Posted at the property

Time: approx. 2:00 pm

this 23RD day of MARCH, 2018.



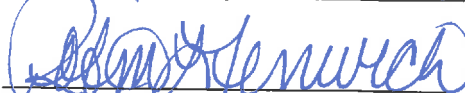
Dennis A. Boehmer

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to: Barbara & Richard L Divoll, 67 Tamarind Drive, Key West, FL 33040, RE: 164 Sweetgum Lane Port Orange, FL 32129

☒ Posted at City Hall

☒ Sent via certified and regular

this 26 day of MARCH, 2018.



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. 18-108

Name	Activity	Activity_Date	Status	Cost
Teresa Roddy	Cost to mail Notice of Hearing/Notice of Violation to PO Box 244, Lake Como, FL 32127	01/26/2018	Certified Mail was returned "unclaimed"	\$7.14
Clerk of Court	Fee to record Finding of Fact	05/09/2018		\$27.00
Teresa Roddy	Cost to mail Finding of Fact to PO Box 244, Lake Como, FL 32127	05/09/2018		\$7.14

Total: 41.28

Case Cost Sheet Log

Case No. 18-141

Name	Activity	Activity_Date	Status	Cost
Clerk of Court	Fee to record Finding of Fact, Conclusion of Law, & Order	05/09/2018		\$27.00
Jessica Lynn Lincicome	Cost to mail Finding of Fact, Conclusion of Law & Order to 9 Raintree Drive, Port Orange, FL 32127	05/09/2018		\$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. 18-141

To: Jessica Lynn Lincicome
9 Raintree Drive
Port Orange, FL 32127

Re: 9 Raintree Drive
Port Orange, FL 32127
Parcel ID: 6321-02-00-0090

LEGAL DESCRIPTION: LOT 9 RAINTREE SUB MB 33 PG 190 PER OR 5005 PG 1399 PER OR 5049 PG 4693 PER OR 6857 PG 1837
Volusia County Public Records
Volusia County, FL

An inspection of the premises on January 30, 2018, indicates that certain violation(s) of the City of Port Orange Code exists.

A re-inspection was done on March 7, 2018, resulting in non-compliance.

This correspondence will serve as official notification that the below stated violation(s) must be corrected by **May 3, 2018**.

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

1. City of Port Orange Code of Ordinances, Chapter 42, Article V, Division 2 (Nuisance Trees), Section 42-103, (Declaration of Nuisance), (a)(2): It is declared and determined by the city council that the following shall each individually or in any combination be considered a nuisance when they exist upon any lot, lots or adjacent lots, within the City of Port Orange. The definition of a nuisance tree means a tree that poses a hazard or threat to public health, safety or welfare by threatening the public rights-of-way, public property, occupied public easements or the provision of public utilities, according to Section 42-102.
 - I observed two nuisance trees on the property that appear to be dead and will affect the city right of way if they were to fall. To comply with this notice, the trees need to be removed from the property.
2. City of Port Orange Code of Ordinances, Chapter 42, Section 42-26 (Cleanliness of property generally—Duty of Owner), (d) Maintenance of improved residential lots: The owner of an improved lot in a residential zone with lot sizes of one acre or less shall keep such lot free and clear of all fallen trees and limbs. All weeds, grass and undergrowth shall be cut to a height not exceeding ten inches.
 - I observed high weeds and grass on the property. To comply with this notice, the entire property needs to be mowed and all high weeds trimmed.

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

If the violation is corrected and then recurs, or if the violation is not corrected by the specified time for correction by the Code Compliance Inspector, the case shall be presented to the **Special Magistrate** on the date set forth below, even if the violation has been corrected prior to this scheduled hearing. The burden shall rest upon the Respondent to request a re-inspection by the Code Compliance Inspector to determine whether the property is in compliance.

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate May 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 **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 \$_____ as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **May 9, 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 **June 13, 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 30 day of March, 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 Jessica Lynn Lincicome, RE: 9 Raintree Drive, Port Orange, FL 32127, was

☒ Hand-delivered

Recipient of hand delivered documents: Jessica Lincicome

☒ Posted at the property

this 4 day of April, 2018.

Time: approx. 3:20 p.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 Jessica Lynn Lincicome, RE: 9 Raintree Drive, Port Orange, FL 32127, was

☒ Posted at City Hall

☐ Sent via certified and regular

this 8 day of May, 2018.



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.

