



AGENDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CITY OF PORT ORANGE

Meeting Date: Wednesday, May 6, 2015

Time: 9:00 AM

Type of Meeting: Regular

Location: Council Chambers
City Hall, 1000 City Center Circle

A. CALL TO ORDER

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

B. FORMAL HEARING (COMPLIANCE OR NON-COMPLIANCE)

3. CEB Case No.: 15-78

Respondent: Or-EL 18 LLC C/o Business Fillings Inc., (Registered Agent)

Address of Violation: 3741 Clyde Morris Blvd., Port Orange, FL 32129

Code Officer: Scott Allman

First Notified: 03/31/2015

Compliance: No

Cited for violation(s) - Chapter 74, Section 74-192, (Maintenance of Facilities by Customer) of the City of port Orange Code of Ordinances.

4. **CEB Case No.:** 15-0369

Respondent: Thomas E. Swanson TR

Address of Violation: 703 Charles Street, Port Orange, FL 32129

Code Officer: Dena Joseph

First Notified: 03/31/2015

Compliance: Yes

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

Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of Property Generally-Duty of Owner), (f) Garbage, Waste, Trash, Etc. Prohibited of the City of Port Orange Code of Ordinances.

Chapter 70 (Traffic), Article II (Stopping, Standing or Parking), Section 70-49 (Restrictions on Disabled or Abandoned Vehicles), (c) Restrictions, (1) (a) and (b) and (2) of the City of Port Orange Code of Ordinances.

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

Chapter 3 (General Requirements), Section 308 (Rubbish and Garbage), 308.1 (Accumulation of Rubbish or Garbage of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

Chapter 3 (General Requirements), Section 308 (Rubbish and Garbage), 308.3.2 (Containers) of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

C. ORDER IMPOSING FINE/LIEN

5. **CEB Case No.:** 14-2040

Respondent: Lawrence J. Pelletier

Address of Violation: 7 Lawrence Court, Port Orange, FL 32127

Code Officer: Scott Allman

First Notified: 02/13/2014

Compliance: No

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

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

6. **CEB Case No.:** 15-048

Respondent: Jacqueline M. & Donald A. Acosta

Address of Violation: 825 Upland Drive, Port Orange, FL 32127

Code Officer: Deborah Faircloth

First Notified: 02/05/2015

Compliance: No

Cited for violation(s) - Chapter 42 (Nuisances), Article II (Garbage, Junk, and Undergrowth), Section 42-26 (Cleanliness of property generally—Duty of Owner), (a)(d)(f)(h) of the City of Port Orange Code of Ordinances.

7. **CEB Case No.:** 14-2211

Respondent: Mark D. Cameron

Address of Violation: 886 Stonybrook Circle, Port Orange, FL 32127

Code Officer: Amanda Bonin

First Notified: 02/12/2015

Compliance: Yes

Cited for violation(s) - Chapter 70 Traffic, Article II, Section 70-36 (K), (1) (2) (3) of the City of Port Orange Code of Ordinances.

8. **CEB Case No.:** 14-2472

Respondent: Jonathan D. Thomas

Address of Violation: 4726 Hidden Lake Drive, Port Orange, FL 32129

Code Officer: Amanda Bonin

First Notified: 02/12/2015

Compliance: Yes

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

Chapter 16 (Miscellaneous Regulations), Section 1 (Accessory Uses and Structures), (e) Outside Storage, (1) Residential Uses, (a) & (b) of the City of Port Orange Land Development Code).

Chapter 70 (Traffic), Article II (Stopping, Standing or Parking Prohibited in Specified Places), Section 70-36 (a)(1) (c) & (k) (1) (2) & (3) of the City of Port Orange Code of Ordinances.

Chapter 70 (Traffic), Article II (Stopping, Standing and Parking), Section 70-48 (Parking of Recreational Vehicles and Equipment on Residential Premises), (c) (1) (2) & (3) of the City of Port Orange Code of Ordinances.

D. PUBLIC COMMENTS

E. ADJOURNMENT

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

Case Cost Sheet Log

Case No. 15-78

Name	Activity	Activity_Date	Status	Cost
Or-EL 18 LLC C/o Business Filings Inc., (Registered Agent)	Mailing Notice of Violation/Notice of Hearing to 515 E. Park Avenue, Tallahassee, FL 32301	04/02/2015	Certified Green Card signed and returned to the City Clerk's Office on April 6, 2015 and signed by Hinton.	\$6.69
Or-EL 18 LLC C/o Business Filings Inc., (Registered Agent)	Mailing Finding of Fact/Conclusion of Law & Order to 515 E. Park Avenue, Tallahassee, FL 32301	05/06/2015		\$6.96
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	05/06/2015		\$27.00

Total: \$40.65



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-78

To:
Or-EL 18 LLC
C/O Business Filings Incorporated (Registered agent)
515 E. Park Ave
Tallahassee, FL 32301

Re: (Dollar General) 3741 Clyde Morris Blvd
Port Orange, FL 32129
Parcel ID: 6306-18-00-1000

LEGAL DESCRIPTION: 06 16 33 UNIT 100 SOUTHWINDS LAC CONDO PER OR 6663 PG 1733 PER OR
6675 PG 1692 PER OR 7002 PG 1020 PER OR 7008 PG 1745

Volusia County Public Records
Volusia County, FL

An inspection of the premises on January 23, 2015 indicates that certain violation(s) of the City of Port Orange Code exists. Briefly stated, the property is in violation of the following:

Chapter 74, Section 74-192, (Maintenance of Facilities by Customer) of the City of port Orange Code of Ordinances.

On January 23, 2015 an inspection of the property was conducted at the request of the Port Orange Utilities Department. During that inspection, I observed several locations where the irrigation system was leaking across the sidewalk causing an unsafe condition and potential slip hazard. On that date contact was made with the manager on duty Amanda. I gave 15 days verbally to correct the violation. A re-inspection was conducted on February 19, 2015 and the condition was the same. Contact was made with Sarah at the corporate office who notified me that she would pass the information on to the district and regional managers. An additional 15 days was given for compliance. On February 20, 2015, I received a call from the district manager Chris Robinson. Mr. Robinson notified me that he had given the information to his maintenance crew and the repairs should be completed within two weeks. A third inspection was conducted on March 27, 2015 which revealed that the condition has not changed. To correct the violation, all sprinkler heads leaks and/or broken irrigation lines must be repaired.

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

This correspondence will serve as official notification that the above stated violation(s) must be corrected by April 30, 2015.

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

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

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

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate** May 6, 2015 at 9:00 a.m., or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

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

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$ 6.69 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on May 6, 2015 enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on June 10, 2015, at 9:00 a.m., or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

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

DATED this 31 day of MARCH, 2015.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: J. Scott Allman
J. Scott Allman

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Or-EL 18 LLC, C/O Business Filings Incorporated (Registered agent), 515 E. Park Ave, Tallahassee, FL 32301, was;

☒ Posted at City Hall
☒ Sent via certified

this 2 day of April, 2015.

[Signature]
Secretary, Special Magistrate

RIGHT TO APPEAL

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

ACCOMMODATIONS

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



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

Last Updated: 03-31-2015 Today's Date: 3-31-2015		Volusia County Property Appraiser's Office Property Record Card (PRC) Morgan B. Gilreath Jr., M.A., A.S.A., C.F.A. Property Appraiser			
Full Parcel ID	06-16-33-18-00-1000	Mill Group	402 Port Orange		
Short Parcel ID	6306-18-00-1000				
Alternate Key	7372720	2014 Final Millage Rate	21.15960		
Parcel Status	Active Parcel	PC Code	11		
Date Created	29 DEC 2011				
Owner Name	OR-EL 18 LLC	GO TO ADD'L OWNERS			
Owner Name/Address 1					
Owner Address 2	10 PARAGRAN DR				
Owner Address 3	MONTVALE NJ				
Owner Zip Code	07645				
Owner Percentage	100	Ownership Type			
Location Address	3741 CLYDE MORRIS BLVD PORT ORANGE 32129				

LEGAL DESCRIPTION

06 16 33 UNIT 100 SOUTHWINDS LAC CONDO PER OR 6663 PG 1733 P

ER OR 6675 PG 1692 PER OR 7002 PG 1020 PER OR 7008 PG 1745

SALES HISTORY

#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	6675	1692	1/2012	Warranty Deed	Unqualified Sale	Yes	2,012,274

HISTORY OF VALUES

[GO TO ADD'L HISTORY](#)

YEAR	LAND	BLDG(S)	MISC	JUST	ASD	SCH ASD	NS ASD	EXEMPT	TXBL	SCH TXBL	ADD'L EX	NS TXBL
2014	732,660	523,469	0	1,256,129	1,256,129	1,256,129	1,256,129	0	1,256,129	1,256,129	0	1,256,129
2013	732,660	475,571	0	1,208,231	1,208,231	1,208,231	1,208,231	0	1,208,231	1,208,231	0	1,208,231

LAND DATA

CODE	TYPE OF LAND USE	FRONTAGE	DEPTH	# OF UNITS	UNIT TYPE	RATE	DPH	LOC	SHP	PHY	JUST VAL
1104	CONDO, COMMERC STORE	No Data	No Data	61055.00	SQUARE FEET	12.00	100	100	100	100	732,660

NEIGHBORHOOD CODE	C4468	SOUTHWINDS LAC CONDOS
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TOTAL LAND CLASSIFIED 0
TOTAL LAND JUST 732,660

BUILDING CHARACTERISTICS

BUILDING 1 OF 1

[GO TO BLDG SKETCH](#)

Physical Depreciation %	1	Next Review	2999	Obsolescence	Functional	0%
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Prepared by and return to:
J. Doyle Tumbleson
Attorney at Law
Kinsey, Vincent, Pyle, P.L.
150 South Palmetto Avenue Suite 300
Daytona Beach, FL 32114
File Number: 9580-22106

[Space Above This Line For Recording Data]

Special Warranty Deed

This Special Warranty Deed made this 25th day of January, 2012 between Southwind Villas-LAC, LLC, a Florida limited liability company whose post office address is 220 Charles Street, Port Orange, FL 32129, grantor, and OR-EL 18, LLC, a Florida limited liability company whose post office address is 10 Paragron Drive, Montvale, NJ 07645, grantee:

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

Witnesseth, that said grantor, for and in consideration of the sum TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to the said grantee, and grantee's heirs and assigns forever, the following described land, situate, lying and being in Volusia County, Florida, to-wit:

Unit 100, Southwinds LAC, a Condominium, according to the Declaration of Condominium recorded in Official Records Book 6663, Page 1733, Public Records of Volusia County, Florida.

Parcel Identification Number: 6306-18-00-1000

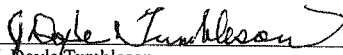
Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

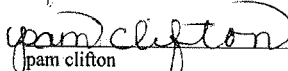
To Have and to Hold, the same in fee simple forever.

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 claiming by, through or under grantors.

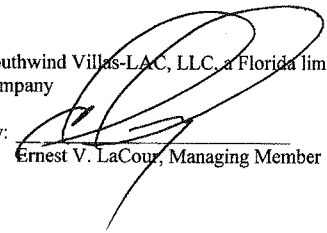
In Witness Whereof, grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:


J. Doyle Tumbleson


pam clifton

Southwind Villas-LAC, LLC, a Florida limited liability company

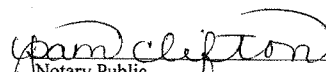
By: 
Ernest V. LaCour, Managing Member

State of Florida
County of Volusia

The foregoing instrument was acknowledged before me this 25th day of January, 2012 by Ernest V. LaCour, Managing Member of Southwind Villas-LAC, LLC, a Florida limited liability company, on behalf of the limited liability company. He is personally known to me.

[Notary Seal]

NOTARY PUBLIC-STATE OF FLORIDA
Pam Clifton
Commission # DD985969
Expires: MAY 13, 2014
BONDED THRU ATLANTIC BONDING CO., INC.


Notary Public

Printed Name: pam clifton

My Commission Expires: _____

**FLORIDA DEPARTMENT OF STATE
DIVISION OF CORPORATIONS****Detail by Entity Name****Florida Limited Liability Company**

OR-EL 18, LLC

Filing Information

Document Number	L11000144350
FEI/EIN Number	454094127
Date Filed	12/23/2011
State	FL
Status	ACTIVE

Principal Address10 PARAGON DRIVE
MONTVALE, NJ 07645**Mailing Address**10 PARAGON DRIVE
MONTVALE, NJ 07645**Registered Agent Name & Address**BUSINESS FILINGS INCORPORATED
515 E. PARK AVENUE
TALLAHASSEE, FL 32301**Authorized Person(s) Detail****Name & Address**

Title MGRM

ZAMIR, YEHUDA
10 PARAGON DRIVE
MONTVALE, NJ 07645

Title MGRM

ZAMIR, Yael
10 PARAGON DRIVE
MONTVALE, NJ 07645**Annual Reports**

Report Year	Filed Date
2013	04/18/2013

Sec. 74-192. - Maintenance of facilities by customer.

The property owner or customer shall be responsible for the maintenance of all plumbing facilities including the internal system, gate valves, irrigation lines and appurtenances on the property served by the city under this article. The city reserves the right to disconnect the service to any property that does not maintain the property's system. In addition, should the customer require reclaimed water at different pressures or of different quality or in any way different from that normally supplied by the city, the property owner shall be responsible for the necessary devices (e.g., pressure reducing valves) to make these adjustments, and obtain approval for installation from the city manager or his designee. Such devices and the repair thereof shall be the sole responsibility of the property owner or customer.

(Ord. No. 1994-33, § 1(II), 11-1-94; Ord. No. 2008-41, § 51, 1-20-09)

Case Cost Sheet Log

Case No. 15-0369

Name	Activity	Activity_Date	Status	Cost
Thomas E. Swanson TR	Mailing Notice of Violation/Notice of Hearing to 2459 Port Royal Court, The Villages, FL 32162	04/02/2015	Certified Green Card signed on April 7, 2015 and returned to the City Clerk's Office.	\$6.69
Joni R. Swanson TR	Mailing Notice of Violation/Notice of Hearing to 2459 Port Royal Court, The Villages, FL 32162	04/02/2015	Certified Green Card signed on April 7, 2015 and returned to the City Clerk's Office.	\$6.69
Thomas E. Swanson TR	Mailing Finding of Fact/Conclusion of Law & Order to 2459 Port Royal Court, The Villages, FL 32162	05/06/2015		\$6.96
Joni R. Swanson TR	Mailing Finding of Fact/Conclusion of Law & Order to 2459 Port Royal Court, The Villages, FL 32162	05/06/2015		\$6.96
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	05/06/2015		\$27.00

Total: \$54.30



NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-0369

To: Thomas E. Swanson TR & Joni R. Swanson TR
Property Owners
2459 Port Royal Court
The Villages, FL 32162

Re: 703 Charles Street
Port Orange, FL 32129
Parcel ID: 6304-02-07-0010
LEGAL DESCRIPTION: S 75 FT OF LOTS 1 & 2 BLK 7 PORTONA PER OR 4610 PG 2717 PER
OR 6592 PG 2581

Volusia County Public Records
Volusia County, FL

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

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

Chapter 42 (Nuisances), Article II (Garbage, Junk and Undergrowth), Section 42-26 (Cleanliness of Property Generally-Duty of Owner), (f) Garbage, Waste, Trash, Etc. Prohibited of the City of Port Orange Code of Ordinances

Chapter 70 (Traffic), Article II (Stopping, Standing or Parking), Section 70-49 (Restrictions on Disabled or Abandoned Vehicles), (c) Restrictions, (1) (a) and (b) and (2) of the City of Port Orange Code of Ordinances

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

Chapter 3 (General Requirements), Section 308 (Rubbish and Garbage), 308.1 (Accumulation of Rubbish or Garbage of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances.

Chapter 3 (General Requirements), Section 308 (Rubbish and Garbage), 308.3.2 (Containers) of the 2009 International Property Maintenance Code as adopted per Chapter 14, Article II of the City of Port Orange Code of Ordinances

Property was originally inspected on **March 13, 2015** after noticing the condition of the property during a routine inspection of the area. There was garbage all over the property, the grass was high and not being maintained, there were items on the outside of the home and in the carport area, along with an unregistered/inoperable vehicle. In addition, the garbage containers were being stored in front of the garage with trash heaping over due to no lids being on the containers. I left a 5 day door hanger with the resident informing her that all trash and debris needs to be removed from the property to include trash inside the porch area, which is a health issue due to potential rodent and insect infestation. I also informed her that all outside storage around the home and in the carport area must be removed from the property or properly stored, the yard

must be mowed in its entirety, and all trash containers must have lids and taken out the night before or day of trash collection. A re-inspection was conducted on **March 19, 2015** and the violations continued to exist on the property. As of this date, March 31, 2015, the property remains in non-compliance.

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

This correspondence will serve as official notification that the above stated violation(s) must be corrected by April 10, 2015.

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

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

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

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate on May 6, 2015 at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

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

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$ 13.38 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **May 6, 2015** enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on **June 10, 2015, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

For further information regarding this matter, you may contact the undersigned Code Compliance Inspector at (386) 506-5645.

DATED this 31st day of March, 2015.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

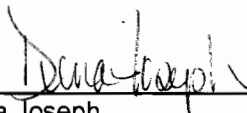
By: 
Dena Joseph

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Thomas E. Swanson TR & Joni R. Swanson TR, Property Owners, 2459 Port Royal Court, The Villages, FL 32162, was

- ☐ Hand-delivered
☒ Posted at the property

Time: 12:25 PM

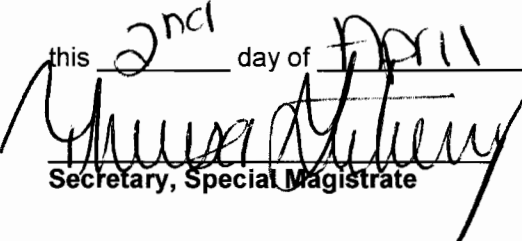
this 31st day of March, 2015.


Dena Joseph

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Thomas E. Swanson TR & Joni R. Swanson TR, Property Owners, 2459 Port Royal Court, The Villages, FL 32162, was

- ☒ Posted at City Hall
☒ Sent via certified

this 2nd day of April, 2015.


Secretary, Special Magistrate

RIGHT TO APPEAL

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

ACCOMMODATIONS

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



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

Last Updated: 03-25-2015 Today's Date: 3-30-2015		Volusia County Property Appraiser's Office Property Record Card (PRC) Morgan B. Gilreath Jr., M.A., A.S.A., C.F.A. Property Appraiser			
Full Parcel ID Short Parcel ID		04-16-33-02-07-0010 6304-02-07-0010		Mill Group 402 Port Orange	
Alternate Key		3581326		2014 Final Millage Rate 21.15960	
Parcel Status		Active Parcel		PC Code 01	
Date Created		30 DEC 1981			
Owner Name		SWANSON THOMAS E TR &		GO TO ADD'L OWNERS	
Owner Name/Address 1					
Owner Address 2		2459 PORT ROYAL CT			
Owner Address 3		THE VILLAGES FL			
Owner Zip Code		32162			
Owner Percentage		50		Ownership Type	
Location Address		703 CHARLES ST PORT ORANGE 32129			

LEGAL DESCRIPTION

S 75 FT OF LOTS 1 & 2 BLK 7 PORTONA PER OR 4610 PG 2717 PER

OR 6592 PG 2581

SALES HISTORY							
#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	6592	2581	5/2011	Trustee's Deed	Unqualified Sale	Yes	100
2	4610	2717	11/2000	Warranty Deed	Unqualified Sale	Yes	10
3	4175	4052	2/1997	Warranty Deed	Addition after sale	Yes	20,000

HISTORY OF VALUES									GO TO ADD'L HISTORY			
YEAR	LAND	BLDG (S)	MISC	JUST	ASD	SCH ASD	NS ASD	EXEMPT	TXBL	SCH TXBL	ADD'L EX	NS TXBL
2014	15,750	45,293	0	61,043	61,043	61,043	59,154	0	61,043	61,043	0	59,154
2013	15,000	38,776	0	53,776	53,776	53,776	53,776	0	53,776	53,776	0	53,776

LAND DATA												

ADDITIONAL OWNERS

OWNER NAME	OWNER PERCENTAGE	OWNERSHIP TYPE
SWANSON JONI R TR &	50.00	

This Warranty Deed

Made this 7th day of February A.D. 19 97
by LEAH I. GLITCH, a single person

02/10/1997 14:46
Doc stamps 140.00
(Transfer Amt \$ 20000)
Instrument # 97021694
Book: 4175
Page: 4052
Diane M. Matousek
Volusia County, Clerk of Court

hereinafter called the grantor, to
THOMAS E. SWANSON and JONI R. SWANSON,
husband and wife

whose post office address is:
808 Charles Street
Port Orange, Florida 32119
Grantees' Tax Id # :523-56-3523
287-60-0238
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:

The South 75 feet of Lots 1 and 2, Block 7, PORTONA PLAT NO. 1, according to plat thereof recorded in Map Book 10, Page 107, of the Public Records of Volusia County, Florida.

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

Parcel Identification Number: 6304-02-07-0010

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, 19 96

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:

Janet E. Burkhead
Name: Janet E. Burkhead

Leah I. Glitch LS
Name & Address: LEAH I. GLITCH

Patricia Mitchell
Name: PATRICIA MITCHELL

Name & Address: LS

Name: _____

Name & Address: LS

Name: _____

Name & Address: LS

State of Florida
County of Volusia

The foregoing instrument was acknowledged before me this 7th day of February, 19 97, by

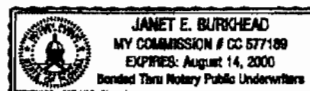
LEAH I. GLITCH, a single person

who is personally known to me or who has produced driver's license as identification.

Janet E. Burkhead
Print Name: Janet E. Burkhead
Notary Public
My Commission Expires: _____

PREPARED BY: JANET E. BURKHEAD
RECORD & RETURN TO:
Southern Title of Central Florida, Inc.
121 North Ridgewood Avenue
Daytona Beach, Florida 32114
File No: DB-97-3039

WD-1
5/93



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

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

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

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

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

(b) *Purpose and intent.* The city recognizes the need to protect the health, safety and welfare of the citizens of the city through control and elimination of aesthetically displeasing and potentially dangerous accumulations of garbage, waste, trash, debris, junk and undergrowth. It is, therefore, the purpose and intent of this section to reduce or eliminate such conditions within reasonable limits by hereby establishing a duty and responsibility on the part of the owner of designated lots located within the city to keep such lot free and clear of garbage, waste, trash, debris, junk and undergrowth.

(c) *Maintenance of commercial and industrial zoned lots.* The owner of every improved lot, piece and parcel of land located within a commercial or industrial zone within the city shall keep each such lot, piece or parcel of land free and clear of all fallen trees and limbs and undergrowth exceeding 12 inches in height. However, nothing in this subsection shall be construed to require natural areas located within larger improved lots to be cut to a height less than 12 inches within such natural areas. Owners of unimproved vacant parcels in such zones shall similarly maintain such portion of their property as lies within ten feet of any improved property, any sidewalk, roadway or bicycle path.