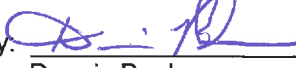
NOTICE OF HEARING SETTING FINE AND LIEN

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: 
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

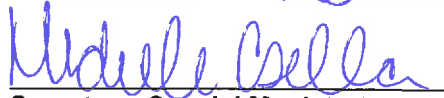

Dennis Boehmer

☒ 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.


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

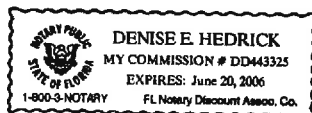
Velma McIntosh (Seal)
Velma McIntosh
Address:

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.

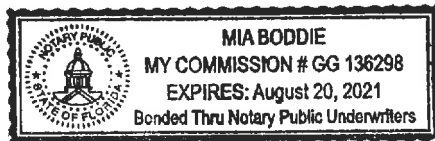
DATED this 8th day of February 2018.



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. 17-1260

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	Both green cards were signed for but the signature is not legible and they are not dated.	\$14.28
Clerk of Court	Fee to record Order Setting Fine/Lien	05/09/2018		\$44.00
Joseph F. & Lisa Vallario	Cost to mail the Order Imposing Fine/Lien to 5206 Auth Road, Suitland, MD 20746-4325 via regular and certified mail	05/09/2018		\$14.28

Total: 113.84



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 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.
 - 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.

**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 17-1260**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

JOSEPH F. & LISA VALLARIO
204 AVON COURT, PORT ORANGE, FL 32127
PARCEL ID: 6321-01-01-0860

Recorded in the Public Records:
Instrument # 2018 062824 03/29/18
Book: 7525 Page: 2066

Respondent.

_____ /

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

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on March 28, 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), JOSEPH F. & LISA VALLARIO, (hereinafter referred to as "Respondent(s)", whose mailing address is 5206 Auth Road, Suitland, MD 20746-4325, is/are the owner(s) of the property located at 204 Avon Court, Port Orange, FL 32127, and more particularly described as:

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

B. 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. This condition was first observed at the real property described above on August 29, 2018; re-inspections were made on November 28, 2018 and March 27, 2018 and confirmed the condition as being the same. Respondent(s) received notice via certified mail on February 17, 2018, positing on the property on February 9, 2018, and posting at City Hall on February 12, 2018, that the aforesaid conditions constituted a violation of Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (e) Maintenance of unimproved residential lots, and was to be corrected by March 8, 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:

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.

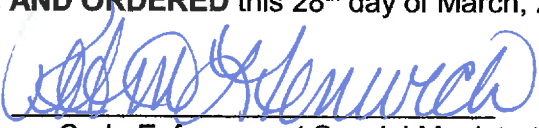
ORDER:

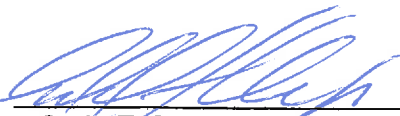
A. Respondent(s) shall correct the aforesaid violation by mowing the property within ten feet of the street, trimming all high weeds and by removing all fallen trees and limbs on or before April 11, 2018. ("Compliance Date"). In the event the property is not brought into compliance on or before the Compliance Date, and/or not maintained in a state of compliance, a daily fine of \$100.00 per day will be assessed for each day the property is in violation beyond the Compliance Date. If paragraph D. above is checked and the Respondent(s) has/have not abated the condition by the Compliance Date, then notice of the violation will be given to the City Council. The City Council may repair the condition and charge the Respondent(s) with the reasonable costs of the repairs. Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the Special Magistrate may impose additional fines to cover all costs incurred by the city in enforcing its codes and all costs or repairs pursuant to sub section (a)." The cost to date is \$55.56 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 28th day of March, 2018.

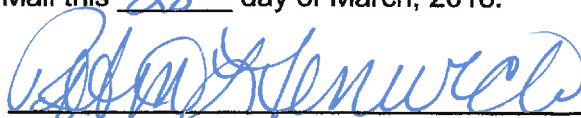
Attest: 
Secretary, Code Enforcement Special Magistrate

By: 
Code Enforcement Special Magistrate

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


Code Compliance Inspector

I HEREBY CERTIFY that a true and correct copy of the foregoing Findings of Fact, Conclusion of Law, and Order have been furnished to Respondent(s), Joseph F. & Lisa Vallario, 5206 Auth Road, Suitland, MD 20746-4325 by Certified and Regular Mail this 28 day of March, 2018.