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

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

(f) *Garbage, waste, trash, etc., prohibited.* The owner of every lot, piece and parcel of land located within the city shall keep each such lot, piece and parcel of land free and clear of garbage, waste, trash, debris and junk.

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

- (a) *Findings of fact.*
- (1) Aesthetic views on residentially-zoned and agriculturally-zoned private property relate to the general welfare of the people of the city through the tendency to preserve or enhance the value of residentially-zoned and agriculturally-zoned private property.
 - (2) The visual presence on residentially-zoned and agriculturally-zoned private property of wrecked, discarded, dismantled, partly dismantled, inoperative, disabled, abandoned, or severely rusted vehicles, or vehicles which, if covered, are covered with material other than a standard vehicle cover, is an unpleasant sight to a reasonable person with average sensibilities.
 - (3) The visual presence on residentially-zoned and agriculturally-zoned private property of wrecked, discarded, dismantled, partly dismantled, inoperative, disabled, abandoned, or severely rusted vehicles, or vehicles which, if covered, are covered with material other than a standard vehicle cover, tends to depreciate the value of neighboring residentially-zoned and agriculturally-zoned private property, thereby injuring the general welfare of the people of the city.
- (b) *Definitions.* The following words, terms and phrases, when used in this section or section 70-50, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
- (1) *Code inspector* shall be defined as provided in F.S. § 162.04.
 - (2) *Disabled or abandoned vehicle* means a vehicle which:
 - a. Is wrecked and unrepaired, or is incapable of functioning as a vehicle in its present state;
 - b. Has no engine, transmission, or other major and visible parts, or has other major or visible components which are dismantled;
 - c. Is unlicensed;
 - d. Is apparently inoperative, as indicated by vegetation underneath the vehicle as high as the vehicle body or frame or refuse or debris collected underneath the vehicle; or
 - e. Is otherwise located on property in an apparent state of disuse or neglect, so as to render the vehicle unsightly to a reasonable person viewing the vehicle from outside the property on which the vehicle is located.
 - (3) *Owner or occupant* includes the owner, lessee or sublessee of the private property on which the vehicle is located.
 - (4) *Parked* means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or embarking or disembarking passengers.
 - (5) *Standard vehicle cover* means a nontransparent cover which is designed, manufactured and intended to be used exclusively for the purpose of fitting over the type of vehicle.
 - (6) *Vehicle* shall be defined as provided in F.S. § 316.003.
- (c) *Restrictions.*
- (1) No disabled or abandoned vehicle shall remain on residentially-zoned or agriculturally-zoned private property unless such vehicle is:
 - a. Within a completely enclosed garage; or
 - b. Parked in a carport, parking space or city-approved parking area and covered solely with a standard vehicle cover in good repair, so long as any portion of the vehicle which is not covered is not in a state of disrepair.
 - (2) No disabled or abandoned vehicle parked on residentially-zoned or agriculturally-zoned private property shall be covered by material other than a standard vehicle cover in good repair unless such vehicle is parked inside a completely enclosed garage.
 - (3) No person shall oppose, obstruct, or resist any code inspector or any person authorized by the code inspector in the discharge of duties or responsibilities provided in this section or section 70-50.
- (d) *Evidence.* In order to conclude that a vehicle is disabled or abandoned, the code inspector must determine that the vehicle has been disabled or abandoned for at least 15 consecutive calendar days, or that the vehicle violates any of the criteria contained in subsection (c)(1) or (c)(2) of this section.
- (e) *Responsibility for compliance.* The owner of the disabled or abandoned vehicle and the owner or occupant of the property on which such vehicle is located shall be jointly and individually responsible for compliance with the requirements of this section.

(Ord. No. 1998-23, § 1, 7-21-98)

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

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

(Code 1981, § 10-7)

4. Masonry that has been subjected to any of the following conditions:
 - 4.1. *Deterioration*;
 - 4.2. *Ultimate deformation*;
 - 4.3. Fractures in masonry or mortar joints;
 - 4.4. Fissures in masonry or mortar joints;
 - 4.5. Spalling;
 - 4.6. Exposed reinforcement; or
 - 4.7. *Detached*, dislodged or failing connections.
5. Steel that has been subjected to any of the following conditions:
 - 5.1. *Deterioration*;
 - 5.2. Elastic deformation;
 - 5.3. *Ultimate deformation*;
 - 5.4. Metal fatigue; or
 - 5.5. *Detached*, dislodged or failing connections.
6. Wood that has been subjected to any of the following conditions:
 - 6.1. *Ultimate deformation*;
 - 6.2. *Deterioration*;
 - 6.3. Damage from insects, rodents and other vermin;
 - 6.4. Fire damage beyond charring;
 - 6.5. Significant splits and checks;
 - 6.6. Horizontal shear cracks;
 - 6.7. Vertical shear cracks;
 - 6.8. Inadequate support;
 - 6.9. *Detached*, dislodged or failing connections; or
 - 6.10. Excessive cutting and notching.

Exceptions:

1. When substantiated otherwise by an *approved* method.
2. Demolition of unsafe conditions shall be permitted when *approved* by the *code official*.

SECTION 307 HANDRAILS AND GUARDRAILS

307.1 General. Every exterior and interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface which is more than 30 inches (762 mm) above the floor or grade below shall have *guards*. Handrails shall not be less than 30 inches (762 mm) high or more than 42 inches (1067 mm) high measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. *Guards* shall not be less than

30 inches (762 mm) high above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

Exception: *Guards* shall not be required where exempted by the adopted building code.

SECTION 308 RUBBISH AND GARBAGE

308.1 Accumulation of rubbish or garbage. All *exterior property* and *premises*, and the interior of every structure, shall be free from any accumulation of *rubbish* or garbage.

308.2 Disposal of rubbish. Every *occupant* of a structure shall dispose of all *rubbish* in a clean and sanitary manner by placing such *rubbish* in *approved* containers.

308.2.1 Rubbish storage facilities. The *owner* of every occupied *premises* shall supply *approved* covered containers for *rubbish*, and the *owner* of the *premises* shall be responsible for the removal of *rubbish*.

308.2.2 Refrigerators. Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on *premises* without first removing the doors.

308.3 Disposal of garbage. Every *occupant* of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an *approved* garbage disposal facility or *approved* garbage containers.

308.3.1 Garbage facilities. The *owner* of every dwelling shall supply one of the following: an *approved* mechanical food waste grinder in each *dwelling unit*; an *approved* incinerator unit in the structure available to the *occupants* in each *dwelling unit*; or an *approved* leakproof, covered, outside garbage container.

308.3.2 Containers. The *operator* of every establishment producing garbage shall provide, and at all times cause to be utilized, *approved* leakproof containers provided with close-fitting covers for the storage of such materials until removed from the *premises* for disposal.

SECTION 309 PEST ELIMINATION

309.1 Infestation. All structures shall be kept free from insect and rodent *infestation*. All structures in which insects or rodents are found shall be promptly exterminated by *approved* processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent reinfestation.

309.2 Owner. The *owner* of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure.

309.3 Single occupant. The *occupant* of a one-family dwelling or of a single-tenant nonresidential structure shall be responsible for extermination on the *premises*.

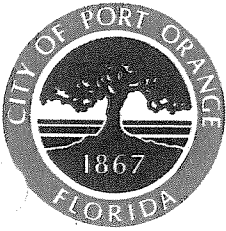
309.4 Multiple occupancy. The *owner* of a structure containing two or more *dwelling units*, a multiple occupancy, a *rooming house* or a nonresidential structure shall be responsible for

Case Cost Sheet Log

Case No. 14-2040

Name	Activity	Activity_Date	Status	Cost
Lawrence J. Pelletier	Mailing Notice of Violation/Notice of Hearing to 7 Lawrence Court, Port Orange, FL 32127	02/17/2015	Certified Mail Returned to Clerk's Office Marked: "Vacant/Unable to Foward"	\$6.69
Lawrence J. Pelletier	Mailing Finding of Fact/Conclusion of Law & Order to 7 Lawrence Court, Port Orange, FL 32127	03/25/2015		\$6.96
Clerk of Court	Recording Fee -Finding of Fact/Conclusion of Law & Order	03/25/2015		\$27.00
Lawrence J. Pelletier	Mailing Order Imposing Fine/Lien w/ Affidavit of Non-Compliance to 7 Lawrence Court, Port Orange, FL 32127	05/06/2015		\$0.69
Clerk of Court	Recording Fee - Order Imposing Fine/Lien w/ Affidavit of Non-Compliance	05/06/2015		\$44.00

Total: \$85.34



NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 14-2040

To: Lawrence J. Pelletier
7 Lawrence Court
Port Orange, FL 32127

Re: 7 Lawrence Court
Port Orange, FL 32127
Parcel ID: 6315-08-00-0070

LEGAL DESCRIPTION: LOT 7 SOUTHERN PINES SUB MB 33 PG 47 PER OR 2090 PG 65 PER COPY OF D/C NO 87-NS-366 PER UNREC DC
Volusia County Public Records, Volusia County, FL

An inspection of the premises on **September 2, 2014**, indicates that certain violation(s) of the City of Port Orange Code exists. Briefly stated, the property is in violation of the following:

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

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

On September 2, 2014, I observed high weeds and grass along with garbage stored in the back yard of the property located at 7 Lawrence Court. On November 5, 2014, I conducted a re-inspection of the premises and the condition of the property was the same. Also, I noticed a chain link fence on the property that is falling over. On February 9, 2015, I conducted a third inspection of the premises, and again the condition of the property was the same. To correct the violation, the entire property needs to be mowed and all high weeds trimmed, all garbage needs to be removed from the rear yard, and the damaged chain link fence needs to be repaired or removed.

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

This correspondence will serve as official notification that the above stated violation must be corrected by **March 5, 2015**.

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

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

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

NOTICE OF HEARING AS TO VIOLATIONS ALLEGED

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

Pursuant to *Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes*, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the Special Magistrate **March 25, 2015, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Special Magistrate will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the Special Magistrate may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

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

As per *Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes*: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$ 6,69. as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

At the event the Special Magistrate, during the hearing on **March 25, 2015**, enters a Final Order finding a violation as alleged, pursuant to *Chapter 7, Code of Ordinances, City of Port Orange, Florida*, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on **May 6, 2015, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

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

DATED this 13th day of FEBRUARY, 2015.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

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

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Lawrence J. Pelletier, 7 Lawrence Court, Port Orange, FL 32127, was

- ☐ Hand-delivered
☒ Posted at the property

Time: 2:10 p.m.

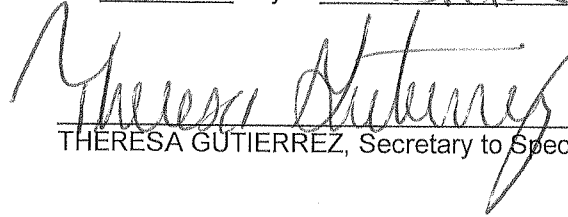
this 13th day of FEBRUARY, 2015.

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

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Lawrence J. Pelletier, 7 Lawrence Court, Port Orange, FL 32127, was, was

☒ Posted at City Hall
☒ Sent via certified

this 17th day of February, 2015.


THERESA GUTIERREZ, Secretary to Special Magistrate

RIGHT TO APPEAL

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

ACCOMMODATIONS

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

2091 0065

WARRANTY DEED
ISSUED TO 100010HISEA TITLE & GUARANTY COMPANY
P-1121 NEW

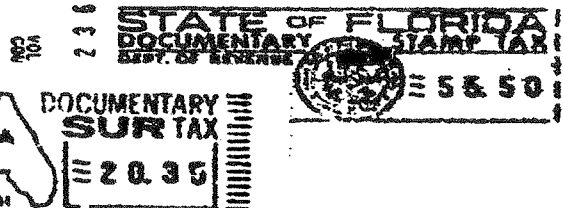
This Warranty Deed Made the 19th day of June A D 1979 by
 ARNOLD H. SHOREY and JANET M. SHOREY,
 his wife
 hereinafter called the grantor, to

LAWRENCE J. PELLETIER and GLADYS M. PELLETIER,
 his wife
 whose postoffice address is 7 Lawrence Court, Port Orange, FL
 hereinafter called the grantee:

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

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

Lot 7, SOUTHERN PINES SUBDIVISION, according to plat thereof as recorded in Map Book 33, page 47 of the Public Records of Volusia County, Florida.



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

To Have and to Hold the same to the grantee 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, 1978.

Subject to all valid restrictions, reservations and easements of record.

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:

Eugene W. Beaulieu (To and for) *Arnold H. Shorey*
 /s/ Eugene W. Beaulieu (To and for) *Janet M. Shorey*
 STATE OF MAINE
 COUNTY OF PENOBSCOT

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

Arnold H. Shorey & Janet M. Shorey,
 his wife

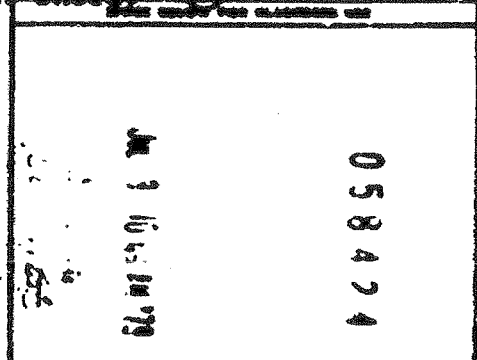
to me known to be the person described in and who executed the foregoing instrument and they acknowledged before me that they executed the same.

WITNESS my hand and official seal to the County and State last aforesaid this 19th day of June A D 1979.

Eugene W. Beaulieu
 Notary Public /s/ Eugene W. Beaulieu

The instrument prepared by
 Address Old Town, Maine

MY COMMISSION EXPIRES 1/11/80





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

Last Updated: 02-10-2015 Today's Date: 2-10-2015		Volusia County Property Appraiser's Office			
		Property Record Card (PRC) <u>Morgan B. Gilreath Jr., M.A., A.S.A., C.F.A.</u> Property Appraiser			
Full Parcel ID	15-16-33-08-00-0070	Mill Group	402 Port Orange		
Short Parcel ID	6315-08-00-0070				
Alternate Key	3638018	2014 Final Millage Rate	21.15960		
Parcel Status	Active Parcel	PC Code	02		
Date Created	31 DEC 1981				
Owner Name	PELLETIER LAWRENCE J EST			GO TO ADD'L OWNERS	
Owner Name/Address 1					
Owner Address 2	7 LAWRENCE CT				
Owner Address 3	PORT ORANGE FL				
Owner Zip Code	321276012				
Owner Percentage	100	Ownership Type			
Location Address	7 LAWRENCE CT PORT ORANGE 32127				

LEGAL DESCRIPTION

LOT 7 SOUTHERN PINES SUB MB 33 PG 47 PER OR 2090 PG 65 PER C

OPY OF D/C NO 87-NS-366 PER UNREC DC

SALES HISTORY

#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	2090	0065	7/1979	Warranty Deed	Qualified Sale	No	18,500
2	1855	0043	8/1976	Warranty Deed	Qualified Sale	No	6,800

HISTORY OF VALUES

[GO TO ADD'L HISTORY](#)

YEAR	LAND	BLDG (S)	MISC	JUST	ASD	SCH ASD	NS ASD	EXEMPT	TXBL	SCH TXBL	ADD'L EX	NS TXBL
2014	8,250	38,183	231	46,664	46,664	46,664	43,197	0	46,664	46,664	0	43,197
2013	6,700	32,258	312	39,270	39,270	39,270	39,270	0	39,270	39,270	0	39,270

LAND DATA

CODE	FRONTAGE	DEPTH	# OF UNITS	UNIT TYPE	RATE	DPH	LOC	SHP	PHY	JUST VAL
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Sec. 42-26. - Cleanliness of property generally—Duty of owner.

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

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

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

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

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

Where a fence or wall transitions from a higher to a lower height, the transition must be complete at or before the point where the lower height must begin. For example, where a six-foot-tall fence transitions to a four-foot-tall fence, the transition from higher to lower must be completed where the four-foot height limitation begins, such that no portion of the fence exceeds the height limitation.

(3) *Location.*

- (a) No permanent fence or wall shall be located closer than five feet to any right-of-way line.
- (b) No permanent fence or wall shall be located within areas required to provide clearance for visibility in accordance with section 6 of this chapter.

(4) *Design and maintenance.*

- (a) All fences and walls shall be designed to comply with the architectural and landscaping requirements of this code when applicable.
- (b) All fences shall be maintained in their original upright condition.
- (c) Fences and walls designed for painting or similar surface finishes shall be maintained in their original condition as designed.
- (d) Missing boards, pickets, or posts shall be replaced in a timely manner with material of the same type and quality.
- (e) Fences or walls having a side with exposed or irregular structural components and a more finished, uniform and aesthetically attractive side shall be constructed so that the more finished, uniform and aesthetically attractive side faces outward from the fenced property toward the adjoining property. This requirement shall not be construed as to require post components of fences to be invisible from the adjoining property. This requirement may be waived by the administrative official upon approval of a written agreement between the two adjoining property owners.
- (f) The side of a fence or wall oriented to an adjoining property shall not create an adverse visual impact on such adjoining property.

(5) *Exemptions.*

- (a) Customary fencing around tennis courts and other approved recreational amenities shall be exempt from height restrictions.
- (b) Reserved.

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

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

Vs.

CASE NO: 14-2040

Lawrence J. Pelletier,

Respondent,

Property Address: 7 Lawrence Ct
Port Orange, FL 32127
Parcel ID: 6315-08-00-0070

AFFIDAVIT OF PROPERTY POSTING
NOTICE OF VIOLATION AND
NOTICE FOR HEARING

STATE OF FLORIDA
COUNTY OF VOLUSIA

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

1. That the statements set forth herein are based upon personal knowledge.
2. That I am a resident of the State of Florida, over twenty-one years of age, and not a party to this action.
3. That, according to the records of the Volusia County Property Appraisers Office, the property located at 7 Lawrence Ct, Port Orange, Florida 32127, is owned by Lawrence J. Pelletier.
4. That 7 Lawrence Ct, Port Orange, Florida 32127 is the location where the alleged code violation is or was occurring.
5. That I posted a Notice of Violation and Request for Hearing on the property at 7 Lawrence Ct, Port Orange, Florida 32127, at 2:10 p.m. on the 13th day of February, 2015,

as required by Florida Statute Section 162.12(2)(b)(1). A copy of the Notice and Request is attached hereto and made a part hereof.

FURTHER AFFIANT SAYETH NOT.

DATED this 16th day of FEBRUARY, 2015.

J. Scott Allman

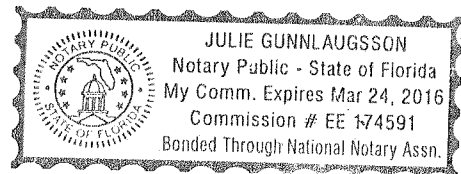
J. Scott Allman
Code Compliance Inspector

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was sworn to before me on the 16th day of
February, 2015, by Scott Allman, who is
personally known to me.

Julie Gunnlaugsson
Notary Public, State of Florida

Commission No. _____



**CITY OF PORT ORANGE, FLORIDA
CODE ENFORCEMENT SPECIAL MAGISTRATE
CASE NO. 14-2040**

CITY OF PORT ORANGE,
a Florida municipal corporation,

Petitioner,

Lawrence J. Pelletier
7 Lawrence Court
Port Orange, FL 32127
6315 [REDACTED]

Respondent.

_____ /

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

THIS CAUSE came on for public hearing before the Code Enforcement Special Magistrate on March 25, 2015, after due notice to the Respondent(s), and the Special Magistrate having heard testimony under oath, received evidence and heard argument from Staff thereupon issues its Findings of Fact, Conclusions of Law, and Order, as follows:

FINDINGS OF FACT:

A. Respondent(s), Lawrence J. Pelletier, whose mailing address is 7 Lawrence Court, Port Orange, FL 32127, is/are the owner(s) of the property located at 7 Lawrence Court, Port Orange, FL 32127, and more particularly described as:

LOT 7 SOUTHERN PINES SUB MB 33 PG 47 PER OR 2090 PG 65 PER C
OPY OF D/C NO 87-NS-366 PER UNREC DC

B. The property needs to be mowed and maintained, all garbage and debris need to be removed, and the chain linked fence needs to be repaired or removed. This condition was first observed at the real property described above on September 2, 2014; re-inspections made on March 6, 2015 and March 23, 2015 confirmed the condition as being the same. Respondent(s), Lawrence J. Pelletier, received notice via certified mail and posted at City Hall on February 17, 2015 and property posting on February 13, 2015. The aforesaid conditions constituted a violation of Chapter 42 (Nuisances), Article II (Garbage, junk, and undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), §§(d) (Maintenance of improved residential lots) & §§ (f) (Garbage, waste, trash, etc., prohibited) of the City of Port Orange Code of Ordinances and Chapter 16 (Miscellaneous Regulations of the Land Development Code), (4) (Design and maintenance), §§(b), of the City of Port Orange Land Development Code, and was to be corrected by March 5, 2015.

C. At the time of the hearing on March 25, 2015, the violations cited above: ☒ continue to exist, or ☐ remained noncompliant until _____ [Date].

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

CONCLUSION OF LAW:

Respondent(s), Lawrence J. Pelletier, by reason of the foregoing, has/have violated Chapter 42 (Nuisances), Article II (Garbage, junk, and undergrowth), Section 42-26 (Cleanliness of property generally-duty of owner), §§(d) (Maintenance of improved residential lots) & §§ (f) (Garbage, waste, trash, etc., prohibited) of the City of Port Orange Code of Ordinances and Chapter 16 (Miscellaneous Regulations of the Land Development Code), (4) (Design and maintenance), §§(b), of the City of Port Orange Land Development Code, in that the Respondent(s) failed, on or before the date set in the notice of violation, to remedy the conditions of the overgrown yard, garbage and debris, and the damaged chain linked fence, is therefore subject to the provisions of the City of Port Orange Municipal Code 2.207.

ORDER:

A. Respondent(s) shall correct the aforesaid violation by mowing the entire property, removing all garbage and debris, and repair or remove the damaged chain link fence on or before April 10, 2015. In the event that the property is not brought into compliance on or before April 10, 2015, and/or not maintained in a state of compliance, a daily fine of \$100 per day will be assessed for each day the property is in violation beyond April 10, 2015. If paragraph D. above is checked and the Respondent(s) has/have not abated the condition by April 10, 2015, then notice of the violation will be given to the City Council. The City Council may repair the condition and charge the Respondent(s) with the reasonable costs of the repairs. Additionally, as per Chapter 2, Section 2-214, Code of Ordinances: "In addition to any fines, the Special Magistrate may impose additional fines to cover all costs incurred by the City in enforcing its codes and all costs or repairs pursuant to sub section (a)." The cost to date is \$40.65 as indicated on the cost sheet submitted into evidence. The Respondent(s) will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion. Any future violations under this ordinance shall be considered repeat violations.