Secretary, Code Enforcement Special Magistrate



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	Green card was signed for but is not legible and is not dated.	\$7.14
Clerk of Court	Fee to record Order Imposing Fine/Lien	05/09/2018		\$44.00
Rita Lombardi	Cost to mail Order Imposing Fine/Lien	05/09/2018		\$7.14

Total: 85.28



**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.

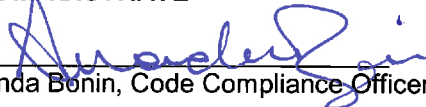
NOTICE OF HEARING SETTING FINE AND LIEN

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

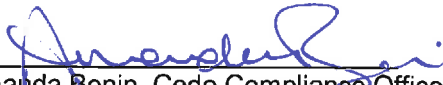
☒ Hand-delivered

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

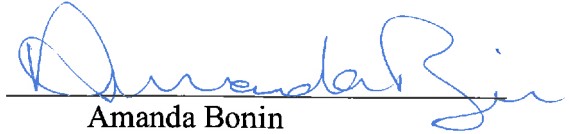
BEFORE ME, the undersigned authority, personally appeared Amanda Bonin, Code Compliance Inspector, City of Port Orange, Florida, who after being duly sworn, deposes and says:

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.

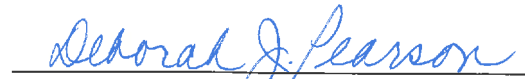
FURTHER AFFIANT SAYETH NOT.

DATED this 21st day of February, 2018.

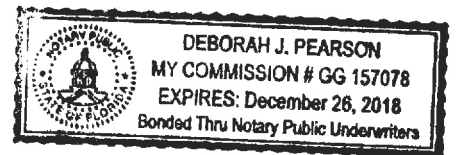

Amanda Bonin
Code Compliance Inspector

**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. _____



**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 17-1939**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Recorded in the Public Records:
Instrument # 2018 062821 03/29/18
Book: 7525 Page: 2061

Petitioner,

RITA LOMBARDI
807 KOKOMO CIRCLE, PORT ORANGE, FL 32127
PARCEL ID: 6309-27-00-0070

Respondent.

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

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on March 28, 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), RITA LOMBARDI, (hereinafter referred to as "Respondent(s)", whose mailing address is 807 Kokomo Circle, Port Orange, FL 32127, is/are the owner(s) of the property located at 807 Kokomo Circle, Port Orange, FL 32127, and more particularly described as:

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

B. The fence is dilapidated and falling down. This condition was first observed at the real property described above on December 27, 2017; re-inspection was made on March 7, 2018 and confirmed the property remains in noncompliance although the fence has been replaced without a permit and was not completed to City Code. Respondent(s) received notice via hand delivery on February 20, 2018 and posted at City Hall on February 21, 2018, that the aforesaid conditions constituted a violation of City of Port Orange Land Development Code Chapter 16 Miscellaneous Regulations Section 3: Fences and walls. Modified (b) General Provisions (4) Design and Maintenance, and was to be corrected by February 28, 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:

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.

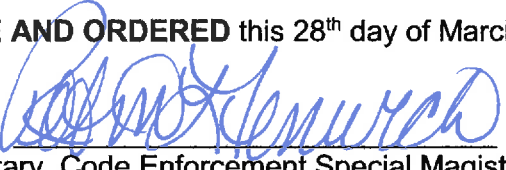
ORDER:

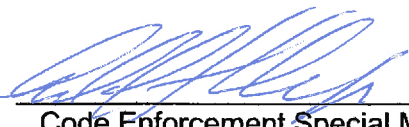
A. Respondent(s) shall correct the aforesaid violation by obtaining a fence permit and completing the fence installation to meet all code requirements on or before April 12, 2018. ("Compliance Date"). No fine was imposed against the property owner. If paragraph D. above is checked and the Respondent(s) 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 \$34.14 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 28th day of March, 2018.

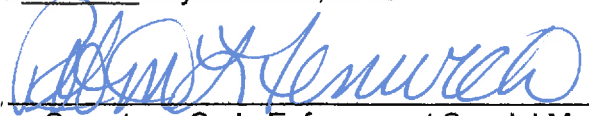
Attest: 
Secretary, Code Enforcement Special Magistrate

By: 
Code Enforcement Special Magistrate

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


Code Compliance Inspector

I HEREBY CERTIFY that a true and correct copy of the foregoing Findings of Fact, Conclusion of Law, and Order have been furnished to Respondent(s), RITA LOMBARDI, 807 Kokomo Circle, Port Orange, FL 32127 by Certified and Regular Mail this 28 day of March, 2018.


Secretary, Code Enforcement Special Magistrate