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

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

DONE AND ORDERED this 25 day of March 2015

Attest: [Signature]
Secretary, Code Enforcement Special Magistrate

By: [Signature]
Code Enforcement Special Magistrate

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

[Signature]
Code Compliance Inspector

I HEREBY CERTIFY that a true and correct copy of the foregoing Findings of Fact, Conclusion of Law, and Order have been furnished to Respondent(s), Lawrence J. Pelletier, 7 Lawrence Court, Port Orange, FL 32127 by Certified and Regular Mail this 26 day of March, 2015

[Signature]
Secretary, Code Enforcement Special Magistrate

Case Cost Sheet Log

Case No. 15-048

Name	Activity	Activity_Date	Status	Cost
Jacqueline M. Acosta	Mailing Notice of Violation/Notice of Hearing	02/06/2015	Certified Mail Returned to Clerk's Office marked: (Unclaimed/Unable to Forward)	\$6.69
Donald A. Acota	Mailing Notice of Violation/Notice of Hearing	02/06/2015	Certified Mail Returned to Clerk's Office marked: (Unclaimed/Unable to Forward)	\$6.69
Jacqueline M. Acosta	Mailing Finding of Fact/Conclusion of Law & Order	03/25/2015		\$6.96
Donald A. Acota	Mailing Finding of Fact/Conclusion of Law & Order	03/25/2015		\$6.96
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	03/25/2015		\$27.00

Total: \$54.30



NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 15-048

To: Acosta, Jacqueline M. & Donald A.
825 Upland Drive
Port Orange, FL 32127

Re: 825 Upland Drive
Port Orange, FL 32127
Parcel ID: 6321-04-00-1150

LEGAL DESCRIPTION: LOT 115 THE HAMLET SUB 1ST ADDITIONAL MB 35 PGS 99-100 INC PER OR 4975 PG 1225
PER OR 5864 PG 4185 PER D/C 5865 PG 4113 PER OR 5910 PG 1211 PER OR 5947 PGS
4351-4352 PER OR 5952 PGS 0372-0373 PER OR 5969 PGS 2888-2890 INC

Volusia County Public Records
Volusia County, FL

An inspection of the premises on January 16, 2015, indicates that certain violation(s) of the City of Port Orange Code exists. Briefly stated, the property is in violation of the following:

CITY OF PORT ORANGE CODE OF ORDINANCES, CHAPTER 42 (Nuisances), ARTICLE II (Garbage, Junk, and Undergrowth), SECTION 42-26 (Cleanliness of property generally—Duty of Owner), (a)(d)(f)(h) *Simply stated, property needs to be mowed and maintained with grass and overgrowth not to exceed 10" maximum. Property shall be kept free and clear of garbage, waste, trash, debris, and junk. Parkages adjacent residential properties must be maintained as above.*

On January 16, 2015, I observed the property as being overgrown and full of yard debris. I left a 5 day notice on the door to please mow and maintain the entire property to the street and to clean up and remove all yard debris along with any garbage or trash. An inspection on February 4, 2015, found the property to still be in violation with the grass higher and more yard debris present. There was also trash in front of the garage door.

Attachments: ☒ Copy of code

☒ Copy of Deed

☒ Copy of Tax Roll

This correspondence will serve as official notification that the above stated violation(s) must be corrected by February 12, 2015.

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

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

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

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate March 25, 2015, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

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

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$ 13.38 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **March 25, 2015**, enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on **may 6, 2015, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

For further information regarding this matter, you may contact the undersigned Code Compliance Inspector at (386) 506-5644.

DATED this 5th day of February, 2015.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Deborah Faircloth
DEBORAH FAIRCLOTH

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Acosta, Jacqueline M. & Donald A., 825 Upland Drive, Port Orange, FL 32127, was

☐ Hand-delivered

☒ Posted at the property

Time: 2:17 pm

this 5th day of February, 2015.

Deborah Faircloth
DEBORAH FAIRCLOTH

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Acosta, Jacqueline M. & Donald A., 825 Upland Drive, Port Orange, FL 32127, was

☒ Posted at City Hall

☒ Sent via certified

this 6 day of February, 2015.


Secretary, Special Magistrate

RIGHT TO APPEAL

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

ACCOMMODATIONS

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



Volusia County Appraisers Office



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

Last Updated: 02-03-2015 Today's Date: 2-5-2015		Volusia County Property Appraiser's Office Property Record Card (PRC) Morgan B. Gilreath Jr., M.A., A.S.A., C.F.A. Property Appraiser			
Full Parcel ID	21-16-33-04-00-1150	Mill Group	402 Port Orange		
Short Parcel ID	6321-04-00-1150				
Alternate Key	3660951	2014 Final Millage Rate	21.15960		
Parcel Status	Active Parcel	PC Code	01		
Date Created	31 DEC 1981				
Owner Name	ACOSTA JACQUELINE M &		GO TO ADD'L OWNERS		
Owner Name/Address 1	DONALD A ACOSTA				
Owner Address 2	825 UPLAND DRIVE				
Owner Address 3	PORT ORANGE FL				
Owner Zip Code	32127				
Owner Percentage	100	Ownership Type			
Location Address	825 UPLAND DR PORT ORANGE 32127				

LEGAL DESCRIPTION	GO TO ADD'L LEGAL
LOT 115 THE HAMLET SUB 1ST ADDITION MB 35 PGS 99-100 INC PER	
OR 4975 PG 1225 PER OR 5864 PG 4185 PER D/C 5865 PG 4113 PE	

SALES HISTORY							GO TO ADD'L SALES
#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	5969	2888	12/2006	Warranty Deed	Unqualified Sale	Yes	100
2	5952	0372	11/2006	Quit Claim Deed	Unqualified Sale	Yes	100
3	5947	4351	11/2006	Quit Claim Deed	Unqualified Sale	Yes	100

HISTORY OF VALUES								GO TO ADD'L HISTORY				
YEAR	LAND	BLDG(S)	MISC	JUST	ASD	SCH ASD	NS ASD	EXEMPT	TXBL	SCH TXBL	ADD'L EX	NS TXBL
2014	15,019	109,167	10,107	134,293	134,293	134,293	134,293	0	134,293	134,293	0	134,293
2013	15,019	97,703	10,131	122,853	122,853	122,853	122,853	0	122,853	122,853	0	122,853

LAND DATA												
CODE	TYPE OF LAND USE	FRONTAGE	DEPTH	# OF UNITS	UNIT TYPE	RATE	DPH	LOC	SHP	PHY	JUST VAL	
0101	IMP PVD THRU .49 AC	84.0	167.0	84.00	FRONT FEET	160.00	112	100	100	100	15,019	
NEIGHBORHOOD CODE	5680	DEVONWOOD,HAMLET,HAMLET 1ST										

LEGAL DESCRIPTION
LOT 115 THE HAMLET SUB 1ST ADDITION MB 35 PGS 99-100 INC PER
OR 4975 PG 1225 PER OR 5864 PG 4185 PER D/C 5865 PG 4113 PE
R OR 5910 PG 1211 PER OR 5947 PGS 4351-4352 PER OR 5952 PGS
0372-0373 PER OR 5969 PGS 2888-2890 INC

Prepared by:
Stepniak & Wrenn, P.A.
958 S. Ridgewood Ave.
Daytona Beach, Florida 32114

When recorded return to:
Stepniak & Wrenn, P.A.
958 S. Ridgewood Ave.
Daytona Beach, Florida 32114

(Space above this line reserved for recording office use only)

WARRANTY DEED

1. IDENTIFICATION OF GRANTOR

Grantor's name and address is: STEPNIAK & WRENN, P.A.
958 S. Ridgewood Ave.
Daytona Beach, Florida 32114

The word "I" or "me" as hereafter used means the Grantor.

2. IDENTIFICATION OF GRANTEE

Grantee's name and address is: JACQUELINE ACOSTA and DONALD ACOSTA, as
husband and wife
5808 Wales Ave.
Port Orange, Florida 32127

The word "you" as hereafter used means the Grantee.

3. MEANINGS OF TERMS

The terms "I," "me," "you," "grantor," and "grantee," shall be non-gender specific ((i) masculine, (ii) feminine, or (iii) neuter, such as corporations, partnerships or trusts), singular or plural, as the context permits or requires, and include heirs, personal representatives, successors or assigns where applicable and permitted.

4. DESCRIPTION OF REAL PROPERTY CONVEYED

Property hereby conveyed (the "Real Property") is described as follows:

825 Upland Dr. Port Orange, Florida 32127. Legal description as follows:

LOT 115 THE HAMLET SUB 1ST ADDITION MB 35 PGS 99-100 INC PER OR 4975 PG 1225
PER OR 5864 PG 4185 PER D/C 5865 PG 4113 PER OR 591 0 PG 1211

The Property Appraiser's Parcel Identification Number is 21-16-33-04-00-1150.

5. CONSIDERATION

Good and valuable consideration plus the sum of Ten Dollars (\$10.00) received by me from you.

6. CONVEYANCE OF REAL PROPERTY

For the consideration described in Paragraph 5, I have granted, bargained and sold to you the Real Property to have and to hold in fee simple (estate in property unlimited as to duration, disposition and descendability) forever.

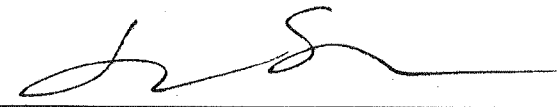
7. WARRANTY

I fully warrant the title to the Real Property and will defend the same against the lawful claims of all persons whomsoever.

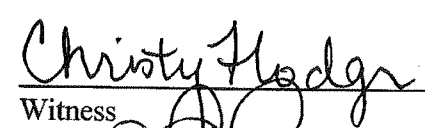
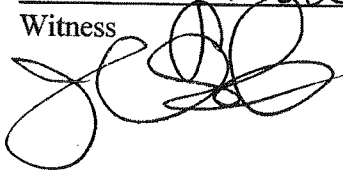
Executed on December 8, 2006.

STEPNIAK & WRENN, P.A.

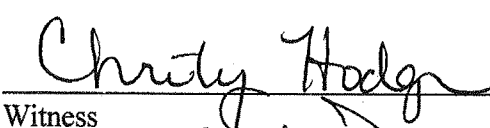
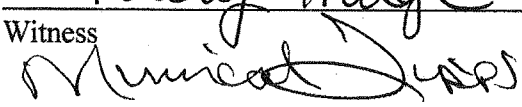
By: 
Robert F. Stepniak

By: 
Jane S. Stepniak

Signed in the presence of:


Witness 

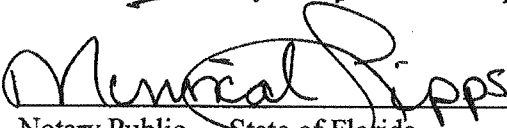
Signed in the presence of:


Witness 

STATE OF FLORIDA
COUNTY OF VOLUSIA

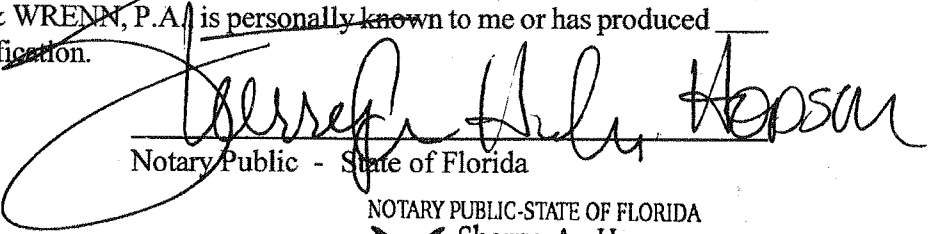
The foregoing instrument was acknowledged before me this 8th day of Dec, 2006, by
Robert F. Stepniak, of STEPNIAK & WRENN, P.A., is personally known to me or has produced _____
_____ as identification.

NOTARY PUBLIC-STATE OF FLORIDA
 Minokah Lipps
Commission # DD525382
Expires: MAR. 06, 2010
Bonded Thru Atlantic Bonding Co., Inc.


Notary Public - State of Florida

STATE OF FLORIDA
COUNTY OF VOLUSIA

The foregoing instrument was acknowledged before me this 8 day of Dec., 2006, by
Jane S. Stepniak, of STEPNIAK & WRENN, P.A., is personally known to me or has produced _____
_____ as identification.


Notary Public - State of Florida

NOTARY PUBLIC-STATE OF FLORIDA
 Sherry A. Hopson
Commission # DD505054
Expires: JAN. 31, 2010
Bonded Thru Atlantic Bonding Co., Inc.

ARTICLE II. - GARBAGE, JUNK AND UNDERGROWTH

FOOTNOTE(S):

--- (2) ---

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

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

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

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

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

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

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

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

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

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

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

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

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

vs.

CASE NO: 15-048

Acosta, Jacqueline M. & Donald A.,

Respondents.

Property Address: 825 Upland Drive, Port Orange, FL 32127
Parcel ID: 6321-04-00-1150

AFFIDAVIT OF PROPERTY POSTING
NOTICE OF VIOLATION AND
NOTICE FOR HEARING

STATE OF FLORIDA
COUNTY OF VOLUSIA

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

1. That the statements set forth herein are based upon personal knowledge.
2. That I am a resident of the State of Florida, over twenty-one years of age, and not a party to this action.
3. That, according to the records of the Volusia County Property Appraisers Office, the property located at 825 Upland Drive, Port Orange, Florida 32127, is owned by Acosta, Jacqueline M. & Donald A.
4. That 825 Upland Drive, Port Orange, Florida 32127 is the location where the alleged code violation is or was occurring.
5. That I posted a Notice of Violation and Request for Hearing on the property at 825 Upland Drive, Port Orange, Florida 32127, at 2:17 p.m. on the 5th day of February, 2015,

as required by Florida Statute Section 162.12(2)(b)(1). A copy of the Notice and Request is attached hereto and made a part hereof.

FURTHER AFFIANT SAYETH NOT.

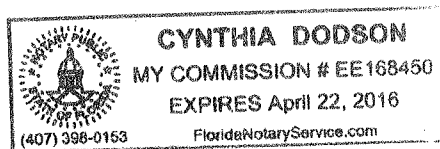
DATED this 6th day of February, 2015.

Deborah Faircloth

Deborah Faircloth
Code Compliance Inspector

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was sworn to before me on the 6 day of February, 2015, by Deborah Faircloth, who is personally known to me.



Cynthia Dodson
Notary Public, State of Florida

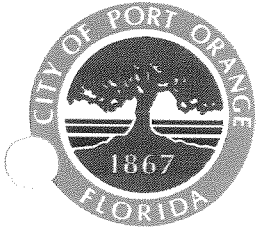
Commission No. 4-22-16

Case Cost Sheet Log

Case No. 14-2211

Name	Activity	Activity_Date	Status	Cost
Mark D. Cameron	Notice of Violation/Notice of Hearing Hand Delivered to (Shane Cameron) Time: 3:05 p.m.	02/12/2015		\$0.00
Mark D. Cameron	Mailing Finding of Fact/Conclusion of Law & Order	03/25/2015		\$6.96
Clerk of Court	Recording Fee	03/25/2015		\$27.00

Total: \$33.96



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 14-2211

To:
Mark D Cameron
886 Stonybrook Circle
Port Orange, FL 32127

Re: 886 Stonybrook Circle
Port Orange, FL 32127
Parcel ID: 6309-14-00-0720

LEGAL DESCRIPTION: LOT 72 DUNLAWTON HILLS UNIT II MB 39 PGS 183 & 184 PER OR 4534 PG 4551

Volusia County Public Records
Volusia County, FL

An inspection of the premises on September 16, 2014, indicates that certain violation(s) of the City of Port Orange Code exists. Briefly stated, the property is in violation of the following:

e City of Port Orange's Code of Ordinances Chapter 70 Traffic, Article II, Section 70-36 (K), (1) (2) (3)

Parking in the front yard is prohibited by the City of Port Orange Code. A driveway extension of rock or mulch and some landscape timbers can be constructed for additional parking if needed.

Attachments: ☒ Copy of code

☒ Copy of Deed

☒ Copy of Tax Roll

This correspondence will serve as official notification that the above stated violation(s) must be corrected by February 20, 2015.

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

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

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

NOTICE OF HEARING AS TO VIOLATION(S) ALLEGED

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

Pursuant to Chapter 2, Article V, Code of Ordinances and Section 162.06, Florida Statutes, you are hereby called upon to take notice that a PUBLIC HEARING will be conducted in the above-styled cause by the **Special Magistrate March 25, 2015, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

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

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$ 0 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

In the event the **Special Magistrate**, during the hearing on **March 25, 2015**, enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on **May 6, 2015, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

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

DATED this 12th day of February, 2015.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Amanda Bonin
Amanda Bonin

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Mark D Cameron 886 Stonybrook Circle, Port Orange, FL 32127, was

- ☒ Hand-delivered
☐ Posted at the property

this 12th day of February, 2015.

Time: approx. 3:05 pm

Hand Delivered to: Shane Cameron

Amanda Bonin
Amanda Bonin

☐ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Mark D Cameron 886 Stonybrook Circle, Port Orange, FL 32127, was

- ☐ Posted at City Hall
☐ Sent via certified

this _____ day of _____, 2015.

Secretary, Special Magistrate

RIGHT TO APPEAL

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

ACCOMMODATIONS

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



Volusia County Appraisers Office



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

Last Updated: 02-10-2015 Today's Date: 2-13-2015		Volusia County Property Appraiser's Office Property Record Card (PRC) <u>Morgan B. Gilreath Jr., M.A., A.S.A., C.F.A.</u> Property Appraiser			
Full Parcel ID Short Parcel ID		09-16-33-14-00-0720 6309-14-00-0720		Mill Group 402 Port Orange	
Alternate Key		4752978		2014 Final Millage Rate	
Parcel Status		Active Parcel		PC Code	
Date Created		18 MAR 1985		01	
Owner Name		CAMERON MARK D		GO TO ADD'L OWNERS	
Owner Name/Address 1					
Owner Address 2		886 STONEYBROOK CIR			
Owner Address 3		PORT ORANGE FL			
Owner Zip Code		32119			
Owner Percentage		100		Ownership Type	
Location Address		886 STONYBROOK CIR PORT ORANGE 32127			

LEGAL DESCRIPTION

LOT 72 DUNLAWTON HILLS UNIT II MB 39 PGS 183 & 184 PER OR

4534 PG 4551

SALES HISTORY

[GO TO ADD'L SALES](#)

#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	4534	4551	3/2000	Warranty Deed	Qualified Sale	Yes	76,000
2	4139	0844	9/1996	Warranty Deed	Qualified Sale	Yes	62,000
3	2945	0353	2/1987	Warranty Deed	Qualified Sale	Yes	57,000

HISTORY OF VALUES

[GO TO ADD'L HISTORY](#)

YEAR	LAND	BLDG(S)	MISC	JUST	ASD	SCH ASD	NS ASD	EXEMPT	TXBL	SCH TXBL	ADD'L EX	NS TXBL
2014	11,000	67,121	0	78,121	69,232	69,232	69,232	25,000	44,232	44,232	19,232	25,000
2013	11,000	57,209	0	68,209	68,209	68,209	68,209	25,000	43,209	43,209	18,209	25,000

LAND DATA

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

03/28/2000 09:15
Doc stamps 532.00
(Transfer Amt \$ 76000)
Instrument # 2000-051830
Book: 4534
Page: 4551
Diane M. Matousek
Volusia County, Clerk of Court

This instrument prepared by:
Waterside Title Co.
640 Dunlawton Ave.
Port Orange, FL 32127

Parcel ID Number: 6309-14-00-0720
Grantee #1 TIN: [REDACTED]

Warranty Deed

This Indenture, Made this 24th day of March, 2000 A.D., Between
Marguerite B. Schafer, a single woman

of the County of Volusia, State of Florida, grantor, and
Mark D. Cameron, a single man

whose address is: 886 Stonybrook Circle, Port Orange, FL 32127

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

Witnesseth that the GRANTOR, for and in consideration of the sum of

-----TEN DOLLARS (\$10)----- DOLLARS,
and other good and valuable consideration to GRANTOR in hand paid by GRANTEE, the receipt whereof is hereby acknowledged, has
granted, bargained and sold to the said GRANTEE and GRANTEE'S heirs, successors and assigns forever, the following described land, situate,
lying and being in the County of Volusia State of Florida to wit:

Lot 72, DUNLAWTON HILLS, UNIT II, according to the map or plat
thereof, as recorded in Plat Book 39, Page 183, Public Records of
Volusia County, Florida.

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

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

In Witness Whereof, the grantor has hereunto set her hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Alexis Stenhouse
Printed Name: Alexis Stenhouse
Witness

Mary W. Ralston
Printed Name: Mary W. Ralston
Witness

Marguerite B. Schafer (Seal)
Marguerite B. Schafer
P.O. Address:

Sec. 70-36. - Stopping, standing or parking prohibited in specified places.

(a) Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic control device, no person shall:

(1) Stop, stand or park a motor vehicle or trailer:

- a. On the roadway side of any motor vehicle stopped or parked at the edge of a curb of a street (i.e., double parked).
- b. Within an intersection.
- c. On any sidewalk or on a crosswalk.
- d. Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of the safety zone, unless the division of road operations of the state department of transportation indicates it differently by signs or markings.
- e. Alongside or opposite any street excavation, obstruction or vehicle when stopping, standing or parking would obstruct traffic.
- f. Upon any bridge or elevated structure upon a highway, road or street where parking is not provided for thereon.
- g. On any railroad tracks.
- h. At any place where official traffic control devices prohibit stopping.
- i. In any area containing the raised or painted traffic separator or median.
- j. On parkage, except for private passenger vehicles, by or with authority of the owner or resident of the private property immediately adjoining such parkage, which authority shall be implied in the absence of a written complaint made by such owner or the duly authorized agent of such owner.
- k. On any other portion of the front yard of a residential lot, except on approved driveways. As used in this section, driveways shall be constructed of the following materials:
 1. Concrete or paved materials;
 2. Nonpaved materials, excluding grass and dirt, provided that loose materials such as gravel, bark or cypress mulch are effectively contained within a border of concrete, railroad ties, or other rigid materials; or
 3. Concrete paver strips, paver blocks, or other semi-pervious materials.

(2) Within the public right-of-way, stand or park a motor vehicle or trailer, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:

- a. Alongside any yellow curb.
- b. In front of a public or private driveway.
- c. Within 15 feet of a fire hydrant.
- d. Within 20 feet of a crosswalk at an intersection.
- e. Within 30 feet upon the approach to any flashing signal, stop sign or traffic control signal located at the side of a roadway.
- f. Within 20 feet of the driveway entrance to any fire station and on the side of the street opposite the entrance to any fire station within 75 feet of the entrance (when proper sign posted).
- g. At any place where official traffic control devices prohibit standing.

(3) Within the public right-of-way, park a motor vehicle, whether occupied or not, except temporarily for the purpose of, and while actually engaged in, loading or unloading of

merchandise or passengers:

- a. Within 50 feet of the nearest rail of a railroad crossing or bridge.
- b. At any place where official signs prohibit parking.

(b) No person shall move a motor vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful.

(Code 1981, § 19-30; Ord. No. 1996-11, § 1, 5-7-96; Ord. No. 2005-9, § 1, 5-3-05; Ord. No. 2008-42, § 3, 1-20-09)

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

vs.

CASE NO: 14-2211

MARK D CAMERON,

Respondent.

Property Address: 886 Stonybrook Cir
Port Orange, FL 32127
Parcel ID: 6309-14-00-0720

AFFIDAVIT OF HAND DELIVERY
NOTICE OF VIOLATION AND
NOTICE OF HEARING

STATE OF FLORIDA
COUNTY OF VOLUSIA

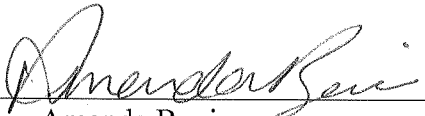
BEFORE ME, the undersigned authority, personally appeared Amanda Bonin, Code Compliance Inspector, City of Port Orange, Florida, who after being duly sworn, deposes and says:

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 886 Stonybrook Cir, Port Orange, Florida 32127, is owned by Mark D Cameron.
4. That 886 Stonybrook Cir, 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 886 Stonybrook Cir, Port Orange, Florida 32127, at approx. 3:05 p.m. on the 13th day of February, 2015, to Shane Cameron, 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 18th day of February, 2015.

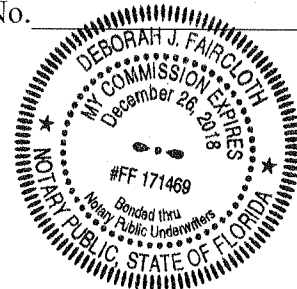

Amanda Bonin
Code Compliance Inspector

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

The foregoing instrument was sworn to before me on the 18th day of February, 2015, by Amanda Bonin, who is personally known to me.


Notary Public, State of Florida

Commission No. _____

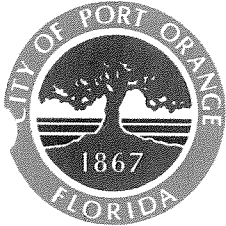


Case Cost Sheet Log

Case No. 14-2472

Name	Activity	Activity_Date	Status	Cost
Jonathan D. Thomas	Notice of Violation/Notice of Hearing	02/12/2015	Hand Delivered to Melissa Thomas (Wife) at 3:40 p.m.	\$0.00
Jonathan D. Thomas	Mailing Finding of Fact/Conclusion of Law & Order	03/25/2015		\$6.96
Clerk of Court	Recording Fee - Finding of Fact/Conclusion of Law & Order	03/25/2015		\$27.00

Total: \$33.96



**NOTICE OF VIOLATION
AND
NOTICE OF HEARINGS**

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner

CASE NO. 14-2472

To:
Jonathan D Thomas
4726 Hidden Lake Drive
Port Orange, FL 32129

Re: 4726 Hidden Lake Drive
Port Orange, FL 32129
Parcel ID: 6307-12-00-0600

LEGAL DESCRIPTION: LOT 60 HIDDEN LAKE PHASE IV-A MB 40 PGS 86 & 87 INC PER OR 5155 PG 2602 PER OR 6789 PG 0638

Volusia County Public Records
Volusia County, FL

An inspection of the premises on November 5, 2014, indicates that certain violation(s) of the City of Port Orange Code exists. Briefly stated, the property is in violation of the following:

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

Chapter 16 (Miscellaneous Regulations), Section 1 (Accessory Uses and Structures), (e) Outside Storage, (1) Residential Uses, (a) & (b) of the City of Port Orange Land Development Code)

Chapter 70 (Traffic), Article II (Stopping, Standing or Parking Prohibited in Specified Places), Section 70-36 (a)(1) (c) & (k) (1) (2) & (3) of the City of Port Orange Code of Ordinances

Chapter 70 (Traffic), Article II (Stopping, Standing and Parking), Section 70-48 (Parking of Recreational Vehicles and Equipment on Residential Premises), (c) (1) (2) & (3) of the City of Port Orange Code of Ordinances

An inspection of the property was conducted on November 5, 2014. Numerous items were being stored on the outside of the home (wheel barrow, wood, pallets, boxes, dolly, hose/piping, coolers, etc.). In addition, the residents are accessing a dirt area that has been installed on the side of the home and are utilizing it as a driveway by driving over the sidewalk area from the roadway. In addition, a large white trailer over 24 feet in length is being parked in the front area of the home on the mulched area along with a lawn trailer that is being parked on the side facing Rusty Circle. Trailers over 24 feet and lawn trailers must be parked behind the front plane of the home. Due to this action and the parking of the vehicles on the side of the home, the sidewalk has been broken in areas facing Rusty Circle and Hidden Lake Drive. The sidewalks need to be repaired and you must refrain from pulling over the sidewalk and parking on any area of the yard other than an approved driveway extension. Driveway extensions must be of an approved material such as rock or mulch. They cannot be dirt like those at this residence. If you choose not to have a driveway extension, yard must be returned to original condition meaning that the grass must be replaced. In addition, all items being stored on the outside of the home must be stored inside an enclosed area or behind an opaque fence. The most recent inspections on January 29, 2015 and January 31, 2015, in which photos were taken, showed same.

Attachments: ☒ Copy of code

☒ Copy of Deed

☒ Copy of Tax Roll

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

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

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

The burden shall rest upon the Respondent to request a re-inspection by the Code Compliance Inspector to determine 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 25, 2015, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The **Special Magistrate** will receive testimony and evidence at said PUBLIC HEARING and shall make such findings of facts and conclusions of law as supported by the testimony and evidence pertaining to the matter alleged below, and shall issue a Final Order affording the proper relief. A certified copy of the Final Order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, upon any subsequent purchasers, successors in interest, or assigns. If you fail to appear at the Hearing, the **Special Magistrate** may base any findings solely on the testimony and evidence presented by the Code Enforcement Inspector. Please govern yourself accordingly.

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

As per Chapter 2, Section 2-214, Code of Ordinances and Section 162.09(2)(d), Florida Statutes: "In addition to such fines, a code enforcement board or special magistrate may impose additional fines to cover all costs incurred by the local government in enforcing its codes and all costs of repairs." The costs incurred to date are \$ 200.00 as indicated on the cost sheet submitted into evidence. The respondent will be responsible for any additional costs incurred with follow-up inspections and other costs associated with this case until its conclusion.

NOTICE OF HEARING SETTING FINE AND LIEN

On the event the **Special Magistrate**, during the hearing on **March 25, 2015**, enters a Final Order finding a violation as alleged, pursuant to Chapter 7, Code of Ordinances, City of Port Orange, Florida, you are hereby called upon to take notice that a 2nd PUBLIC HEARING will be conducted in the above-styled cause by the Code Enforcement Special Magistrate on **May 6, 2015, at 9:00 a.m.**, or as soon after as may be heard, in Council Chambers, City Hall, 1000 City Center Circle, Port Orange, Florida. The Code Enforcement Special Magistrate will consider setting fine lien on the above referenced case at said PUBLIC HEARING. Please govern yourself accordingly.

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

DATED this 12th day of February, 2015.

CITY OF PORT ORANGE, FLORIDA
SPECIAL MAGISTRATE

By: Amanda Bonin
Amanda Bonin

☒ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Jonathan D Thomas 4726 Hidden Lake Drive, Port Orange, FL 32129, was

- ☒ Hand-delivered
☐ Posted at the property

Time: 3:40pm

this 12th day of February, 2015.

Amanda Bonin
Amanda Bonin

Hand delivered to Melissa Thomas (wife)

☐ I HEREBY CERTIFY that a true and correct copy of the above and foregoing Notice of Violation and Notice of Hearing to Jonathan D Thomas 4726 Hidden Lake Drive, Port Orange, FL 32127, was

- ☐ Posted at City Hall
☐ Sent via certified

this _____ day of _____, 2015.

Secretary, Special Magistrate

RIGHT TO APPEAL

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

ACCOMMODATIONS

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



Volusia County Appraisers Office



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

Last Updated: 02-10-2015 Today's Date: 2-11-2015	Volusia County Property Appraiser's Office Property Record Card (PRC) Morgan B. Gilreath Jr., M.A., A.S.A., C.F.A. Property Appraiser		
Full Parcel ID Short Parcel ID	07-16-33-12-00-0600 6307-12-00-0600	Mill Group	402 Port Orange
Alternate Key	4805567	2014 Final Millage Rate	21.15960
Parcel Status	Active Parcel	PC Code	01
Date Created	03 FEB 1986		
Owner Name	THOMAS JONATHAN D		GO TO ADD'L OWNERS
Owner Name/Address 1			
Owner Address 2	4726 HIDDEN LAKE DR		
Owner Address 3	PORT ORANGE FL		
Owner Zip Code	32129		
Owner Percentage	100	Ownership Type	
Location Address	4726 HIDDEN LAKE DR PORT ORANGE 32129		

LEGAL DESCRIPTION

LOT 60 HIDDEN LAKE PHASE IV-A MB 40 PGS 86 & 87 INC PER OR 5

155 PG 2602 PER OR 6789 PG 0638

SALES HISTORY

GO TO ADD'L SALES

#	BOOK	PAGE	DATE	INSTRUMENT	QUALIFICATION	IMPROVED?	SALE PRICE
1	6789	0638	11/2012	Warranty Deed	Qualified Sale	Yes	107,000
2	5155	2602	8/2003	Warranty Deed	Unqualified Sale	Yes	85,400
3	3900	2473	2/1994	Warranty Deed	Qualified Sale	Yes	82,900

HISTORY OF VALUES

GO TO ADD'L HISTORY

YEAR	LAND	BLDG(S)	MISC	JUST	ASD	SCH ASD	NS ASD	EXEMPT	TXBL	SCH TXBL	ADD'L EX	NS TXBL
2014	19,040	81,440	0	100,480	89,947	89,947	89,947	25,000	64,947	64,947	25,000	39,947
2013	16,826	71,792	0	88,618	88,618	88,618	88,618	25,000	63,618	63,618	25,000	38,618

LAND DATA

12/03/2012 09:42 AM
Doc stamps 749.00
(Transfer Amt \$ 107000)
Instrument# 2012-218798 # 1
Book : 6789
Page : 638
Diane M. Matousek
Volusia County, Clerk of Court

Return to:
Name:
Address:

This Instrument Prepared:
Dawn M. Jones
SOUTHERN TITLE HOLDING COMPANY, LLC
400 SEABREEZE BLVD.
DAYTONA BEACH, Florida 32118

as a necessary incident to the fulfillment of conditions
contained in a title insurance commitment issued by it.

Property Appraisers Parcel I.D. (Folio) Number(s):

Grantee(s) S.S.#(s):

File No: SB1213239

WARRANTY DEED

This Warranty Deed Made the ^{23rd} day of November, 2012, by PAMELA D. MONIER, FORMERLY KNOWN AS PAMELA D. MERTHE, hereinafter called the grantor, whose post office address is: 4149 HIGHWAY 24 WEST, McCOMB, Mississippi 39648

to JONATHAN D. THOMAS, whose post office address is: 4726 HIDDEN LAKE DRIVE, PORT ORANGE, Florida 32129, hereinafter called the grantee,

WITNESSETH: That said grantor, for and in consideration of the sum of \$107,000.00 Dollars 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 60, HIDDEN LAKE, PHASE IV-A, ACCORDING TO PLAT THEREOF RECORDED IN MAP BOOK 40, PAGES 86 AND 87, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA.

The property is not the homestead of the Grantor(s).

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 12/31/2012, reservations, restrictions and easements of record, if any.

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

In Witness Whereof, Grantor has hereunto set grantor's hand and seal the day and year first above written.

Signed, sealed and delivered in our presence:

Witness Signature:

Printed Name:

Witness Signature:

Printed Name:

PAMELA D. MONIER

STATE OF MISSISSIPPI

COUNTY OF Pike

The foregoing instrument was acknowledged before me this 23 day of November, 2012, by PAMELA D. MONIER, who is/are personally known to me or who has/have produced driver license(s) as identification.

My Commission Expires:

9-08-2013

Notary Public

Serial Number 82321

SOUTHERN TITLE



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

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

(Code 1981, § 10-7)

Section 1: Accessory uses and structures.

(a) *In general.* Specific accessory uses and structures shall comply with the following regulations.

(b) *Principal use and/or principal structure required.* Accessory uses and structures shall:

- (1) Be customarily incidental to the principal use established on the same lot;
- (2) Be subordinate to and serve such principal use;
- (3) Be subordinate in area, extent and purpose to such principal use; and
- (4) Contribute to the comfort, convenience or necessity of users of such principal use.

No accessory structure or use shall be permitted on any lot which does not have an established principal use conforming to the requirements of this code. No accessory structure shall be permitted on any lot which does not have a permitted principal structure.

(c) *General provisions.*

- (1) Outdoor storage shall be prohibited, except as specifically permitted herein.
- (2) Signs, fences, walls, parking and loading areas, and other such features which are typically located within required yard areas shall comply with the applicable provisions of this code for such uses and structures.
- (3) Any specific accessory use or structure which is not addressed within this chapter shall not be located on any lot.

(d) *Size limitations.* Any residential accessory structure in a residential zoning district shall be required to comply with the following conditions:

- (1) The size of the accessory residential structure shall not cause the building coverage on the lot to exceed the maximum building coverage established for the zoning district;
- (2) In the event that this code does not establish a maximum building coverage for a zoning district, the maximum building coverage shall be based on the most similar zoning district, as determined by the administrative official;
- (3) The accessory residential structure shall not be located within any required yard, unless otherwise permitted by this chapter. Additionally, no accessory residential structure shall be permitted in the front yard, unless specifically permitted by this code;
- (4) No accessory residential structure shall be used as a guest house, apartment, or other residential quarters, unless otherwise permitted by this code; and
- (5) No accessory residential structure shall be used in any manner for a home occupation, except for the storage of customary homeowner tools and equipment.

(e) *Outside storage.* Outside storage of new and used equipment and materials shall be regulated as follows.

(1) *Residential uses.*

- (a) Outside storage of materials and equipment shall be restricted to the rear yard area and screened by an opaque fence or hedge so that such materials are not visible from any public right-of-way or adjoining lot.
- (b) Materials and equipment such as appliances, unlicensed or inoperable motor vehicles, motor vehicle parts, and equipment and materials used as part of a business conducted off-site shall not be stored outside. This prohibition shall not apply to licensed and operable motor vehicles, boats, recreational vehicles and other such vehicles which are merely being parked on-site. However, such vehicles shall be subject to other provisions of this code, such as those relating to driveways, which may regulate or restrict their location on site.

- (2) *Office uses.* Outside storage of equipment or materials shall not be permitted for office uses.
- (3) *Commercial uses.* Outside storage of equipment and materials shall be permitted only when associated with a commercial use. Additional restrictions are specified below.
 - (a) Display of landscape or garden supplies, outdoor recreational equipment, and lawn equipment shall be located in designated areas approved for such display as part of a development plan.
 - (b) Display of new and used motor vehicles, boats, recreational vehicles, mobile homes and other such vehicles shall be located in designated areas approved for such display as part of a development plan.
 - (c) Storage of licensed and operable motor vehicles, boats, recreational vehicles, tractor trailers, storage trailers and other such vehicles shall be located in designated areas approved for such storage as part of a development plan and out of view from any abutting rights-of-way, private streets, waterways and residential uses. For sites without an approved development plan otherwise operating in compliance with this code, storage of such vehicles shall be located on a part of the site out of view from any abutting rights-of-way, private streets, waterways and residential uses.
 - (d) Display setups of products customarily used out of doors such as pools, spas, lawn furniture, concrete fixtures and other similar items shall be limited to one of any one product or model.
 - (e) Outdoor display and/or storage may be permitted in conjunction with special sales events such as those permitted under section 18-77, Code of Ordinances, and other uses when permitted by special exception or approved as part of a development plan.
 - (f) Licensed and inoperable motor vehicles awaiting repair may be stored within screened areas on the site of motor vehicle repair facilities and motor vehicle service centers, provided that no such vehicle shall be stored for more than 28 consecutive days.
- (4) *Industrial uses.* Outside storage of equipment or materials shall be permitted for industrial uses, when in compliance with the following requirements.
 - (a) All storage areas shall be enclosed by an opaque wall, fence or landscaping of sufficient maturity, density and height to screen such areas from any public right-of-way or adjoining property.
 - (b) All equipment or materials shall be secured, if necessary, to withstand winds.
 - (c) Screening shall not be required around storage areas for operable motor vehicles and landscape materials.
 - (d) No licensed and inoperable motor vehicles shall be stored for a period exceeding 28 consecutive days within screened areas on the site of motor vehicle repair facilities and motor vehicle service centers.
- (f) *Atypical lots.* The atypical lot requirements are intended to preserve and protect views to significant natural and human-made features within the city. These features include, but are not limited to the Halifax River, bodies of water 100 feet or more in width, golf courses and subdivision dedicated common open spaces 100 feet or more in width. The atypical lot provisions are not intended to apply to subdivision common areas that are utility or gas easements, or that function as buffers between adjacent roadways or neighboring subdivisions.

The administrative official shall have the authority to determine whether the atypical lot provisions are being applied as intended in situations where utility easements are greater than 100 feet in width, or

in situations where the common area width varies. However, in these situations, if the administrative official determines the subject property shall be defined as the atypical lot, the atypical lot provisions shall be enforced, unless a formal variance is obtained in accordance with chapter 19 of this code.

Section 3(b)(2) and Section 5(b) of this chapter lists the structures that are prohibited from being located within the required rear yard of an atypical lot.

(Ord. No. 1993-58, 1-18-94; Ord. No. 1995-43, § 77, 12-19-95; Ord. No. 1999-6, § 35, 2-23-99; Ord. No. 2001-84, § 2, 10-16-01)

Sec. 70-36. - Stopping, standing or parking prohibited in specified places.

(a) Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic control device, no person shall:

(1) Stop, stand or park a motor vehicle or trailer:

- a. On the roadway side of any motor vehicle stopped or parked at the edge of a curb of a street (i.e., double parked).
- b. Within an intersection.
- c. On any sidewalk or on a crosswalk.
- d. Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of the safety zone, unless the division of road operations of the state department of transportation indicates it differently by signs or markings.
- e. Alongside or opposite any street excavation, obstruction or vehicle when stopping, standing or parking would obstruct traffic.
- f. Upon any bridge or elevated structure upon a highway, road or street where parking is not provided for thereon.
- g. On any railroad tracks.
- h. At any place where official traffic control devices prohibit stopping.
- i. In any area containing the raised or painted traffic separator or median.
- j. On parkage, except for private passenger vehicles, by or with authority of the owner or resident of the private property immediately adjoining such parkage, which authority shall be implied in the absence of a written complaint made by such owner or the duly authorized agent of such owner.
- k. On any other portion of the front yard of a residential lot, except on approved driveways. As used in this section, driveways shall be constructed of the following materials:
 1. Concrete or paved materials;
 2. Nonpaved materials, excluding grass and dirt, provided that loose materials such as gravel, bark or cypress mulch are effectively contained within a border of concrete, railroad ties, or other rigid materials; or
 3. Concrete paver strips, paver blocks, or other semi-pervious materials.

(2) Within the public right-of-way, stand or park a motor vehicle or trailer, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers:

- a. Alongside any yellow curb.
- b. In front of a public or private driveway.
- c. Within 15 feet of a fire hydrant.
- d. Within 20 feet of a crosswalk at an intersection.
- e. Within 30 feet upon the approach to any flashing signal, stop sign or traffic control signal located at the side of a roadway.
- f. Within 20 feet of the driveway entrance to any fire station and on the side of the street opposite the entrance to any fire station within 75 feet of the entrance (when proper sign posted).
- g. At any place where official traffic control devices prohibit standing.

(3) Within the public right-of-way, park a motor vehicle, whether occupied or not, except temporarily for the purpose of, and while actually engaged in, loading or unloading of

merchandise or passengers:

- a. Within 50 feet of the nearest rail of a railroad crossing or bridge.
 - b. At any place where official signs prohibit parking.
- (b) No person shall move a motor vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful.

(Code 1981, § 19-30; Ord. No. 1996-11, § 1, 5-7-96; Ord. No. 2005-9, § 1, 5-3-05; Ord. No. 2008-42, § 3, 1-20-09)

Sec. 70-48. - Parking of recreational vehicles and equipment on residential premises.

- (a) For the purpose of this section, "recreational vehicle or equipment" means any vehicle, motorized equipment or equipment customarily towed behind a motor vehicle, which is designed, intended, or used for recreational purposes, including but not limited to, boats, boat trailers, travel trailers, truck campers or motor homes and camping trailers as defined in F.S. § 320.01(1)(b). "Recreational vehicle or equipment" shall not include a private motorcoach as defined in F.S. § 320.01(1)(b)5.
- (b) For the purpose of this section, "front plane of a dwelling unit" means the plane of the longest front facade parallel or nearly parallel to the front lot line.
- (c) No recreational vehicle or equipment greater than 24 feet in length shall be parked or stored on any residential lot or the right-of-way adjoining the residential lot except for the following:
 - (1) In an enclosed building or a completely enclosed garage.
 - (2) Behind the front plane of a dwelling unit.
 - (3) Anywhere on residential premises for a period not to exceed 72 hours in any continuous 30-day period for the purpose of maintenance, loading or unloading.

The recreational vehicle or equipment shall be measured along the centerline from the front to the rear of the vehicle or equipment and shall include all appurtenances, accessories and attachments, including but not limited to the trailer tongue, inboard and/or outboard engine, and engine trailer assembly.

- (d) When a recreational vehicle or equipment is stored or when parked for maintenance, loading and unloading, the recreational vehicle engine or associated equipment engine shall not be operated between the hours of 9:00 p.m. and 7:00 a.m. Subsection (c)(3) shall not be construed to prohibit the arrival and departure of recreational vehicles to and from the driveway of the residence.
- (e) No recreational vehicle or equipment shall be used for living, sleeping or housekeeping purposes when parked or stored on a residential lot or in any location not approved for such use.
- (f) No recreational vehicles and equipment shall be parked on the right-of-way adjoining the residential premises.

(Ord. No. 1993-40, § 2, 9-28-93; Ord. No. 1996-9, § 1, 4-16-96; Ord. No. 2001-48, § 2, 7-24-01)

CITY OF PORT ORANGE, FLORIDA

SPECIAL MAGISTRATE

CITY OF PORT ORANGE,

Petitioner,

vs.

CASE NO: 14-2472

JONATHAN D THOMAS,

Respondent.

Property Address: 4726 Hidden Lake Drive

Port Orange, FL 32129

Parcel ID: 6307-12-00-0600

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 4726 Hidden Lake Drive, Port Orange, Florida 32129, is owned by Jonathan D Thomas.
4. That 4726 Hidden Lake Drive, Port Orange, Florida 32129 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 4726 Hidden Lake Drive, Port Orange, Florida 32129, at 3:40 p.m. on the 12th day of February, 2015, to Melissa Thomas (wife), 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.

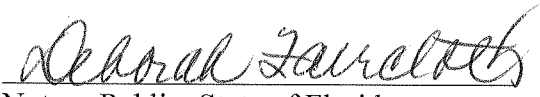
FURTHER AFFIANT SAYETH NOT.

DATED this 25th day of February, 2015.


Amanda Bonin
Code Compliance Inspector

**STATE OF FLORIDA
COUNTY OF VOLUSIA**

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


Notary Public, State of Florida

Commission No. _____

